Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 20 February 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

David Davis (from 27 December 2024)
Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

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

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

[1] Resigned 7 December 2023
[2] IndLib from 28 March 2023 until 27 December 2024
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] DLP until 25 March 2024
[7] Appointed 7 February 2024

Party abbreviations

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

CONTENTS

CONTENTS

Thursday 20 February 2025

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

Petitions

Residential planning zones

David DAVIS (Southern Metropolitan) presented a petition bearing 42 signatures:

We, the undersigned citizens of Victoria, respectfully urge the Legislative Council to note:

- the Allan Labor Government has announced 10 high-rise high-density zones in the municipalities of Bayside, Boroondara, Brighton, Darebin, Frankston, Glen Eira, Hume, Kingston, Monash, Moonee Valley, Stonnington, Whitehorse and Whittlesea where planning rights will be stripped from councils and communities, high rise development will occur as of right and planning control will be exercised undemocratically by the state government;
- that, in addition to a central activity district with as of right 12 storey development, these zones contain enormous "catchment areas" where planning protections will be removed, where 3 and 6 storey development can occur as of right, where municipal heritage overlays and designations will be overridden resulting in the destruction of thousands of irreplaceable heritage properties and where canopy tree protections will be overridden resulting in the loss of neighbourhood amenity and the exacerbation of heat island effects; and
- these plans are not accompanied by proper health or education service plans or plans for additional open space despite proposed massively increased local populations.

We therefore call on the state government to desist and recommence proper discussions and consultation with local communities and councils and heritage peak bodies in all 10 affected zones prior to taking any further planning actions to implement the announced high-rise high-density zones.

David DAVIS: I move:

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

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Family Violence Protection Act 2008 – Report on the implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework, 2023–24.

Office of Public Prosecutions – Report, 2023–24.

Voluntary Assisted Dying Act 2017 – Review of the operation of Victoria's *Voluntary Assisted Dying Act 2017*, October 2024, under section 116 of the Act.

Business of the house

Parliamentary privilege

Right of reply: Jacob Haddad

The PRESIDENT (09:35): Under standing order 21.03 I present a right of reply from Jacob Haddad, managing director of Victorian Pest Animal Control, relating to comments made by Ms Purcell during questions without notice on 12 November 2024. During my consideration of the application for the right of reply, I notified Ms Purcell in writing and further consulted with her on the submission. I remind the house that the standing orders require me to not consider or judge the truth of statements made in the Council or the submission. In accordance with standing orders, the right of reply is ordered to be published and incorporated in *Hansard*.

Reply as follows:

I write to formally address and refute the allegations made by Ms. Georgie Purcell, Animal Justice Party Member of Parliament for Northern Victoria on the 12th of November 2024, regarding the conduct of Victorian Pest Animal Control (VPAC) and its contractual relationship with the Nillumbik Shire Council. The allegations presented in Parliament are entirely baseless and lack any factual substantiation. It is disheartening that these claims were publicly aired without any attempt to verify their accuracy.

The specific allegations made, and our responses, are as follows:

1. **Allegation: Shooting on a property illegally**

   Response: This allegation is categorically false. VPAC operates strictly within the bounds of the law. At the time in question, we had explicit permission to conduct activities on the property in question. Documentation confirming this permission is available and can be provided upon request.

2. **Allegation: Shooting while not under contract from the council**

   Response: This claim is also false. Our contract with the Nillumbik Shire Council was active and valid at the time of the incident. VPAC has always ensured that all contractual and procedural obligations are strictly adhered to. We can provide evidence of the contract's validity and compliance.

3. **Allegation: Shooting a kangaroo from 100 meters**

   Response: This is entirely inaccurate. The kangaroo in question was euthanised from a distance of approximately 30 centimetres with a single shot to the head. This method aligns with industry best practices and was carried out to minimise the animal's suffering.

4. **Allegation: Shooting a kangaroo in self-defence**

   Response: This allegation misrepresents the circumstances. The kangaroo was discovered in a gravely ill state, exhibiting symptoms consistent with phalaris poisoning. In consultation with the Nillumbik Shire Council, a decision was made to euthanize the animal to alleviate its suffering. This decision was consistent with the Prevention of Cruelty to Animals Act 1986, specifically Section 9(1)(c), which permits the destruction of an animal to relieve it from suffering.

It is deeply troubling that these false allegations were presented in Parliament without any prior engagement with VPAC or the Nillumbik Shire Council to verify their accuracy. This approach has caused unwarranted harm to the reputation of our business, which prides itself on ethical practices, compliance with legal standards, and a commitment to animal welfare.

We respectfully request that these inaccuracies be addressed and corrected in Parliament at the earliest opportunity. Furthermore, we are prepared to provide any necessary documentation or clarification to substantiate the facts outlined in this letter.

Thank you for your attention to this matter. Please do not hesitate to contact me directly if further information is required.

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:45): I move:

That the Council, at its rising, adjourn until Tuesday 4 March 2025.

Motion agreed to.

Members statements

International Mother Language Day

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:46): Tomorrow many in our communities will celebrate International Mother Language Day, a day that reminds us that language is more than just words: it is our identity, our culture and the heart of our communities. In Northern Metropolitan

we do not just talk about linguistic diversity, we live it. Walk through our streets and you will hear a symphony of languages: Arabic, Greek, Turkish, Italian, Vietnamese, Punjabi, Bengali, Chinese and many, many more. Each carries a unique history, connects generations and strengthens our society. Community organisations across my electorate have organised events this weekend to celebrate their languages and help young people stay connected to their mother tongue. Yet around the world, languages are disappearing at an alarming rate. Australia is home to hundreds of languages, including Indigenous languages that have survived against the odds. We have a duty to protect them, teach them and ensure they thrive for future generations. I am proud of our Victorian government's commitment to supporting linguistic diversity through funding for community language schools, early childhood programs and interpreting and translating services. These initiatives help children learn their mother tongue, support English as an Additional Language learners and preserve First Nations languages, because language is more than communication: it is a belonging. No-one should have to abandon their mother tongue to feel included. So today, let us celebrate the languages that shape us, honour those who keep them alive and commit to ensuring that they are never lost. Thank you – spas dikim.

Camping regulation

Melina BATH (Eastern Victoria) (09:47): The Nationals will always defend the right of the public to access public land. We understand the importance of being out in nature, of enjoying the bush, of camping – free camping – in our state forests and in our campgrounds. We understand that, overwhelmingly, the majority of those people do the right thing, but there is a disconnect with some campers in relation to being in the bush and respecting the environment. Last week at Erica, the wonderful town of Erica, I attended a community meeting run by the Mountain Rivers Landcare Group that raised the issue that the government is failing in its duty to manage the bush in a proper and active way and get the balance right between people camping in the bush and cleaning up after themselves. The Department of Energy, Environment and Climate Action office in the Latrobe district covers off a large space of time and area, and the Erica office has 12 staff in it. These 12 staff were on dispersed activities on Saturday 4 January, where approximately 4000 campers were onsite. Clearly some issues that were raised need to be addressed: the lack of education in the CALD community about appropriate behaviour, oversight and monitoring, good behaviour and deterring poor behaviour, the lack of authorised officers amongst those campers and understanding the right thing to do. I call on the government to address this.

Cannabis law reform

Rachel PAYNE (South-Eastern Metropolitan) (09:49): Last week I was in Canberra to speak to stakeholders about the many positive outcomes of the decriminalisation of cannabis laws in the ACT. While in Canberra I met with Anita Mills, CEO of ATODA, the Alcohol Tobacco and Other Drug Association, and Chris Gough, executive director of CAHMA, the Canberra Alliance for Harm Minimisation and Advocacy. I was interested to hear Anita's perspective, as someone who previously worked with the AMA, on what impacts, if any, decriminalisation has had on the ACT. Anita emphasised that the best outcome has been the health-led approach that has been adopted, not only by legislators and policymakers but also by the ACT police. The ACT experience is that cannabis, and all other drugs for that matter, should be treated as a health issue, not a criminal issue, and the outcome of this has been really positive. You see, when criminalisation is lifted so is the veil of stigma. It has resulted in people who need support reaching out to health professionals. It has resulted in those who are most marginalised getting the support they need. It has resulted in greater education and understanding. CAHMA indicated that the changes had a profoundly positive effect on the stigma people felt, had increased willingness to seek support, had improved consumers' relationship with police and had allowed a community to develop. All of the harm reduction specialists I spoke to indicated that they had a good working relationship with lawmakers, law enforcement and harm reduction agencies themselves. After all, isn't this what a caring community is all about? I thank Anita and Chris for their valuable insights.

Women in agriculture

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:51): I rise this morning to acknowledge the significant contributions of Western Victorian women to the agriculture industry. Women have always played a pivotal role in agriculture, and their leadership, innovation and contributions continue to shape the future of our rural industries. I congratulate Sherri Symons of Ellerslie, founder of WoolGrow Australia, on her outstanding work in creating sustainable gardening solutions using 100 per cent wool products. Her dedication to supporting the environment and the crossbred wool industry has earned her a place as one of the three Victorian finalists in the 2025 AgriFutures Rural Women's Award. The women will go on to represent Victoria in the national award in September, and I wish Sherri all the very best. I also acknowledge Ella Harwood, recipient of the Gardiner Foundation's Niel Black scholarship. Growing up in Irrewarra, Ella has demonstrated a strong commitment to education and the future of Victoria's dairy industry. She is currently pursuing a bachelor of animal science, and her dedication to best practices in large animal husbandry is truly inspiring. Since 2017 the Labor government has invested $3.6 million in the Victorian Rural Women's Network, ensuring that women in agriculture continue to receive the support, resources and recognition they deserve.

Moriac Community Network

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:52): On another note, I extend my congratulations to the Moriac Community Network, who have secured over $48,000 in state government funding to establish a community shed. This fantastic initiative will provide a valuable space for local connection and engagement. These achievements highlight the resilience, passion and leadership of our community.

Jessie Harman AM

Joe McCRACKEN (Western Victoria) (09:52): I rise to speak today about an amazing individual who has been recently honoured in the Australia Day awards. Dr Jessie Harman AM has been recognised for her significant contribution to social change leadership and to the community of regional Victoria, particularly Ballarat. Jessie has been a Rotarian for 26 years and has served in a variety of roles, including on the international board of Rotary. Jessie is also a chair, facilitator and non-executive director, having served on the boards of international, national and regional not-for-profit organisations across education, health and the community sectors. I came to know Jessie when she worked at Federation University when I was a student there and she lectured in business and marketing. She has also served at the university in other senior leadership roles. Currently Jessie is chair of the Rotary Foundation Australia, Ballarat Community Health and the Central Highlands integrated water management forum. I congratulate Jessie on her well-deserved recognition. Her significant contribution to the Ballarat community, her leadership, her tireless hard work and her volunteerism are always characterised by her calm, friendly demeanour and her fabulous wit. Well done, Jessie.

Cost of living

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:54): Our banking overlords will so kindly pass on the quarter of a per cent interest rate cut after years of incessant rises – yay. What they should be doing is cutting people's mortgage rates by double that, by at least half a per cent. Look, I am not trying to minimise the savings that people with mortgages will get from this cut. No doubt they urgently need every cent, but honestly, this is a drop in this cost-of-living-crisis ocean, particularly when interest rates have done nothing but increase for the last 50 months. Every time that interest rates have increased, the big banking corporations have no issues raising their mortgage rates more than the RBA increase. People need relief, and the banks are making obscene megaprofits. They have plenty of room to move and can absolutely afford to do some of the heavy lifting to provide people in our community with cost-of-living relief. Let us not make them feel like they are doing us all a favour by doing the bare minimum. The banks have been profiting off mortgage stress for years. It is time they

properly helped take some of the pressure off. They should cut mortgage rates with the same enthusiasm they cut ATMs in our suburbs.

More Trees for a Cooler, Greener West

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:55): I would like to talk about the progress of the government's More Trees for a Cooler, Greener West program right across the Western Metropolitan Region. From the banks of the Werribee River to Kororoit Creek Trail, all the way to the Western Freeway to Melton and throughout the parks and reserves of Moonee Valley, the Allan Labor government has planted 419,000 trees. Before the rollout of this program, Melbourne's west just had 5.5 per cent canopy cover in urban areas compared to the northern and eastern suburbs, which had upwards of 12 per cent or more. That meant warmer urban temperatures, resulting in poorer health outcomes for residents. The program's target is 500,000 trees, and we are closing in on that number, with only 81,000 more to go. Included in the final stage will be the planting of 12,500 tube stock and 150 advanced trees at the iconic Werribee Open Range Zoo, which is now home to our state's Asian elephant herd. After completing the trek from Melbourne Zoo, the herd is settling in nicely, I am told, and soon enough the only place in Victoria where you will get up close with elephants will be in Melbourne's west.

Breast screening

Renee HEATH (Eastern Victoria) (09:56): Breast cancer is the most common cancer affecting women in Australia, yet screening is still not accessible. Women are not eligible for funded screening until the age of 40, yet women who have denser breast tissue are at higher risk of developing cancer. I raise this because it is personal to me. Two of my closest friends, Sarah and Keegan, both in their 30s, went through breast cancer last year. They were not eligible for funded BreastScreen or testing, and they both paid out of pocket close to $1000 each to get a diagnosis. Kegan and Sarah both had palpable lumps. They both in fact had cancer, yet they did not qualify for testing. Their experience highlighted that health care in Victoria is not equitable and testing is not accessible, and that needs to change. The high cost of testing is a major deterrent, especially for young women who are juggling multiple responsibilities and trying to balance the family budget, yet cancer does not discriminate and early detection is crucial. I want to encourage women to stop putting off testing, even if the personal cost is high. In the meantime, I will join the voices of thousands of women advocating for change. As more and more young women are getting breast cancer now, we must remove the barriers for detection. I have raised this with the minister, and I would like to encourage other people in this chamber to do the same.

Freedom of speech

David LIMBRICK (South-Eastern Metropolitan) (09:58): I was honoured last Friday night to be invited to the opening night performance at the Melbourne Convention Centre of Shen Yun, a dance and musical celebration of Chinese culture. I would like to commend all of the dancers and musicians who performed and put on a wonderful show that night. It was really spectacular to see. There was a lesson to be learned, however, in one of the performances. It highlighted the destructive effect of religious and freedom of belief and speech persecution in China, particularly of the Falun Dafa people. I think it is important to listen to the voices of those – and I know that there are many in the south-east of Melbourne – who have escaped communism and come to this country because they believe in our freedom of speech and they believe in our freedom of belief. They believe in these freedoms, and we must listen to their warnings and take them very seriously – I know I do – because infringements on freedom of speech and belief end up in a bad place and we must never let this happen in Australia.

Goldstone Gallery

Ryan BATCHELOR (Southern Metropolitan) (09:59): Last week I had the privilege of attending a preview event at the new Goldstone Gallery in Collingwood. The *This Is Navalny* exhibition from exiled Russian photojournalist Evgeny Feldman is a powerful display of courage and resistance in the

face of oppression and danger. Feldman spent more than a decade following Russian anti-corruption crusader Alexei Navalny, from campaigning in the streets to his arrest and detention in Russia. Opening a year after Navalny's death in a Siberian jail, the photographs in the exhibition present a confronting picture of political oppression and what courage looks like. For me the most powerful image was of Navalny moments after being attacked by an unknown assailant and sprayed in the face with a thick green substance, a caustic antiseptic, staring at his own alien reflection in the mirror, trying to comprehend the horror and danger that had just befallen him – a visual reminder that acts of political violence that are designed to silence are ones that ask us as politicians deep questions about belief and courage. The Goldstone Gallery, newly opened by philanthropists Diane and Dan Mossenson, is a contemporary art space whose mission is to give voice to the silent, particularly to Jewish artists. It is named after Lance Sergeant Aaron Goldstone, a Jewish Australian whose parents ran the first business, a grocery, on the gallery site in Collingwood and who fought and died in World War I. The gallery is just a stone's throw from the Parliament, and I encourage all members to head down and take a look at this powerful exhibition.

Corrections system

Gaelle BROAD (Northern Victoria) (10:01): Part of the state government's responsibilities is to manage prisons as part of our justice system, and I am very grateful for the opportunity that I had last week to visit three prisons – Loddon and Middleton men's prisons and the Tarrengower women's prison. They were very different to what I expected. Accommodation varied from a very basic and tight two-person cell to an independent house block. Some are fortunate enough to have their own place with a veggie patch out the front. We also met six men living in a small apartment, each with their own room. At these medium- to low-security prisons there were basketball and tennis courts, outdoor gyms and maintained lawns and gardens looked after by the prisoners. We toured powder-coating facilities, a printing press and food-packaging operations giving those in the prison the chance to learn and expand their skills to help with their rehabilitation. We met numerous staff who had worked in the prisons for over 20 years, some over 30 years, and their faces lit up when they talked about the lives that they had seen changed. I believe in doing what we can to support people to prevent crime and keep them out of prison, but I also believe in keeping the community safe and making sure that people who do the wrong thing and repeatedly make poor choices face the appropriate consequences. I want to thank all those who work in our prisons, and there are many across different roles. Thank you for your work, and thank you for doing what you can to ensure that people on the inside can make the most of it when they get a second chance at life on the outside.

Mornington Special Developmental School

Tom McINTOSH (Eastern Victoria) (10:02): Last week I had the pleasure of visiting Mornington Special Developmental School, and I was joined by Labor's federal candidate on the peninsula Sarah Race. We had a truly great time meeting beautiful kids and the incredible staff. We were also able to see the progress on the works, the multimillion-dollar investment this government is making. It will deliver four new classrooms, a first-aid room, a library, a community hub and much, much more. After hearing stories about how on rainy days the staff would have to look for buckets or even umbrellas in the classrooms, this investment is just so meaningful, and I am so glad it is there for the school. I am proud that the government at the last election prioritised special schools with the investment that we are making right across Victoria so that our kids, our teachers and indeed our families can all benefit. I want to thank principal David Newport for taking us around. I had the pleasure of meeting two Lukases, incredible kids, but I got to meet kids and staff all across the team, and I just want to give a shout-out to Karen, Mel, Michael, Gen, Steff, Louise, Gale, Maddy, Liz, Maddy, Belinda, Bernadette, Katie, Kirby, Jayden and Tessa. Thanks for all you do, and I am sure all of the families there are very appreciative.

Community safety

Nick McGOWAN (North-Eastern Metropolitan) (10:04): This is the first opportunity since the Werribee and Prahran by-elections, and so I thought it would be useful to take this opportunity to pause for a moment but also to make a direct appeal to the government. Given that we also have Minister Tierney in the chamber as well, it is an opportunity to make an appeal directly – through you, Mr President – to the minister, because she sits at the cabinet table. Of course this is an appeal from the people of Ringwood, and not just the people of Ringwood but the people of the entire eastern suburbs and I suspect all Victorians. The appeal is simply this: we have got to a point in this state, very sadly, where families, women, children and young people are genuinely fearful – and I repeat that; they are genuinely fearful – to go out at night. It is the first time in my living memory that I have had a constituent say to me locally – she is a Singaporean Australian, and she is perhaps more familiar with Singapore's safe streets – that she no longer ventures out from her home in Ringwood at night for fear for her own safety. We are not making this up. Just last week there was an armed burglary in Heathmont, where assailants – four of them – physically assaulted a service station worker. The week before that a 30-year-old walking home from Forest Hill Chase was assaulted by people unknown to him and left with a fractured skull and puncture wounds. I implore this government: you must get a grip on crime. You must have a Chief Commissioner of Police in place, for goodness sake.

BAPS Swaminarayan Sanstha

Lee TARLAMIS (South-Eastern Metropolitan) (10:05): It is truly an honour to be part of the welcome celebrations marking the historic visit to Victoria of His Holiness Mahant Swami Maharaj, the esteemed spiritual leader of BAPS Swaminarayan Sanstha. As the sixth spiritual successor of Bhagwan Swaminarayan, His Holiness has touched the lives of millions worldwide through his profound wisdom and inspirational leadership. He has dedicated his life to spreading a message of peace, unity and selfless service, guiding people of all backgrounds towards a more compassionate, empathetic and respectful world. Over 3500 people gathered at Southside Racing Cranbourne, travelling from across Australia and beyond to witness his presence and hear his uplifting message. His teachings transcend all barriers, inspiring people to embrace our shared humanity and fostering a global community united by kindness. His words were broadcast to millions worldwide, amplifying the reach of his message of love and peace.

One of the key lessons from Swami Maharaj is the importance of cultivating inner peace. He teaches that when we nurture peace within ourselves it radiates outwards, strengthening communities and forging bonds of kindness and understanding. His example guides the devoted members of BAPS worldwide, including those in my own community in the south-east, to tirelessly strive to help others in meaningful ways. It was wonderful to be joined by my parliamentary colleagues Iwan Walters, Pauline Richards, Belinda Wilson and Sheena Watt for this momentous occasion, and I was extremely honoured to receive a personal blessing from His Holiness. Congratulations to the BAPS Swaminarayan Sanstha team and the many volunteers who made this 20-day event such a success and for the invaluable contribution you make to the vibrance and diversity of our multicultural, multifaith community. Swami, Jai Swaminarayan.

Cost of living

Michael GALEA (South-Eastern Metropolitan) (10:07): I also join with others in this place in welcoming the decision by the RBA this week to reduce interest rates. Many of my constituents have been dealing with cost-of-living pressures and mortgage stress. These families are not the reason that we have had interest rate rises. But they have been the ones who have suffered the most, so I welcome this move and join other colleagues in calling for more action from the RBA as well to support families. I do note that inflation has started to come down considerably under the Albanese Labor government, following the skyrocketing inflation that we saw under the previous Morrison Liberal government, so let us not go back to a risky, inflationary federal Liberal government.

Russia–Ukraine war

Michael GALEA (South-Eastern Metropolitan) (10:07): In four days time it will be the three-year anniversary of Russia's unprovoked, egregious invasion of Ukraine. It is a sombre anniversary that many of us in this place will be commemorating, and it is my profound hope that this chamber and all Western democracies remain steadfast in our support for Ukraine in its time of need. I hope that all world leaders join in with that too, because anything less from any world leader would be an act of pathetic cowardice and appeasement. Slava Ukraini. Heroiam slava.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:08): I move:

> That the consideration of notices of motion, government business, 278 to 824, be postponed until later this day.

Motion agreed to.

Bills

Justice Legislation Amendment (Committals) Bill 2024

Second reading

Debate resumed on motion of Gayle Tierney:

> That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (10:08): I have got to be honest: I could not wait to get on my feet to speak on this bill, such is the excitement of this bill. I have been waiting with bated breath for the government to bring this bill into the chamber. It is full of lots of interesting things that we of course all want to speak about in this place, and I know that government members are also very keen to speak on this particular bill and have been looking forward to it for some time.

The origins of this bill can be traced back to the Victorian Law Reform Commission's report on committals, which was presented in March 2020. Now, 4½ years later, we are considering a legislative proposal. To provide context, the terms of reference were given to the VLRC in October 2018, which means we have waited essentially six years into the process before Parliament has finally seen a proposal. Committals have been a significant part of the criminal justice system for many years. Essentially these proceedings allow the Magistrates' Court to determine whether there is enough evidence to proceed with a serious charge, known as an indictable offence, to a higher court, such as a county court or district court. As stated in the Victorian Law Reform Commission report, which I am sure you have all read:

> Currently, magistrates must consider the evidence to determine if it is of sufficient weight to support a conviction for an indictable offence (the test for committal or committal determination).
>
> While the rationale for applying a committal test is sound – to provide independent scrutiny of an indictable prosecution – requiring it in all indictable stream matters is unnecessary; therefore the test should be abolished. The lower courts should, however, be empowered to discharge the accused on application by the defence, on the grounds that there is no reasonable prospect of conviction.

This is from the executive summary in the VLRC 2020 report on committals.

The bill enacts some, but not all, of the VLRC's recommendations. I believe the government has not provided a sufficient explanation as to why only certain reforms were adopted while others were left out. The bill's primary purpose is to amend the Criminal Procedure Act 2009 and reform the process for committal proceedings. Key changes include removing the committal test; extending the prohibition on cross-examination to additional proceedings; strengthening the test for granting leave to cross-examine; and enabling early committal for trial in the Supreme Court, among other miscellaneous amendments. What the government proposes, however, is that instead of the

Magistrates' Court determining whether there is enough evidence to send the matter to the County Court for trial, the Magistrates' Court would essentially serve as a case manager. While it would still hear some evidence, in most cases cross-examination of prosecution witnesses would not be allowed. Furthermore, the Magistrates' Court would not make a decision about whether the matter should proceed to trial. I believe the government does not intend any disrespect, but this proposal reduces the power of the Magistrates' Court, limiting its role to case management for preparation rather than making a judicial decision about proceeding to trial. Regarding Supreme Court matters, particularly in cases such as murder and manslaughter, the government proposes that these cases would go directly to the Supreme Court. In this scenario a judicial registrar would manage the case before it is scheduled for trial before a Supreme Court judge and jury.

There are varying opinions within the community about whether committal proceedings and the current committal test are still necessary or not. The Criminal Bar Association of Victoria released a statement on 30 October 2024, which reads:

> This week, the Victorian Government introduced a Bill into Parliament that is designed to abolish committal hearings. The CBA strongly opposes these reforms and supports the retention of committal hearings and particularly having the ability to cross-examine witnesses.
>
> A committal hearing has traditionally served an important role within the criminal justice system and continues to do so.
>
> The committal test – to determine whether there is evidence of sufficient weight to support a conviction for the offence charged – is a fundamental safeguard in our justice system and ensures that charges where a finding of guilt at trial is highly unlikely or impossible do not proceed to the trial Court. This saves alleged victims, witnesses and accused from unnecessarily undergoing the trial process.
>
> The strength of any prosecution case only becomes apparent once witnesses are required to face cross-examination. It is at that crucial point that deficiencies in the evidence become apparent.

This prevents unnecessary trauma for alleged victims, witnesses and the accused. The strength of any prosecution case is truly revealed when witnesses face cross-examination, which is a critical moment when any weaknesses become apparent.

The Law Institute of Victoria have also raised concerns with the Shadow Attorney-General. They oppose the changes to the committal process, particularly the removal of the committal test and the proposed shift in the purpose of committal proceedings. The LIV argues that the proposed amendments risk undermining the benefits of the current committal process, especially by diminishing its capacity to resolve cases before trial. They also point out that the reforms fail to address the real causes of delay such as adequate disclosure, sufficient legal aid funding and a lack of court resources to expedite cases, and we have been seeing all over the state, really, the lack of court resources. We have seen that in particular in Werribee, where they have got a court building but no actual staff inside.

Committal hearings have long been a critical safeguard in protecting individuals accused of serious crimes. The current system holds significant value in ensuring adequate disclosure, facilitating early case resolution, minimising the impact on vulnerable witnesses and reducing the pressure on the criminal justice system. This is the dilemma that we face when considering this bill. Key legal stakeholders like the Criminal Bar Association of Victoria, the Victorian Bar and the Law Institute of Victoria strongly oppose this bill for several reasons. Firstly, they argue the bill will not lead to a streamlining or acceleration of the committal trial process; secondly, they believe that it could be unfair to the accused; and thirdly, they contend that it might actually result in more cases going to trial that would otherwise not proceed if the committal test were in place. On the other side the government and the Victorian Law Reform Commission argue that the current committal system is inefficient. The government claims that the process involves unnecessary duplication, as the Crown essentially presents its case at committal only for it to be tested again. Furthermore, the government and the VLRC question the point of the committal process when the Director of Public Prosecutions can rightly override a magistrate's decision not to send a matter for trial by directly indicting or presenting the case.

There are valid arguments on both sides of this debate, which is why you can understand for the opposition it has made the matter quite complex to navigate. The government's goal is to reduce trauma for complainants in criminal cases by significantly limiting the ability of defendants to cross-examine them at committal hearings. The test for cross-examination will be made more stringent and the scope of cases in which cross-examination is prohibited will be expanded. There is no doubt that it will be much harder for a defendant or their legal counsel to cross-examine a complainant during a committal hearing.

I do understand that the government is not proposing a complete abolition of committals. A committal hearing would still exist, but it would no longer involve a magistrate applying the committal test. Instead it would serve as more of a case management process and a chance for the Crown to disclose its evidence to the defence. These changes have raised significant concerns within the legal community, as many are uncertain about whether such restrictions would be fair to a defendant.

This is where the issues in the bill become quite complicated. In our criminal justice system it is the state against an individual. The full power of the state is brought to bear on one person. That is what a criminal trial is, and we cannot approach this process assuming that every defendant is guilty. In fact the law clearly presumes innocence unless proven guilty. Similarly, we should not automatically assume that every complainant is lying, but we cannot assume that every complainant is telling the truth either. The purpose of a trial is to test the truth, and not just to determine what is true but to assess whether the evidence meets the high standard required under criminal law beyond reasonable doubt to secure a conviction. Given the serious consequences for those who commit crimes in this state, I cannot accept the idea that any restriction on cross-examining a complainant should be automatically endorsed. To do so would suggest that we are questioning whether complainants can be believed, and that is not the point. The concerns raised by legal stakeholders are rooted in ensuring fairness in the system, and fairness means that everyone's evidence must be tested. Evidence presented on behalf of the Crown must be tested, because if it is not what is the point of a trial? If we simply assume every complainant is truthful and honest without question, what is the purpose of a trial? There must be a fair process for testing all evidence.

The Parliament has put in place changes to laws to make that fairer. We do not want to see complainants subject to harassment, bullying or having irrelevant details about their past used to discredit them before a jury or a committal magistrate. These changes are necessary and welcomed, as it is crucial that judges enforce these laws in court to protect complainants from being badgered, bullied or belittled by an aggressive counsel. I fully support that. This is not about suggesting that complainants do not deserve protection; they absolutely do. However, there also must be a fair testing of all evidence or else, as I said, what is the point of a trial? If we assume that one side is automatically believable and the other side is not, then trials become meaningless. That is not the purpose of our legal system. The system is based on testing all evidence from all parties to uncover the truth and determine whether the evidence meets the standard required to sustain a conviction, and that is what we must ensure.

The Shadow Attorney-General, I think – I was at the bill briefing; it must have been quite a while ago, as this has been sitting up here in the red morgue for quite a while – asked the government during the briefing why a particular recommendation from the VLRC was not being supported. The response was – and this is paraphrased – that would just bring back committals as they are. I do not believe that is what the VLRC had in mind. I think it is unfair to characterise their recommendation as just a new version of the committal test. I am concerned because there may be times when the DPP or the Office of Public Prosecutions faces significant pressure, public or political, when making independent decisions. They must be free from undue influence, but let us not pretend there is no pressure on decision-makers throughout the justice system. I think it is crucial that there is a 'break glass in case of emergency' option for a magistrate to discharge a defendant when it is clear from the evidence presented that a conviction is not possible.

I am genuinely concerned the government has not adequately explained why this safeguard was not included in the bill. Consider the example of the recent tragic event at Daylesford where a driver lost control of their car and crashed into the beer garden of a hotel, tragically killing several people. I do not think there is any Victorian that was not moved by that tragedy. I know several in the Indian community, particularly in my electorate, were personally affected by that tragedy with family and friends. That case highlights how the committal process actually works. The DPP was understandably concerned and believed there were grounds for a trial; however, at the committal stage evidence emerged about the defendant's medical condition. The magistrate, after reviewing the evidence, decided not to commit the case to trial as it was clear that the defendant's condition would likely lead to reasonable doubt in the minds of a properly instructed jury, making a conviction unlikely. Naturally the family and friends of the victims must have been devastated, feeling as though justice had not been served. I am sure there was considerable pressure on the DPP to push for a trial, but this case demonstrates how the magistrate's role was crucial in determining that the case should not proceed because the evidence did not support a criminal conviction or raise a reasonable doubt. Under the government's proposal, however, the case would have gone to trial regardless of the evidence. Would a properly instructed jury have reached the same conclusion as the magistrate? We do not know for certain, but it is important to note that we have seen cases in Victoria where juries have found defendants guilty only for higher courts to rule unanimously that there was no basis for conviction. Juries do not always get it right, and as we know, judge-only trials do not always get it right and go on to be quashed by the High Court. That has certainly happened here in Victoria.

Imagine a scenario where this reform was already in place at the time of the Daylesford tragedy. Instead of going through a committal, the case would have already gone straight to trial. Many more witnesses would have been required to testify, perhaps more than they would have needed in the Magistrates' Court, and this would have done nothing to ease the burden on resources. It would have taken more time and more money and caused more grief for everyone involved in that tragedy. This example makes it harder to justify the reforms; however, for every instance like this there are 99 others where the committal process has caused unnecessary grief, trauma and delays in the committal hearings.

This bill does not reflect reforms that have been implemented in other states. I will concede that in those states the sky has not fallen in with changes to the committal process; however, I would also point to the fact that in New South Wales there has been significant public controversy involving the New South Wales District Court, which is the equivalent of our County Court, and the New South Wales Director of Public Prosecutions. Some judges have raised concerns that the DPP has pushed ahead with trials in the District Court despite evidence not supporting them. Judges have publicly questioned whether those decisions were politically motivated or made with a proper focus in the interest of justice. The DPP has strongly rejected these claims and has filed complaints with the New South Wales judicial commission against those judges who have voiced concerns. Some have been partially upheld. I mention this not taking a side in the matter, as I am not certain who is right, but it does highlight that reducing judicial scrutiny in lower courts could lead to concerns that weak cases might proceed to trial. If that happens, it could result in further delays, wasted resources and increased trauma for defendants, complainants and witnesses.

At this stage – I know you have been waiting with bated breath, everyone in the chamber – we will not be opposing this bill. We have, however, proposed a reasoned amendment because we believe the government has not fully addressed the issue. I move:

> That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government:
>
> (1) explains why it has rejected the Victorian Law Reform Commission recommendation to empower the Magistrates' and Children's courts to discharge the accused on a relevant indictable charge or charges if satisfied that there is no reasonable prospect of conviction; and

(2) commits to reviewing the implementation of the bill to identify and remedy any demonstrable unfairness to defendants.'

I will ask for that reasoned amendment to be circulated.

We feel the government needs to explain why it has selectively adopted some of the Victorian Law Reform Commission recommendations regarding committals. Additionally, we believe the government should commit to conducting a thorough review into the bill's implementation to ensure that if it results in demonstrable unfairness to defendants, it can be quickly corrected. The interest of justice affects us all. We have a stake in ensuring the justice system works for everyone. The justice system must be equally fair for defendants and complainants. We would be keen to see that and particularly keen to hear from the government whether they can guarantee that there will not actually be as a result of this process less-worthy cases going to trial. I will not take long in the committee process, and if the minister who will be at the table is listening, that is basically going to be the crux of my questioning – to expand for the opposition on whether they can guarantee there will not be less-worthy cases going to trial and what they believe the process around that will be.

This is not the first justice legislation amendment that I have dealt with. It will not be the last. Hopefully we will have some more soon, because as we know, in the space of one term the government came in here with a justice legislation amendment bill that weakened the bail laws. I moved an amendment those bail laws to remove or delete the lowering of the threshold for committing an indictable offence whilst on bail. The government changed that threshold so that, consistently, offenders get the lowest test to receive bail again. The government came back, made some changes around the edges and said, 'We're not adopting the Liberals and Nationals' proposal. We're creating a new serious offence whilst on bail,' which as we know has done nothing in the community. Consistently we see case after case where you have got offenders committing again. You have got offenders offending again whilst on bail, which is causing massive issues. I hosted just last week the Shadow Minister for Police and Corrections David Southwick up in Craigieburn for my Craigieburn and Greenvale crime forum. Many people expressed some pretty harrowing stories about car theft, armed robbery, burglary, home invasions, and it is particularly acute in the growth areas. I know people always talk about places like the inner south-east being terrible for crime, but in the growth areas in particular it is a massive issue.

I was doorknocking recently with our candidate for McEwen, and people were telling me some pretty harrowing stories, that people still have glass broken on their houses in places like Kalkallo. These are real stories. We see over and over again car chases through places like Tarneit, Kororoit and Werribee and consistently find out that those offenders were on bail. You have the shocking video of an offender boasting that he will get arrested and he will be out again in 90 minutes, boasting that they cannot keep him locked up and he is just going to be out again the same night, doing the same offences, stealing people's cars and setting them alight. This is what is happening all over our state, and the government is to blame. The government is to blame because they weakened the bail laws.

We had the absolute theatre of the Premier under pressure in Werribee, rushing out to the *Herald Sun* and saying, 'I think we need to go further.' The only reason we need to go further is because this Premier weakened the bail laws. This Premier weakened the bail laws and now needs to go further again. They accuse us of just attention seeking for a *Herald Sun* headline and then have a *Herald Sun* headline of their own. The theatre of what we saw was the Premier announcing a review by the Attorney-General and the Minister for Police, only for the police minister to come out and say, 'It's not a review; it's a discussion. We don't need a review. I've got all the ideas in my bottom drawer ready to go for this discussion.' The Premier then contradicts her own police minister again and says, 'No, it's a review. We hope to have something in Parliament within three months.' You would never have seen that under Comrade Andrews, but under this Premier we consistently see undermining and conflict within this chaotic government that has weakened Victorian bail laws and made our community less safe through what it has done.

We warned them when we put an amendment in this place that this will have serious consequences. Then, after six months, I introduced a bill to restore the offence of committing an indictable offence whilst on bail. What did we get from those on the other side? 'You're just looking for a *Herald Sun* headline. This is not an issue. You're scaremongering about crime. It's not an issue in our communities.' We are saying it is a massive issue, it is a huge issue and now the government has discovered it is an issue. I would say to the government it is their fault that we are seeing this. You have chaos in Victoria Police. You have the government not giving Victoria Police the resources it deserves. The government, at war with Victoria Police, have been warned about failed laws, have been warned about move-on laws and are doing absolutely nothing. I am sick of it, we are sick of it and the Victorian community is sick of it.

Just coming back to this bill, as I said, there is a reasoned amendment. We will not be opposing this bill, but I look forward to supporting that. We are not entirely convinced that the government has gotten this right. I believe that reforming committals can bring some positive changes to the justice system. For that reason we are not opposing the bill at this point. However, we do think the government needs to answer questions that we have raised, which are outlined in the two parts of the reasoned amendment I moved.

John BERGER (Southern Metropolitan) (10:36): I rise to contribute to the Justice Legislation Amendment (Committals) Bill 2024. This is a comprehensive reform bill which provides several amendments to the Criminal Procedure Act 2009 and other similar, related pieces of legislation to modernise how we deal with certain criminal cases. At their core these changes are designed to make sure our legal system is fit for the modern world by protecting more victims from trauma, building a more efficient procedure and hastening the process. The aim of these reforms is principally to help minimise trauma felt by victims by way of addressing inefficiencies in our justice system which have led to the duplication of work and stress on victims and witnesses.

First and foremost, I would like to thank the Minister for Police in the other place, my good friend Anthony Carbines, for all his hard work on this matter. I would also like to thank the Attorney-General, Minister Kilkenny, for her work and pivotal role in these reforms. This has been in the works for quite some time now, and it has taken the collective effort of a large number of hardworking people from across the legal profession coming together to help shape these reforms. Every year hundreds of thousands of cases are brought before the courts. That is thousands upon thousands of witnesses, victims and perpetrators. About 3000 criminal cases each year go through some kind of committal process in the Victorian Magistrates' Court. In simple terms, that is a court hearing where the court determines whether there is enough evidence and enough of a case for the issue to be bumped further up the chain. These court hearings can have quite a lengthy process. It is a tiresome process involving cross-examination of witnesses, victims and perpetrators, as well as all of the relevant information and evidence.

As my good friend Minister Carbines pointed out, there is a very understandable reason for this at first glance. In our legal system the process of commencing criminal proceedings for trial or sentencing emerged before independent police forces and prosecution agencies even existed. Back then it was necessary for the whole process to be in place. Our legal system needed to make certain determinations due to the lack of an independent policing or prosecution body. It was the job of the magistrate to review and scrutinise the evidence of any case given to determine whether or not the case had merit and filter out those that could not stand up to scrutiny. It was the first line of review by the legal system. Now, of course, Victoria has its own independent police force and a more robust legal system with more agencies and a more fleshed-out procedure for dealing with these matters. Nonetheless, once cases pass into the courts the proceedings can last quite a long time. Sometimes they can take weeks or months, and in rare cases they can drag out for years on end. Instances like this are unavoidable.

Our justice system must work hard to ensure every case is managed with the diligence and care needed and expected of the law, but that does not mean there is no room for improvement. We should always be constantly innovating and improving our legal system so that it not only can get things done quicker

but does right by most of the vulnerable in our society. The simple reality of many criminal proceedings is that they can involve severely traumatic experiences for victims and relevant witnesses. Whether they are cases of family violence, stalking or sexual offences, as covered by this legislation – which I will touch on momentarily – the criminal cases will be traumatic for those impacted and involved. Recalling those events and doing so repetitively under questioning in cross-examination in those early court hearings can bring those same emotions and traumatic responses right back to the surface. In short, we currently have a system where some cases are going on for a very long time, where key witnesses are cross-examined and subject to multiple rounds of questioning, which can bring up a lot of trauma for victims, all while the court gets backed up with these proceedings and cases, and it needs to change.

In 2020 the Victorian Law Reform Commission published a report detailing its recommendations for reforms in key legal matters such as committals. It is a comprehensive set of reforms which the Allan Labor government is committed to, and that is ultimately why we are here today. Many of the legal structures in this state are necessary, robust and unparalleled, but that does not mean they cannot be scrutinised and reformed where necessary. We understand the need to reform and modernise our legal procedures in this state, and that was the underlying purpose of the report by the VLRC. We are listening to the legal community's feedback on how to reform the system and we are getting on with the job.

This amendment bill before the chamber is a comprehensive adoption of these recommendations. First, the bill will remove the committal test for trials. For those who are not familiar with the procedures, this essential pre-trial process is conducted to determine whether or not the accused should stand trial. This was one of the recommendations put forward by the Victorian Law Reform Commission in that report, which principally audited the efficiency of the system. The report made the point that an outsider may be able to immediately see the purpose or rationale behind having such a test. After all, those tests on paper seem to be the standard committal check to determine whether the proceedings should continue. It sounds simple enough, but the report by the VLRC found that, in spite of that, in most cases going forward before the courts the test was ultimately not necessary, and that is why we are scrapping it.

The numbers suggest that anywhere between 1 and 2 per cent of the cases are thrown out at this initial stage, yet our system is still backlogged. Hence the goal of this reform is to modernise how we process these cases. We are pushing towards a more modern case management process which can stamp out any cases or claims that do not stack up against scrutiny but allow cases to proceed in a timely fashion. Anything we can do to make our legal processes and procedures better and smoother will always be welcomed by the Allan Labor government. We are committed to reforming the system and we want to get it right.

This bill makes changes in relation to the cross-examination of victims, with further restrictions introduced and prohibitions expanded. Victims and witnesses involved in cases of family violence, sexual offences and stalking will no longer be allowed to be cross-examined before trial. The logic behind this is very simple. Trials are a very lengthy process. They involve recalling very traumatic memories that can cause great distress and disturbance to many victims and witnesses. Owing to the length which some of these trials can go on for and the sensitive and traumatic nature of a lot of testimonies, it is only right that we do not subject Victorians to that repeated trauma. That is why this reform will ensure victims only have to testify once before a court. It scraps the lengthy and repetitive subjection to scrutiny and questioning ahead of a trial, which can be deeply traumatic.

The bill retains provisions for cross-examination of witnesses under certain circumstances but with new protections and procedures. Cross-examinations of a witness will now require an explanation as to how that examination is directly and substantially relevant to the issue and why they should be questioned in the interests of justice. This ensures that we are not dragging out legal proceedings for any longer than necessary and are demonstrating how cross-examinations of these victims can be directly relevant, because otherwise we risk continuing the status quo where victims are forced to

relive a traumatic experience for simple procedural matters. The prohibition of cross-examination at the committal hearing will still apply to all matters relating to a charge of a sexual offence, a family violence offence or an offence of stalking. Under this legislation, a Magistrates' Court cannot grant leave to cross-examine a witness in these proceedings. This is about protecting victims and families, and it is crucial that we get this right. We need to protect victims and to believe them, respect them and support them. That is why this change is important. It ensures they can safely come forward and not get bogged down in drawn-out legal proceedings. Instead, they can provide their singular statement and testimony in a court of law and continue on.

Another key aspect of this legislation is to make our legal proceedings more efficient by helping resolve more cases and disputes before trial. Another provision in this bill is a new pushback to fast-track certain cases to the Supreme Court. This extends primarily to cases of murder and manslaughter. This was another reform recommended by the Victorian Law Reform Commission, which drew on examples in other cases where this has proven successful. In line with this the bill has a new model for early committals in these cases, which will allow these cases to be expedited by being fast-tracked to the Supreme Court of Victoria. This is just another aspect of the legislation that helps to deliver a faster and more efficient legal process. Allowing for these extreme cases of murder and manslaughter to be moved swiftly upwards means we have less backlog in cases like family violence, which are otherwise being sped up through the ban on cross-examination.

It is a great point, and it is backed up by the recommendations put forward by the VLRC. This legislation is yet another groundbreaking reform initiative by the Allan Labor government, and it is a direct reflection of our commitment to making Victoria's legal system fairer for all Victorians. We have listened to the community and the law experts that have come together to hash out a plan to build a more efficient and resilient legal system. The pre-trial proceedings in this place right now are quite an old system, built to manage cases before we had an independent police force and prosecution service. The fact of the matter is that this is not the world we live in today. We do have a strong, robust and independent legal system in Victoria now. Our legal system should not be hung up on managing issues from two centuries ago and should be relevant to the contemporary legal challenges. Cases are being held up and dragged out by procedures which are not relevant or providing much in the way of filtering out problematic cases. This is why reforms out of this legislation are so important. We are not just focusing on the outcomes of these cases but ensuring we are protecting the Victorian community and delivering fairer outcomes and fairer processes for everyone. No-one should be subjected to needlessly repetitive lines of questioning and cross-examination in these tough cases. We can avoid a strong risk of retraumatising victims and witnesses and minimise the necessary input by scrapping the cross-examination process and allowing them to provide their recollections at trial only. Victims in cases of family violence and sexual offences or in cases of stalking are often deeply disturbed and traumatised by what has happened, and it is not right that they have to relive it multiple times. By increasing the standards for witnesses to be cross-examined we also protect them as well as preventing undue and unnecessary stress and trauma.

This government is also acting to make sure that murderers and those charged with manslaughter are not clogging up our lower courts. By fast-tracking them to the Supreme Court of Victoria we can see these cases dealt with faster and in an appropriate avenue. This also clears up backlogs in the lower courts and means less severe court cases and trials can proceed more quickly without as long a wait. This helps people pass through the court system faster and ensures criminals are behind bars quicker. It is part of our plan to resolve more legal proceedings quicker by trying to deal with this backlog within the courts and also help more disputes resolve before they even get to trial. That is why we are also scrapping the committal test, which allows for the cases to pass right through to upper courts quicker and ensures witnesses and victims are not being bogged down by legal bureaucracy.

Of course ensuring that most cases can be filtered out is the whole reason for the modernisation of case management. It is the Allan Labor government that sets out its commitment to justice reform, and

we are delivering it. We want to see more people engaging with our legal system and having the ability to do so without unnecessary stresses and pressures.

In line with the Victorian Law Reform Commission recommendations, we are ensuring more Victorians who experience or witness cases of family violence, sexual offences or stalking are not forced to relive the trauma through needless cross-examination. We want people to feel safe and secure when they come forward. That is why we are removing these needless procedures. Also, an extremely good reason needs to be provided to the court.

This is a comprehensive set of reforms that has taken quite some time and a lot of work to put together, and I am incredibly thankful for all the hard work put in by the ministers and all the relevant legal experts who have helped not just create the VLRC report but also execute it now into practice. Given the thousands upon thousands of cases that stand to be impacted by this legislation, I think it is safe to say that this will have a transformative effect on our legal system. Backlogs can be cleared out and strung-out legal proceedings can be shortened, and most importantly, Victorians will be more protected and cared for in our legal system than before. I commend the bill to the house.

Gaelle BROAD (Northern Victoria) (10:49): I rise to speak on the Justice Legislation Amendment (Committals) Bill 2024. The purpose of this bill is to amend the Criminal Procedure Act 2009 to reform the process for committal proceedings, including by removing the test for committal, extending the prohibition on cross-examination to other proceedings, strengthening the test for granting leave to cross-examine and providing for early committal for trial in the Supreme Court, and to make other miscellaneous amendments. I would like to thank the Shadow Attorney-General Michael O'Brien for his work consulting with key stakeholders on this bill, including the Law Institute of Victoria, the Criminal Bar Association and the Federation of Community Legal Centres.

Evan Mulholland has already contributed to this bill; he talked about the rise in crime. We are seeing an incredible rise in crime right across the state. In Bendigo, where my office is located, I hear from people regularly who are so concerned about the issues that we are seeing in our region. We know the statistics do not show good figures at all. When you look at the crime statistics for the 12 months to September last year, stealing from retail stores is up 50 per cent, aggravated robbery is up 69 per cent, residential aggravated burglary is up 89 per cent and motor vehicle thefts are up, I believe, 50 per cent. When you hear the stories on the ground it sends shivers down your spine. I was speaking to a lady who experienced people coming into her home; they tried to steal the car. A neighbour was stabbed in the process. It is awful and horrific to be in this situation. I have spoken to local business owners in Bendigo who talk about a lot of elderly clients now not wanting to come into the centre of Bendigo because they are so scared. They are seeing a huge escalation in antisocial behaviour. We have had bashings in the street in broad daylight. Just recently I know Andrew Lethlean, the federal candidate for Bendigo, was contacted by people as well who raised concerns about some bashings that had happened in the centre of Bendigo that were extremely violent. He has been in business in Bendigo for over 20 years, and he has never seen anything like it. We know cars are being stolen on a regular basis, and it is causing incredible trauma to local residents. We have also experienced hooning in the streets, and I know many people have raised concerns about that. A man who tried to take action ended up in hospital. I have also been contacted recently by the police, who want CCTV footage from outside my electorate office because of an incident that occurred there.

There are significant concerns, particularly when we know that our side of the house has been pushing hard for a long period of time for reforms, particularly when it comes to bail. There was an incident that was reported about a young boy, 15 years old. He had over 200 police charges last year. He avoided jail. There were 81 charges, but he was let off on bail for the 55th time. I just want to read from an article that talks about this that was published yesterday. It says:

> Two teens have been charged with bashing a man in the head with a hammer during a violent Bendigo home invasion.

> A 15-year-old and 17-year-old were arrested during a police raid about 9am on Sunday in relation to a police investigation into a burglary in Bendigo.

Then it goes on to talk about an incident happening at a home in Kangaroo Flat. It says:

> … bashing a man in the head with a hammer.
>
> The 15-year-old was released on his 55th count of bail despite police warning he would commit further offences.
>
> Police have since charged the teen over several alleged offences allegedly committed since he was released on bail.

It is incredible that we have been pushing for so long for changes to bail laws, and just recently the Premier announced a review – just a review. We cannot afford to kick the can down the road.

I am interested in the balance, because obviously when people repeatedly do the wrong thing they may well end up in prison and should end up in prison. I visited three prisons just recently. I was at Middleton prison, I went to Loddon men's prison and I went to Tarrengower women's prison. I mentioned in my members statement today the important work that is being done there and the facilities that are provided for people who are in prison to be able to learn new skills and to be able to participate in employment opportunities that will help them with that rehabilitation process, hopefully, at the end of their sentence. But I was interested that at Middleton prison there is a large area there that is not utilised. I guess the numbers are below what they targeted, so there is an accommodation wing that is empty. We know Malmsbury Youth Justice Centre was closed by this government, and we also saw Dhurringile Prison in Murchison closed last year. It is interesting that, yes, our prisons are below capacity and yet we have crime skyrocketing in the state.

This bill in particular has taken years, in a way, to come before the house, because this bill came about from the Victorian Law Reform Commission report on committals, which was tabled in March 2020. That was nearly five years ago, and it has taken a long time for this bill to actually come before the house. But we should not be surprised, because this government when it comes to crime – it has been said before – are more interested in chasing headlines than they are in chasing criminals. We know that there is a need for bail reform, but again there is a review that is taking too long.

We called for changes to the tobacco licensing regime, because other states have actually taken steps to introduce a licensing regime, but we have now had over 130 firebombings in this state. I know they have impacted Bendigo and they have impacted Rochester in Northern Victoria. We have also called for changes to the permit-to-protest laws. Again, it takes a huge amount of police resources to attend so many protests, particularly in Melbourne, and they are draining the resources from regional areas. The move-on laws – we have certainly called for changes to those. Labor stripped away the powers on those back in 2015, and we have indicated that if we win government in November 2026 that will be something we will seek to change, because it is so important that police have the power to move people on and arrest them if there is a breach of that.

We know that the issues that we are seeing with crime and escalating crime are not just in the growing suburbs of Melbourne but right across Melbourne, although we are seeing huge numbers – I think there are 83,000 people following a Facebook page that is about stolen cars. We have seen an increase in crime happening right across Bendigo. I received correspondence from a resident who was talking about Goornong and the impact on towns like that. There is a police station there, but unfortunately there is no police officer. These single-person stations are so important in our regions – that we maintain them. In that area there is a huge issue with crime, with burglaries and home invasions. The feedback that I had from this resident is that a lot of these crimes are not actually being reported. It is scary to think about, if that is the case, because the statistics we already see are so high. But if there are more cases that are not being reported, we do need to be concerned about that. We note this government has also scrapped the role of Minister for Crime Prevention. I think that is extremely disappointing, because crime prevention and helping change the direction of people heading in the wrong direction is so vitally important.

We have said that we will not oppose this bill, but we have certainly put forward a reasoned amendment, which Mr Mulholland spoke to earlier.

Jacinta ERMACORA (Western Victoria) (10:59): I am pleased to speak on the Justice Legislation Amendment (Committals) Bill 2024. This bill arises from the recommendations made by the Victorian Law Reform Commission in 2020 on improving Victoria's committal system. The commission identified that the current committal test is no longer an effective filter for stopping proceedings without merit from reaching higher courts. The commission also identified opportunities to improve efficiency in the justice system and to improve victim and witness experiences. This bill introduces reforms that will streamline the criminal justice process in line with the commission's recommendations. I cannot be more in support of these changes, and I will talk about why that is the case shortly. Importantly it focuses on improving the experiences of victims and witnesses who are too often retraumatised by the system that is meant to protect them.

I will just go through what this bill is going to do. It is going to abolish the committal test. Yes, it will abolish committal tests. It will prohibit cross-examination at committal in sexual offence, family violence and stalking cases and strengthen the test for granting leave to cross-examine witnesses. It will require committal case conferences in most matters. It will allow children and people with cognitive impairments to give prerecorded evidence, fast-track serious matters to the Supreme Court and make audiovisual appearances the default for persons in custody.

The committal process is an old process dating back to 1848. It was formed for the needs of a different age. It is clear it is no longer an effective process. A study by the commission found that only 1 to 2 per cent of matters have any charges dropped as a result of a committal hearing. Much of the function that was previously performed by the committal hearing is now performed by the Office of Public Prosecutions. The office has a responsibility to consider the strength of the evidence, the prospects of conviction and the public interest in deciding whether charges should be laid. That means committal hearings are now largely duplicative, and that is certainly the case for survivors of sexual assault. Committal hearings also significantly contribute to delay. The commission's report states that:

> In 2017–18 in Victoria, the median days between filing hearing and committal to a higher court was 228 days if committal occurred at a committal hearing. By comparison, if committal to a higher court occurred at a committal mention, the median number of days this took was 107.

These delays are not just a waste of time and money for courts, they are a huge additional stress for the accused and for victims. For the accused it means longer to wait, potentially on remand, until the charges against them are decided. For victims and witnesses it means not just a delay in justice but the potential that they will have to give evidence twice – once in the committal and once in the trial.

For witnesses and victims of the kinds of serious indictable crimes that go through the committal process, being repeatedly interrogated on the same material and often about terrible experiences can be significantly retraumatising. In my time at CASA in south-west Victoria, the Centre Against Sexual Assault, many of my clients and my colleagues' clients – survivors of sexual assault – decided not to follow through on reporting to the police or, if they reported to the police, then subsequently decided not to be witnesses and participate in a trial, which then obviously meant no justice. It was purely because they would have to go through the process twice. At CASAs it was commonly acknowledged that committal hearings, by virtue of their traditionally investigative approach, were often more aggressive in their cross-examination than the actual trials.

This is incredibly important reform for survivors of sexual assault, survivors of family violence and survivors of incredibly traumatising crime. It is also reform that is going to assist women. There is a gender impact of this piece of legislation. It will mean that women as witnesses will not be retraumatised twice. Committal hearings being completely changed so that there are not two solid repeats of the same process – that is the reform we have before us today, and that is why I am incredibly

supportive of this reform. Kathleen Maltzahn, CEO of Sexual Assault Services Victoria, said in a press release about this bill:

> This change will maintain accused people's rights while removing an unnecessary step that has created avoidable harm to survivors and slowed down the legal process. We're pleased to see the government taking action on this serious issue.

Because this affects survivors of crime that are often women – a significant portion of the people affected are women when it comes to family violence and sexual assault – it has taken a really long time for this reform to come forward. I am confident that the family violence and sexual assault sector will be very, very pleased to see this piece of legislation and reform go through the Legislative Council today. Other jurisdictions have also found committal hearings to no longer be fit for purpose. New South Wales, Tasmania and Western Australia have taken similar approaches. Committal hearings were also abolished in England in 2013.

To ensure that those accused of serious crimes continue to get a fair trial, the bill requires committal case conferences to be held in most matters. That is a completely different process to a public committal hearing. Such conferences are designed to ensure both sides provide appropriate disclosure ahead of trial and enable the accused to know the case against them. They support the early resolution of issues and promote trial readiness. This makes enormous sense. The other sector that will receive enormous benefit from this is the court system because this will unclog the court system and alleviate the delays in the court system, and delayed justice is certainly something we do not like to see. The bill also clarifies that the prosecution is required to disclose materials that undermine their own case or support the defence case. This makes it clear that the prosecution is not only required to disclose material that supports their case or that they intend to rely on. This is an important change that will promote the right of accused persons to understand the case against them.

Importantly, the bill introduces further protections for witnesses and victims in sexual offence, family violence and stalking matters. We know it is already very challenging for survivors of these offences to come forward, and the prospect of having to repeatedly tell and defend their story and experience can further deter people from engaging with the criminal justice system. I can vouch for multiple clients of mine in the past that have said exactly that: 'I cannot go through this process. Experiencing the trauma was bad enough, but re-experiencing it twice in an aggressive cross-examination' – they just make their own assessment of their own mental health, and quite justly so. It is a form of self-protection. I respect all of the women who have previously made those decisions, because the system has not been protective of them in the justice process, and this alone will have distorted the data on convictions for sexual offences, convictions for family violence and convictions for stalking. This alone will completely cause an under-recording of the number of offences that have happened and the many cases perhaps that were strong cases but for the willingness of witnesses.

I think this is an extremely important reform, and I am very pleased to see it. It is an important change that will promote the right of accused persons to understand the case against them. Importantly, the bill introduces further protections for witnesses and victims in sexual offences, family violence and stalking matters, as I said. We know it is already very challenging for them, as I have explained, and this is why cross-examination of victims at committals for such matters will no longer be allowed. This will be an incredible relief for survivors. Instead, their evidence will be given and tested at trial as is appropriate.

This approach is not new. These rules already apply for children and people with a cognitive impairment in sexual offence matters. We are simply expanding this protection to cover all victims giving evidence in sexual offence, family violence and stalking matters. To ensure a fair trial the defence will still be able to make an application for limited pre-trial cross-examination in the trial court of witnesses other than the complainant. As then Attorney-General Jaclyn Symes said on the introduction of this bill on 29 October 2024, survivors of sexual offences, stalking and family violence

deserve justice, not further trauma. These reforms will ease the burden of repeated testimony, helping them move through court proceedings and get on with their lives.

This bill also makes improvements to the rules covering cross-examination and prerecorded evidence more broadly. Witnesses and victims that are children or have cognitive impairment will be given the option of providing prerecorded evidence in all criminal matters. Giving prerecorded evidence is less intimidating and stressful and often produces high-quality evidence. This bill also strengthens the test for allowing cross-examination at committal for other matters, so committals will continue in other types of matters.

In conclusion, I would like to say that this is a reform that is very typical of a government that is cognisant of the impact on women in the judicial system. This particular reform will be an absolute game changer for women and children who are survivors of sexual assault, family violence and stalking. I think that we will see much more confidence in entering the courtroom or entering the legal and justice process from survivors of these types of offences as a result of this bill. I am very proud that the Allan Labor government has brought this forward, because it is exactly the kind of bill that Labor does so well.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:14): I rise to make a contribution on this this bill, the Justice Legislation Amendment (Committals) Bill 2024. I was just reading through some of the notes about the background of this bill, and I think it is important to talk about some of that before I talk about some of the mechanisms that will be introduced via this bill and the changes foreshadowed.

Effectively the reason why we need this bill is that the committals process was developed before we had independent police and prosecutors, and it was a process that was designed to filter out matters that should not be pursued to trial. However, in practice the process is actually duplicative, lengthy and resource intensive, and it can expose victims and witnesses to an unnecessary level of traumatisation and retraumatisation, because it obviously involves retelling your story and being examined or cross-examined on your story over and over again. As a consequence, a 2020 Victorian Law Reform Commission report found that the rate of discharge – the proportion of matters where any of the charges are knocked out at a committal stage – is actually very low, somewhere between 1 and 2 per cent. Additionally, the report identified a range of duplications in the current process and the current approach and recommended further reform to reduce delays, yield financial and process efficiencies, and improve victim and witness experiences. It is always a good thing when we are able to rely on the good work undertaken by the Victorian Law Reform Commission. I thank them for their important work in reviewing these matters and for making the recommendations in regard to this bill.

Significant funding and resources would be needed to implement the full 51 recommendations made by the Victorian Law Reform Commission, and this bill focuses on the reforms that will streamline the process by maximising the use of existing resources – it is always good when we can get efficiencies – but specifically the bill will effectively abolish the test for committal. It will also require committal case conferences in most matters to ensure appropriate disclosure, enable the accused to know the case against them, support narrowing and early resolution of issues and promote trial readiness as well. It will ensure the accused's rights to a fair trial by clarifying the need to disclose material that may undermine the prosecution case or support the defence case, reduce duplicative cross-examination by strengthening the test and, as I said earlier, prohibit cross-examination of witnesses and victims in sexual offences, family violence and stalking matters at the committal stage, because again that would traumatise and retraumatise victims. It would also allow children and people with cognitive impairments to give prerecorded evidence. It would fast-track the most serious matters to the Supreme Court for management and faster resolution. And it would enable the appropriate use of audiovisual appearances for persons in custody and allow, for certain offences, investigators to witness statements.

As you can see, a number of these things are commonsense and will assist victims of crime, perhaps, and witnesses in being part of an overall trial process, reducing duplication and increasing the time

that things actually get to trial by removing a duplicative process. As I said, these changes are underpinned and recommended by the Victorian Law Reform Commission, and the bill is about making careful changes to modernise Victoria's committals process. There are important benefits that will be made in regard to the committals process while minimising duplication. Of course by reducing duplication this will reduce cost for parties and the justice system and speed up the resolution of matters as well. I note Ms Ermacora was talking about this in her contribution. Her focus on this bill was about victims of crime and the way in which they are currently required to give evidence in a process like this. It is a very harrowing situation to go through, and for witnesses and victims of serious crime, indictable crimes that go through the committals process, as I said earlier, being repeatedly interrogated on the same material and often about terrible experiences can be really, really terrible and retraumatising. As I said earlier as well, it is important to note that the vast majority of matters are committed to be heard. It is only about 1 to 2 per cent of matters that are actually filtered out. The current process was designed to filter out matters that may not have met a significant threshold from then proceeding to trial, and effectively that is not occurring. So with such a low threshold, and as the Victorian Law Reform Commission found in one of its recommendations, it makes sense to streamline this process.

I will just focus for a moment on the low knockout rate, and the Victorian Law Reform Commission focused on this as well. A key reason for the low knockout rate is that we now have an independent Office of Public Prosecutions, which carefully applies a series of criteria to determine whether charges should be laid. These criteria are set out in the director's policy, which is available publicly online, and include considering the strength of evidence, whether there are reasonable prospects of securing a conviction and whether pursuing the charge is in the public interest. Previously that did not exist when the committal process was utilised, so now we have that process. Even in a situation where a magistrate considers that the bar for committing a matter to trial is not met, this can be overridden by the Director of Public Prosecutions, who can directly indict a matter for trial in a higher court. This in fact happened four times in 2023–24, seven times in 2022–23, six times in 2021–22, five times in 2020–21 and 10 times in 2019–20. Director of Public Prosecutions having that overriding ability has been working, and you can see that in the statistics that I just talked about.

Even with the evolution of our criminal justice system over time, the key benefit of committals, as I spoke of earlier, is the opportunity for issues in dispute to be narrowed. I went to this earlier when I was talking about how the prosecution can, when they have a case conference, advise the other side about the type of material that they will be relying on; or likewise, the defendants can do the same. So there is an opportunity for those issues in dispute to be narrowed and for matters to be resolved where that is possible. It is not always going to be possible, but where it is that can happen. It also ensures the appropriate disclosure of evidence is being made to each side so the accused knows the case against them and they are able to then obviously prepare accordingly. But it does not make sense for all indictable criminal matters to require this duplicative cost and process, and as I said, only between 1 and 2 per cent of matters have been disallowed.

We are doubling down on the benefits by removing the process but requiring committal case conferences, except where this would not be in the interests of justice. It is an opportunity for parties to take advantage of the magistrate's expertise. Of course the magistrate can ensure that all appropriate disclosures have been made, the accused understands the case against them and the issues in dispute are narrowed to those that genuinely need to be litigated in the trial court. Where there are issues capable of early resolution, for example by either a guilty plea or a discontinuation of prosecution, that can be finalised where appropriate so the parties are in fact ready and prepared for trial and can hit the ground running when the time for trial comes up. We will codify disclosure requirements as well, clarifying that the prosecution is required to disclose materials that undermine their own case in support of the defence case. This is an important change that will promote the right of an accused person to understand the case against them.

We will also be reducing that duplicative cross-examination that already would occur in a committal stage and would then reoccur in a trial stage and also require that any materials be disclosed but limiting it to matters that are directly and substantially relevant to an issue that is capable of early resolution. That is in the interests of justice and also affords procedural fairness to all parties. As Ms Ermacora focused on in her contribution, we are protecting witnesses and victims who are victims in a sexual offence or family violence matter or stalking matters. They can be shielded from potentially being repeatedly cross-examined on some matters. For witnesses and victims that are children or have cognitive impairments, we will also be giving them the option of prerecorded evidence, which is less intimidating and less stressful, and it often produces higher quality evidence as well. We will be expanding a successful fast-track pilot for the most serious criminal matters to be committed as early as possible straight to the Supreme Court. This will mean that justice is served faster and that parties will have the benefit of the Supreme Court's specialist expertise in managing these complex matters, ensuring that matters progress more smoothly. We will also be making some commonsense changes to support the appropriate use of audiovisual appearances for persons in custody and to ensure that for certain offences investigators are able to witness statements when carrying out their duties as well.

There is also going to be a stronger threshold for the cross-examination of witnesses, as I have been talking about, in regard to victims. But we will be strengthening the test for cross-examination generally at committal to reduce duplication between the Magistrates' Court and trial court processes. Currently, cross-examination is permitted if the accused identifies a relevant issue and cross-examination on that issue is justified. The bill will narrow the allowed topics for cross-examination to matters directly and substantially relevant to an issue and where there are substantial reasons why, in the interests of justice, the witness should be cross-examined on that. This will ensure that cross-examination at committal only occurs where it serves the interests of justice and directly goes to supporting disclosure, ensuring a fair trial or resolving issues in dispute.

I talked earlier about the early case conference process, where full disclosure can be made by both parties so there is early identification of issues that may be in dispute or so issues may be agreed. Sometimes you can actually agree on facts in a case. This is all leading to the narrowing down of any issues that may be in dispute and then of course consequently narrowing down the scope of issues that a witness may be needed to be cross-examined on, which of course is all going to save time in the process as well. Reducing this cross-examination, as I said, would reduce the time taken up in committals, but it reduces the questions on peripheral issues that may not be necessarily germane to the particular case in question. Sometimes an inordinate amount of time in cross-examination can be taken up on cross-examining witnesses on peripheral issues, and this is the case sometimes in matters involving witnesses who may be the subject of or someone who has in fact been the subject of a sexual crime or a violent sexual crime. That is going to in turn reduce questions of a peripheral nature and reduce trauma for victims of serious crime, so that is something we want to do. We want to also strengthen and improve any experiences that witnesses may need to go through.

It is also going to provide special hearings to family violence complainants, and those will provide them with essential protection. We currently have a scheme in place to support sexual offence complainants that allows them to provide evidence via a prerecorded statement. This has worked well, and we are now looking to extend this option to victims and witnesses who are children or who have cognitive impairments in family violence matters. Sometimes these matters can be complex, with a complex set of circumstances that might affect people involved in these crimes, but we still need to hear important evidence from them. A special hearing of this nature will have a number of benefits that include, as I said, prerecorded evidence being given; the environment of a special hearing, which is less intimidating and less stressful; and special hearing recordings, which can be edited in case a complainant against gives evidence that cannot be put before a jury, which could avoid a mistrial.

As you can see, there are a number of important changes that are included in this bill. As I said earlier, this is in large part due to the excellent work of the Victorian Law Reform Commission in reviewing these processes. I always give a shout-out to the Victorian Law Reform Commission. They do very

important work. I really like reading their reports and important recommendations. They do such good work consulting with stakeholders in this sector as well, so I will give them a shout-out. But in terms of this bill, the clock is about to beat me, so I will conclude my remarks there. I commend this bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (11:29): I also would like to say a few words on the Justice Legislation Amendment (Committals) Bill 2024. I will start by acknowledging the commendable motives for this bill, which are to essentially make the justice system more efficient and to reduce the amount of retraumatisation of witnesses by having to give evidence multiple times. Having been close to many victims of crime throughout my life, I certainly have seen firsthand the trauma and harm that can be caused by coming into contact with the justice system and being forced to give evidence and this sort of thing. Especially in cases such as sexual assault or family violence and that sort of thing it is very understandable that there would be severe trauma involved in giving evidence multiple times and being cross-examined multiple times, and if this is unnecessary then this should certainly be removed. Another thing enabled by this bill which I am very supportive of is the ability to get prerecorded evidence from certain cohorts such as those with a cognitive impairment or children and other groups. I feel that this is a good change.

However, the purpose of the committals process is really to ensure that a case has sufficient merit to proceed to a higher court and commit to trial. As has been mentioned by others during the debate, the number of cases that do not proceed is quite low. However, my office has actually got some data from the Magistrates' Court of Victoria, and although the number of cases that do not proceed is quite low, about 15 per cent of the charges overall are actually withdrawn by the DPP during the committals process. This does seem like a significant function that is important that the committals process is currently performing.

On the matter of efficiency, I do accept the argument that removing this process will speed up the amount of time taken to get to a trial. That is a good thing, I think, but I do question whether it would cost less money, whether it would be cheaper overall, because effectively you are transferring these functions to both the DPP and the Supreme Court. I think it is unclear to me whether it is actually going to be cheaper overall, but certainly it may speed up the process.

However, considering that I believe that the committals process does perform an important function in ensuring that cases do not go to trial, if we think about the types of cases that we are talking about they are very serious cases in many ways, and the consequences of someone being found guilty of that are very serious as well. They are taking away their liberty, and we must be very certain that the evidence is solid and that they are truly guilty of that offence. I think that removing this process is problematic for a number of reasons.

Firstly, as I said already, 15 per cent of the charges, according to the numbers I have – not the cases but the charges – get dropped in the committals process, and I am concerned about whether the process that this is going to be replaced with will be able to filter that out. Will we end up with situations where charges, in this case up to 15 per cent potentially, would end up getting tested in the Supreme Court, go to trial in the Supreme Court and not be found guilty, because the evidence was not sufficient? I am concerned about that and whether that may happen or not.

Also, the process around cross-examination, as I have already acknowledged, can be a very traumatic process for victims of crime. But in the interest of justice it can also be a very necessary process – an unfortunately necessary process – because one of the purposes of cross-examination is to determine and establish consistency of evidence and ensure that the evidence is correct and consistent. If that evidence is consistent and correct, hopefully it will be credible enough to ensure that criminals end up where they belong – in prison. But if that opportunity is not afforded, then I do have concerns about potential cases where this may be a problem.

Although this bill does some good things and I do acknowledge the motivations for this bill, the Libertarian Party is not in a position to support this bill today.

Ryan BATCHELOR (Southern Metropolitan) (11:35): I am pleased to rise to speak on the Justice Legislation Amendment (Committals) Bill 2024, which has been introduced to amend the Criminal Procedure Act 2009 to make certain changes to the committal process in Victoria's courts by abolishing the test for committal for indictable cases and strengthening case management in the Magistrates' Court. Preserving the core functions of committal proceedings allows for early committal cases before the Supreme Court and will strengthen protections for victims and witnesses at the committal stage by prohibiting cross-examination at the committal stage of a witness in sexual offence, family violence and stalking cases; amending the test for granting leave to cross-examine witnesses in other cases; and extending special hearings to certain complainants in family violence cases. It will make a range of other amendments to the Evidence (Miscellaneous Provisions) Act 1958 to allow for default use of audiovisual links to conduct committal hearings and make consequential and technical amendments.

As other speakers in the debate have noted, there was a very significant piece of work, about a 108-page report, prepared by the Victorian Law Reform Commission, which was tabled in this Parliament in 2020. There was an extensive process undertaken independently by the Victorian Law Reform Commission which has informed some of the aspects of the legislation that is being considered in Parliament today. The bill before us is informed by that review. In parts it makes certain careful changes to modernise the committal here in Victoria both to preserve the important benefits that the committals process provides while minimising duplication of processes across the entirety of the trial system. As a result of that removal of duplication and streamlining of processes certain things will not be duplicated at the committal stage and the trial stage, reducing trauma for both victims and witnesses, which can be significant and real. The victims charter that we have in this state recognises the importance of acknowledging the trauma that is placed on victims and witnesses in particular as part of criminal trial processes. So it protects those and tries to reduce the burden of repeated cross-examination for witnesses. That is the most important benefit that these changes will have. In reducing duplication it will improve the efficiency of the process but also help speed up resolution so that there are not unnecessary delays as a result of the duplicative elements of committal proceedings.

Committals, as are many aspects of our legal system, are the byproduct of a different time when we did not have independent prosecutors and where it was felt that, because of a lack of the existence of independent prosecutors, it was necessary for someone to have an independent look at the evidence that was going to be presented in a trial to understand whether the evidence that was going to be led at trial had sufficient merit. It was designed to filter out private prosecutions that did not go through careful decision-making in a way that does not really occur in modern courts. So the test that is required to be applied by the magistrates when considering the evidence is whether the evidence is of sufficient weight to support a conviction for an indictable offence. It is a relatively low bar because the intention was to exclude only the weakest cases from the process. The consequence of the way the committals process has evolved, particularly the way it plays out in many of the Magistrates' Courts – and this is something that was reflected in the law reform commission's report – is that it often feels that the committal process is a lot like a mini version of the trial itself: the prosecution lays out the case, parties can examine and cross-examine witnesses and the magistrate undertakes a lot of the work that will then be replicated in full trial. Obviously that duplication of processes is costly to the system and to the parties and extends the amount of time that is taken for the resolution of these processes, and victims and witnesses have to be interrogated repeatedly, often on the same matter in a different location, over the course of a single case.

The other by-product of this, which others have mentioned and Mr Limbrick did reflect upon, is that only a small number of matters are discharged or struck out by magistrates in the committals process. The latest data from the Magistrates' Court shows that of the 2625 committals in 2024 only 13 were knocked out by the magistrate, compared to 336 where the Office of Public Prosecutions withdrew

the charges. What clearly has changed in the operation of the court system since this feature of it was developed – for a purpose – is that the way that the independent Office of Public Prosecutions examines the brief of evidence, examines the charges and makes an assessment of the prospects of conviction. This has significantly changed the way prosecutions are handled. The way that the OPP, in an independent way, assesses whether pursuing a conviction in the courts is in the public interest, is one of the number of criteria that are used to determine whether charges should be laid. It is done under a transparent policy that the OPP and the DPP use. So there are functions that have developed in the system that operate as an independent check, which means that that part of the function that previously was so important in the committals process is now being done. That is evidenced by those stats, where very few cases are knocked out in the committals process by magistrates. The OPP is doing a lot of work assessing and reassessing whether such charges should be laid.

Removing the duplicative committals test in the Magistrates' Court but continuing to require things like committal case conferences, except when it is not in the interests of justice, gives an opportunity for parties to take advantage of a magistrate's expertise and can ensure that appropriate disclosures are made; the accused understands the case in front of them; issues in dispute are narrowed to those that genuinely need to be litigated in a trial court; issues capable of early resolution – like by a guilty plea, for example, or a discontinuation of prosecution – are finalised where appropriate; and parties are ready and prepared for trial. Part of the changes in the bill will codify the disclosure requirements, clarifying that the prosecution is required to disclose materials that undermine their own case or support the defence's case – important changes that will promote the rights of accused to understand a case against them. It will reduce duplicative cross-examination by strengthening the test for allowing cross-examination at the committal stage, limiting it to matters that are directly or substantially relevant to an issue that is capable of early resolution and is in the interests of justice.

The protection of witnesses, as I mentioned earlier, is one of the key reasons why the reforms in this bill are so important, particularly for witnesses and victims in sexual offence cases and family violence and stalking matters. They will prevent them from being potentially repeatedly cross-examined on the same matters, which can increase trauma. There is also a provision in the bill for witnesses who are either children or have cognitive impairments to have the option of preparing prerecorded evidence, which often is in a less-stressful, less-intimidating environment than you would understandably expect to see in court proceedings – which we know, from the work that has been done by law reform bodies, can and often does produce high-quality evidence that can be used in the courts. We think that is a really welcome change. It is not a novel change – these protections for these types of witnesses occur in other circumstances – but what the bill before us does is expand that protection to cover all sexual offences, family violence and all stalking matters.

The threshold for cross-examination of witnesses at committal will be changed, as a strengthening of the test for cross-examination generally at a committal proceeding, to reduce the duplication between the Magistrates' Court and trial court. Currently cross-examination is only permitted if the accused identifies a relevant issue and the cross-examination on that issue is justified. The bill is going to narrow the scope of topics allowed for cross-examination to matters directly and substantially relevant to an issue and where there are substantial reasons why in the interests of justice the witness should be cross-examined on that. This change will ensure that cross-examination at committal only occurs where it serves the interests of justice and directly goes to supporting disclosure, ensuring a fair trial or resolving issues in dispute. Limiting cross-examination will reduce the time taken up in the committals process, reducing unnecessary questions on peripheral issues and helping minimise stress and trauma for victims and witnesses at all places.

The broad change that the bill is seeking, which is to remove the committal test and try and focus the Magistrates' Court on case management, will have the benefit of removing duplication. Making these changes and focusing the Magistrates' Court's activities and their time on case management – rather than on running a duplication of the final trial process – will enable magistrates to work more closely with parties to ensure that they are ready for trial, improving both, hopefully, the justice system and

the justice process for the accused. The magistrate has a case management function here, when it is in the best interest of justice to do so, ensuring that things like appropriate disclosures have been made by the parties, particularly the prosecution. That conference enables opportunities for resolution of any disputes and ensures that the accused person, before they do stand trial and instead of having a minitrial in the committal process, actually properly understands through the work of the magistrates what is being asked of them.

The magistrate can also, through the conferencing process, narrow the issues that are in dispute so that parties can get to the crux of what needs to be litigated properly and openly in the full trial and in the nature and scope of the witnesses that are going to need to be called for that. These processes hopefully could also lead to early resolution of matters. If there are weaknesses in the prosecution or the defence case, this case management process, which does not have the nature of a highly adversarial committal process, can hopefully – if there are things which are not as strong as they should be – lead parties either to withdraw or reduce charges or to suggest that guilty pleas would be advantageous. It will just generally assist parties to be ready for trial, which in the higher courts should allow those courts in particular to be more efficient.

Over the course of the bill others have spoken about audiovisual appearances. I mentioned it briefly at the outset. Enabling audiovisual appearances for people in custody will lower court costs and security risks, a pragmatic change that will reduce the need for physical transportation of adults in custody to make court appearances, which has a range of benefits – cost, public safety and the like – and will just make our system work better.

There are a range of other things in the bill. As I said, it was an important process or a significant piece of work the Victorian Law Reform Commission did following the reference from then Attorney-General in 2018 and the report that was tabled in 2020. The changes that are being put forward in the bill today are some careful and sensible changes to help improve the administration of justice in Victoria, and I commend the bill to the house.

Jeff BOURMAN (Eastern Victoria) (11:50): I will make a short contribution today on the Justice Legislation Amendment (Committals) Bill 2024. Committals are a way of testing evidence generally, and it has been interesting listening to some of the statistics that have been mentioned during the course of the debate on how few cases are dismissed at a committal stage. It seems like it is a reasonable effort, particularly in relation to sex crimes, where the victim has to go through effectively a trial twice. They have to be cross-examined twice and have to be embarrassed and degraded twice, because there is no hiding it, when you have to relive these things that is how it is. For the people accused – let us say the 2 or 3 per cent – that go through it that apparently did not do it or for whom there is not enough evidence, they too have to go through it once or twice depending on the issue.

Looking into this, as long as the processes prior to a committal hearing, such as when the sexual offences and child abuse investigation team units go through, remain as good as they are – of course there is always room for improvement – this will hopefully clear up the court system. It will certainly help with police numbers, because if you get a week-long committal, all the police witnesses have to be there for at least part of a day or a day, if not the whole lot. While they are there they are not doing anything else, so I think this is a good recognition of efficiency as long as it does not come at the expense of justice for the victims, because really in the end that is what the system is for. My point of view about what happens to offenders is probably a little bit more hardcore than a lot of people in this room, but if they are actually offenders and they are beyond the accused stage, honestly, I do not care. As long as they get their day in court and as long as justice is served, I think this is worthy.

Michael GALEA (South-Eastern Metropolitan) (11:52): I also rise to make a contribution on the Justice Legislation Amendment (Committals) Bill 2024. In doing so I note it is always good to be in the chamber to hear other speakers make their contributions, and I appreciated the contribution just now from Mr Bourman. I admit I had some difficulty seeing him because of the wonderful camouflage that he has there with his terrific tie. I think that deserves a call-out in this chamber as well. It was good

to at least hear your voice, even if my vision was obscured. I very much appreciated your contribution, Mr Bourman, and indeed the contribution of all speakers on this bill today.

This is a very important bill for what it will achieve, and that really goes to what Mr Bourman was just talking about – going about this process in a smarter way and in a more efficient way, one that does still have those provisions to protect the rights in particular of victims and witnesses but to make the justice system a little bit more streamlined. Indeed I was going to make some comments around the resourcing for the court system itself – the magistrates, the court staff and Court Services Victoria as a whole – but Mr Bourman was quite right to point out that this will also mean a significant saving for police, who we already ask so much of and who already do so much for the community, if they are not bound up in committal hearings. I will go into some statistics around them later.

Obviously we are in a very fast growing state. People want to live in Victoria, and we are seeing that growth put demand on all services, be it schools, transport, hospitals or of course police resources and the justice system. Just last sitting week in this place I was talking about the Wyndham law courts and some very significant new investment into our court system in outer western metropolitan Melbourne. I know our newly elected member of the Legislative Assembly, John Lister, is very excited about that coming into effect too. It demonstrates our commitment to the west and to that part of Melbourne indeed, as we have also seen with the Bendigo law courts, which have opened in recent years – another terrific facility – and as indeed we saw in my electorate, in Dandenong, with the new Children's Court service up and operating there. We have invested in these modern, up-to-date court services. Too many of our older court buildings do not take into account the physicality for victims. Too often in some of our older courtroom victims, including victims of horrific sexual assaults, are forced to be waiting in the same area as their attackers. That is something that people have very clearly said to government is an issue, and that has gone to the heart of all of these new court precincts, whether they be customised specialist settings for children at the Dandenong Children's Court or whether it is those other culturally safe settings for First Nations people or indeed most importantly for keeping victims safe and supported as best we can. In very many ways the design of these buildings contributes to that. It is very hard to change that in some these older court buildings, but in the new precincts that we have been investing in – be it the Wyndham law courts, be it the Bendigo law courts or be it the Dandenong Children's Court – those sorts of principles have been very much at the heart of them, which is a very, very important thing to acknowledge as well.

Whilst we will continue to make the investments that the community expects into our justice system, it is also appropriate that, like any good government, we do look at the way in which we are going about things as well. It is not just about delivering more infrastructure and more services. Of course that is very important, but it is also about looking at the system and saying, 'How do we make this smarter? How do we make it more effective and better for victims in particular as well, and also how can we have a more efficient use of the resources that we do have so that our police can be getting on with what we expect them to do and so that the justice system can keep up with its case load in a more efficient manner as well?'

This is a bill that will achieve that, and it follows recommendations from a 2020 Victorian Law Reform Commission report. That found some very, very low rates of discharge. I will go into some statistics shortly if given the time, but we know from that report that the typical discharge rate is somewhere between 1 and 2 per cent, which does mean that a lot of those resources are going into a process which is 98 per cent of the time not changing anything.

There will be a significant amount of funding and resources to implement all those recommendations, and what this bill focuses on are the reforms that will streamline that process by first making use of the existing resources that we have, to start from the best point possible. Specifically, as others have said, this bill will abolish the test for committal. It will require committal case conferences in most matters to ensure appropriate disclosure, to enable the accused to know the case against them, to support the narrowing of early resolution processes and early resolution of issues and to promote trial readiness. It will also ensure the accused's right to a fair trial by clarifying the need to first disclose

material which undermines the prosecution case or supports the defence case and to ensure that this will be available. We are reducing duplicative cross-examination by strengthening the test. Other speakers have gone to the importance of that. Specifically for victims of sexual assault, but in many other cases as well, the burden of having to be cross-examined more than is necessary is something that this bill addresses as well. I very much hope to see better outcomes for those individual victims.

The bill will indeed, more so than that, prohibit cross-examination of witnesses and victims in those sexual offence type cases and in family violence and stalking matters at the committal stage, again recognising the many issues that have been reported to Parliament and to government around those sorts of cases. It will also allow children and people with cognitive impairments to give prerecorded evidence and fast-track the most serious matters to the Supreme Court for management and faster resolution. It will also enable the use of audiovisual appearances for persons in custody and allow certain officers and investigators to witness statements.

This is a bill that is about making careful changes to modernise Victoria's committals system. The changes will preserve the important benefits that the committals process provides whilst minimising duplication of processes which will occur in the trial court as well. Reducing that duplication will reduce costs for the parties and for the justice system and speed up the resolution of matters, and really importantly as well, it will protect victims and witnesses from the trauma of repeated cross-examination. I will, as I foreshadowed, if given the time, talk in more detail about some of those statistics later in the day.

Business interrupted pursuant to standing orders.

The PRESIDENT: Can I just advertise that at lunchtime there will be people here from Special Olympics Australia. The Special Olympics is a competition where people with intellectual disabilities participate. We will have some successful Victorian athletes getting awarded a medal. We would love for anyone who can to come through and have a chat – I know you are all busy – because they would really appreciate it.

Questions without notice and ministers statements

Public sector review

David DAVIS (Southern Metropolitan) (12:00): (813) My question is to the Treasurer. Treasurer, I refer to the razor gang you have announced today, to be headed by Helen Silver. You have said that capital expenditure is not included in the review. Given the waste and inefficiency in so much of Labor's capital works – indeed pointed to directly by the Auditor-General yesterday – why were these capital works, including the Suburban Rail Loop, your $200 billion-plus white elephant, excluded from the review?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:01): Mr Davis, I do not accept your characterisation of the review, nor do I accept the premise of your question in basically anything that you said. In relation to the review, this is about recurrent and operational expenditure. They are the terms of reference that have been provided to Helen Silver, and I look forward to her report.

David DAVIS (Southern Metropolitan) (12:01): I ask: will the Silver razor-gang review be public in its processes and final report?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:02): It is not unusual for those opposite to seek to provide inappropriate commentary on independent processes and indeed independent agencies, and I think I could turn to many examples. I think undermining quality individuals that are prepared to do important work is just demeaning and just reflects on the types of characters that ask the question. Having said that, as I have indicated, Ms Silver will provide interim recommendations that will form part of this year's budget,

and those recommendations will be evident in the budget papers. Her final report is due to me in June and will be made public.

North Melbourne Language and Learning

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:03): (814) My question is to the minister for housing. Minister, the North Melbourne Language and Learning centre is a local non-profit organisation located at the base of the public housing towers at 33 Alfred Street, North Melbourne. It provides vital services to the local public housing community, especially the culturally diverse community, including English lessons, food markets, connections to local services, supports and educational workshops. Serving the North Melbourne community for 36 years, it currently pays peppercorn rent to Homes Victoria for this location. However, they have been told by Homes Victoria they have to leave by September this year, when the tower will be demolished. Homes Victoria initially promised they would be looked after, but now Homes Victoria says all they will provide is $50,000 in relocation costs, but no help with ongoing rent, which means the organisation may have to close. Minister, will Homes Victoria step in to find and fund a new home for this organisation?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:04): Thank you, Ms Gray-Barberio, for that question. Yet again, after yesterday's common ground, which we have started to find under the new leadership of the Greens in this place, I want to assure you that the work that we are doing, particularly with North Melbourne Language and Learning, is a really important part of making sure we are addressing the impact of change on communities, particularly when we are talking about the support that is being provided to people and therefore to the agencies and organisations that they contribute to. As you have rightly pointed out in relation to 33 Alfred Street, residential tenants have begun moving into their new homes. That stage will conclude in September this year, and redevelopment will follow that process. The department has offered relocation support to North Melbourne Language and Learning, and that includes making sure that there is an option to extend the lease to September 2025 and also reimburse the costs for relocation expenses. That includes removalists and temporary storage, and we will continue to fund North Melbourne Language and Learning through the neighbourhood house coordination program.

I also want to perhaps give you a measure of comfort around the support being provided on the extension of the lease and reimbursement. Those costs will be reimbursed up to $50,000 for relocation expenses, and we are also looking forward to receiving options from North Melbourne Language and Learning as an organisation, from their committee of management, for consideration. That is a process that is ongoing. It has been happening for the last couple of months. Although these options will be limited, we also want to make sure that we can actually explore every opportunity for government support. Importantly, the Fitzroy Learning Network did receive $2.36 million from the Community Support Fund in 2023–24 to support upgrades to its facilities on the Fitzroy site. I am very much determined to continue the work of engagement with the people and the programs of North Melbourne Language and Learning. This is part of making sure we are addressing the challenges of change and making sure that the people and organisations affected by that change are given the access to conversations and engagement and exploration of options as they arise.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:06): Minister, North Melbourne language school has done a huge amount of work looking for alternative locations in the area, but commercial leases cost more than $150,000 a year, many of them more than $200,000 a year in rent. This is completely beyond the reach of this local organisation. We cannot lose these vital services from the local area. They are only having to move because Homes Victoria is demolishing their existing office space. Can the minister clarify, if the responsibility does not lie with the government, who is responsible here?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:07): Thank you for that

supplementary question. Government has responsibility for making sure that in the delivery of programs and services, support is given and options are explored for the purpose of continuing the operations of organisations that are embedded in and part of communities, such as North Melbourne Language and Learning. This is also work that we are doing alongside council, who have a role to play in this work as well. We want to make sure, as I said in the answer to my substantive question, that we are exploring options with communities affected by this large-scale change. Again, everything from relocation for families and for residents right through to the changing operations of organisations is part of ongoing conversations that Homes Victoria is having, that multiple departments across government are having and that we are continuing to work with on the ground every day. What I would encourage is an ongoing conversation. I am very happy for you to be part of that in terms of the work that we do to make sure we can reduce and manage the impact on North Melbourne Language and Learning as this process continues.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:08): We are investing in more homes, and we are also investing in making sure that the local businesses, the workers, the experts and the technologies that are needed to deliver these homes are in train, are supported and are able to be deployed in building and manufacturing. One of the things I do want to talk about here today does not get the run that it deserves – prefab. This is part of making sure that we can deliver homes to where they are needed in a way that not only creates jobs but also minimises onsite construction time, and we know that construction time is cut by between 10 per cent and 50 per cent where we use modern methods of construction. This is really transforming our capacity to deliver homes, particularly in the regions.

Homes Victoria has engaged with modern methods of construction suppliers all around the state. This is about making sure we can build the first tranche of projects, right from the Central Highlands through to outer Gippsland, and these are locations that are supported by the manufacturing facilities, all over the state, of appointed suppliers. It means investment goes directly to those areas where manufacturing is taking place, but it also means that on the ground we are able to use local trades in the installation and fit-out of homes which are transported to site before people move in. This is a really dramatic change to the way in which we address the challenges of housing affordability and availability. We are also investing, through Homes Victoria, in other innovative construction methods. This includes 3D printing and robot-laid masonry as a pilot on sites under the Regional Housing Fund. It works – we know it works – and it cuts the time and expense associated with construction, and I am looking forward to seeing these innovative efforts continue as we are deploying our best tech to manage these solutions. We have also partnered in practical terms with organisations like Kids Under Cover. This is about people, technologies, businesses and ultimately places for people to call home.

Multicultural institutions

Evan MULHOLLAND (Northern Metropolitan) (12:10): (815) My question is to the Minister for Multicultural Affairs. The Premier's media release dated 17 December 2024 titled 'Strong action to fight hate and help Victoria heal' states that there will be:

> … work to update Victoria's multicultural policies, institutions and personnel …

Minister, given the dire state of Victoria's budget, I am particularly concerned about the inclusion of updating institutions. Will you guarantee as part of your updating of institutions there will be no budget cuts to the Victorian Multicultural Commission or reduction in funding to the Ethnic Communities Council of Victoria?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:11): I thank Mr Mulholland for his question. Of course social cohesion and community safety in Victoria are a top priority for the Allan Labor government and a top priority

of mine as Minister for Multicultural Affairs. We live in one of the most culturally diverse places in the world, but there is no question that we have seen our social cohesion come under significant pressure as a result of events a long way away from here but events that all the same have had a really distressing and devastating impact on many in the community, including our Jewish community and including our Palestinian community and the broader Muslim community.

Late last year the Premier, alongside me and the police minister, announced a number of important measures to address our social cohesion here in Victoria, including within the multicultural affairs portfolio, commissioning highly respected former VMC commissioner George Lekakis to undertake a review, a three-month review, into a number of our multicultural policies, institutions and settings. This is very important, because I think in Victoria we can all agree that we are very good at celebrating our cultural diversity in many different ways, including our festivals and events, including through the many interactions that all of us as members of Parliament have with our multicultural communities, but we do also need to look at how we can resolve conflict amongst community members and different communities in times like those we have had most recently.

The VMC, the Ethnic Communities Council of Victoria and indeed many other community organisations that do incredibly important work with our diverse communities, many of them newly arrived communities, are really important institutions in Victoria. I am not going to pre-empt what Mr Lekakis's final report will say, but this is not about singling out individual organisations, this is about providing broad recommendations to the government about how we can actually strengthen those institutions and strengthen our social cohesion here in Victoria. Mr Lekakis's work will be supported by a reference group that will be made up of highly respected Victorians, and I look forward to receiving his report in due course.

Evan MULHOLLAND (Northern Metropolitan) (12:14): I guess that was no guarantee about budget cuts, but I will ask my supplementary. Minister, Labor have been in government for 10 years; why haven't Victoria's multicultural policies, institutions and personnel been kept up to date?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:15): I thank the member for that supplementary question. Mr Mulholland likes to add a little commentary between his supplementary and substantive and loves to verbal people in this place, so I completely reject the characterisation of this important review and the politicisation by those opposite when it comes to multicultural affairs in our state. They continue to play a divisive role. They continue to divide and spend their time looking for little wedges in the community. I must say, Mr Mulholland, as your first question to me as multicultural affairs minister as the shadow, it says everything about you.

Animal welfare

Georgie PURCELL (Northern Victoria) (12:16): (816) My question is for the minister representing the Minister for Agriculture. 109 rats provided by Monash were recently used in a new study testing non-fatal strangulation on rats to study human intimate partner violence. The Alfred medical research and education precinct animal ethics committee approved the violent strangling, the following days of testing and the ultimate killing of the rats. The neurological and physiological systems of rats differ so significantly from humans that the study even states it is not appropriate to make direct comparisons between the human and rodent datasets. It also ignores the psychological complexities and dynamics of human strangulation events. Will the minister ban this horrific strangulation test in the Animal Care and Protection Bill to ensure this unscientific and cruel experiment is not conducted in Victoria again?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:17): I thank Ms Purcell for her question and her ongoing advocacy in this area. I will refer this matter to the relevant minister.

Georgie PURCELL (Northern Victoria) (12:17): Thank you, Minister, for referring that on. On top of the strangulation test, forced swim tests are still being used on rats in Victoria, where they are trapped in cylinders of water with no escape and timed for the duration that they can keep their heads above water. The animals are observed desperately looking for an escape while petrified. This is still continuing despite its relevance to the study of human depression being disproven. New South Wales, in recognition of its severe cruelty, recently banned it. Will the minister follow in their footsteps and ban forced swim tests in Victoria?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:17): I thank Ms Purcell for her supplementary question. That of course will also be referred to the relevant minister and will receive a response as per the standing orders.

Ministers statements: Australasian Youth Justice Acknowledgement Day Awards

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:18): I rise today to update the house and to congratulate two recipients of the Australasian Youth Justice Acknowledgement Day Awards. Earlier this week I was able to acknowledge and recognise three recipients of the adult Australian Corrections Medal, but this time it is our youth justice team's turn. Our nominees were chosen among strong competition from other candidates from across Australia and New Zealand. Firstly, I would like to congratulate Brooke Nam, a proud Aboriginal staff member with more than 17 years of service in youth justice. Brooke took home the Individual Exceptional Practice Award for her work fostering community partnerships and improving cultural safety for young people. I would also like to recognise our Grampians region youth justice team, who were awarded the Team Exceptional Practice Award for leading the team in terms of inclusive and responsive practice.

These awards for Brooke and the Grampians team are a recognition of their dedication and hard work, something I know is happening on a daily basis in our youth justice system across Victoria, both in custody and out in the community. Youth justice staff show up every day to protect the community, support rehabilitation and give young people the opportunity to turn their lives around. Their work is not easy, but it is critical for providing structure, guidance and support to those young people and helping them find a better path. By holding young offenders accountable while also addressing the root causes of offending, youth justice staff play a crucial role in building a safer community for all. To all the youth justice staff across the state, I say thank you for your commitment and for the important work you do. Congratulations, Brooke and the Grampians youth justice team.

Infrastructure projects

Georgie CROZIER (Southern Metropolitan) (12:19): (817) My question is to the Treasurer. The Auditor-General in his latest report *Major Projects Performance Reporting 2024*, released yesterday, has been scathing of the management of several infrastructure projects. The outgoing secretary for health, Professor Euan Wallace, in a letter to the Auditor-General dated 7 February 2025, acknowledges that the public reporting of major capital projects performance is 'inconsistent' and that there are 'opportunities for improvement', citing that reporting requirements were the remit of Treasury and Finance. Treasurer, what areas have been identified for improvement?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:20): I thank Ms Crozier for her question and obviously thank the Auditor-General for the work, and as reported –

Members interjecting.

Jaclyn SYMES: I value the independent oversight agencies. But you are also entitled to put a position in response to that. DTF's response to the report is to accept or accept in principle the recommendations, and it is in the report.

Georgie CROZIER (Southern Metropolitan) (12:21): That is a very brief answer. I am not sure that you actually understood the depth of the question and the concerns. Nevertheless, Treasurer, the report showed that the original cost of the Frankston Hospital redevelopment was $562 million. However, it was not published because no budget paper 4 was produced, and it subsequently blew out by 99 per cent to $1.2 billion. Why did the government fail to produce this critical budget document that outlines costs of infrastructure projects to the Victorian taxpayer?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:21): Ms Crozier, in relation to the Frankston Hospital, as is evidenced in the report, the TEI has increased because it now includes procurement issues connected to the PPP: 25 years worth of maintenance, cleaning, gardening and security services. If you look at page 15, the Auditor-General points out that when you change procurement, the TEI obviously goes up.

Georgie Crozier: On a point of order, President, my question was very specific; it was about budget paper 4 – why that was not produced. She did not go anywhere near answering that question.

Harriet Shing interjected.

Georgie Crozier: No, no, Ms Shing, this is in the Auditor's report. There is no budget paper 4, and the Treasurer has not answered the question.

The PRESIDENT: I think the minister was being relevant to the question.

Georgie CROZIER (Southern Metropolitan) (12:23): I move:

That the Treasurer's answer be taken into consideration on the next day of meeting.

Motion agreed to.

Foreign investment in residential land

David LIMBRICK (South-Eastern Metropolitan) (12:23): (818) My question is for the Treasurer. The federal government recently announced certain restrictions on foreign purchase and ownership of residential property in Australia. However, in the state of Victoria we have special taxes, such as land transfer and land tax, which are imposed on foreign purchasers. One would assume that this would have some sort of impact on the state finances and the forward estimates. My question for the Treasurer is: what consideration has been given to this new restriction by the federal government, and what sort of impact will this have on the state's finances?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:24): I thank Mr Limbrick for his question. The foreign purchaser additional duty, which is an additional charge for foreign purchasers of property in Victoria in addition to stamp duty, has been bringing in roughly $200 million a year. Obviously some of the changes will reflect an update to our revenue estimates, but what I would say is that my information in relation to the collection of FPAD is that it is predominantly on new properties. My understanding of the federal announcement is that it will apply to existing properties, so it will not be as simple as not receiving revenue. There is also, I guess, the obvious consequence of foreign purchasers moving from existing dwellings to new dwellings. All of these will be considered in advice that DTF will provide in relation to estimates.

Ministers statements: Ballarat community

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:25): Recently I visited Ballarat and caught up with the fantastic Labor team who represent the area, the member for Wendouree Juliana Addison, the member for Ripon Martha Haylett and the member for Eureka Michaela Settle. They are all working hard and advocating strongly for improved access to mental health in the area and also for their thriving multicultural and multifaith communities.

I was thrilled to deliver a key recommendation of the royal commission with the official opening of the Grampians Mental Health and Wellbeing Connect centre, contributing to the network of services across the state providing support to Victorian carers who support someone with a mental health challenge. Not only that, it was really wonderful to be able to turn the sod with those MPs at the new multimillion-dollar youth prevention and recovery centre, which when complete will provide critical 24/7 care in a home-like setting for young people aged between 16 and 25 who are experiencing mental health challenges. The new beds will reduce pressure on health services in the region and will mean that more young people can get the support that they need close to their families and community networks.

I also met with community members from the Ballarat Hindu Temple & Cultural Centre. The Allan Labor government has been proud to support them with a $900,000 commitment to the construction of a prayer hall, kitchen buildings and a car park. Finally, I met with the Ballarat Hebrew Congregation, heard about their rich history and made a visit to their synagogue, which in fact is one of the oldest synagogues on the mainland.

We are very proud of that community in Ballarat, and we are also proud to stand with our regional communities when it comes to delivering mental health services and community infrastructure that those regional residents deserve.

Housing

Melina BATH (Eastern Victoria) (12:27): (819) My question is to the minister for housing. State government bids to the federal government's Housing Australia Future Fund Facility, round 2, recently closed. Applications invited submissions that improved outcomes for members of the Australian Defence Force – our veterans. Did you include any veteran housing projects in your funding application?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:27): Thank you very much for that question, Ms Bath, and thank you for your interest in the Housing Australia Future Fund. We are really determined to make sure that we can continue to partner with the Commonwealth, including on the way in which we allocate housing to the areas where it is needed most. The Commonwealth's Housing Australia Future Fund is chiefly geared towards community housing. This is housing that is delivered by not-for-profit organisations and for-purpose organisations. They are organisations which serve a range of purposes in finding housing that addresses the need across the housing register.

When we are talking about defence housing – which I think is what you touched on in your question, if I am not mistaken, Ms Bath – we are not talking about people who are on the housing register. If you are talking about people who are looking for access to housing through social housing – chiefly community housing under the Housing Australia Future Fund – then they must be people who have that application in train. To the extent that there is overlap between people who are part of defence force personnel, returned service personnel or veterans personnel and people within the community who are otherwise making applications, then they would be in a position to access community housing, which is, as I said, overwhelmingly the scope of the Housing Australia Future Fund and that work that we are doing in unlocking funding through the federal government. That might provide you with a bit of context. In terms of specific examples, however, of anyone who might be looking for assistance with housing on the housing register, I am very happy to provide you with information if you can give me some more detail.

Melina BATH (Eastern Victoria) (12:29): I thank the minister for her response. The grant criteria allow for the state to partner with community housing providers, as you have just stated. Vasey RSL Care presented you with a proposal that would have delivered 150 badly needed residences for veterans by replacing old structures and adding an additional 22 new homes. Why have you not identified this as a high priority and included it in your application?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:30): Thank you for that supplementary question, Ms Bath, and it would appear that the substantive question is very, very different to the supplementary question, because what I heard you say was 'defence housing'. Now, defence housing is managed –

Melina Bath interjected.

Harriet SHING: When we talk about Vasey housing, that is housing for returned services personnel and for veterans, not for people who are in active service. It is really, really important that we can create that distinction. Vasey is not a registered housing provider, so it is really important that, again, we talk to the partnerships that apply. People can partner with community housing providers in order to make applications to funds such as the Housing Australia Future Fund. This occurs across a range of organisations, including Aboriginal community organisations who are in a position to partner with community housing providers, and that is work that I have been encouraging Community Housing Industry Association representatives and members to do. Again, what I would encourage anybody to do in understanding the work – *(Time expired)*

Victorian Fisheries Authority

Jeff BOURMAN (Eastern Victoria) (12:31): (820) My question is for the Minister for Outdoor Recreation. We have seen reports of redundancies of fisheries enforcement officers. It is my understanding that there have been 27 of around 130 enforcement jobs lost over the last week or so. There has been widespread fear that these job losses will lead to an explosion of illegal activity. It has taken some time to get to the situation where we have such widespread compliance, so it seems to me these fears are justifiable. My question is: how will fisheries ensure that there will continue to be adequate enforcement?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:31): I thank Mr Bourman for his question. This matter will be referred to the Minister for Outdoor Recreation, consistent with the standing orders.

Ministers statements: apprentices and trainees

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:32): Last week was National Apprenticeship Week. This is an important time to recognise the contributions of apprentices and trainees to Victoria's economy and community. Since 2019 we have trained more than 20,000 carpenters, electricians and plumbers. That is right: more than 7300 carpenters, 7000 electricians and 5600 plumbers have been awarded their trade papers since this government reintroduced them. All apprentices should be proud to display their trade papers and hang them up on the wall, just like a university degree. I am so proud that more than 20,400 people started a trade apprenticeship in Victoria in 2023–24, an increase of more than 22 per cent compared to 2019–20. This shows that our policies are working to support apprentices and trainees so that Victoria has the skilled workforce it needs to continue to thrive. Our investments are producing award-winning apprentices like Matthew Tyquin, who is the 2024 Australian Apprentice of the Year and the 2024 Victorian Apprentice of the Year.

We are also providing direct support to apprentices and trainees. This includes financial assistance, a new help desk and a mental health support system that includes free apprentice employee assistance programs. This is helping apprentices complete their training and succeed in their chosen careers. We know that this is what the public TAFE network does. It delivers more than 70 per cent of all apprenticeships. That is why we will continue to back TAFE and protect it from those who would tear it down. Only the Allan Labor government is truly committed to supporting our apprentices and our public TAFE system.

Written responses

The PRESIDENT (12:34): I thank Minister Tierney for getting an answer to Mr Bourman's question and an answer to both of Ms Purcell's questions, from the Minister for Outdoor Recreation and the Minister for Agriculture respectively.

Constituency questions

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:34): (1394) I know I often focus on the growth areas of Melbourne, but I thought I would mix it up today and direct a question to the Minister for Public and Active Transport. It concerns the Labor government ripping out five bus stops along Kensington Road, Kensington, in my electorate. I have been contacted by a concerned resident, Geoff Cox, about the fact that locals have been given a bit more than a week's notice about the decision to remove these bus stops. The lack of consultation means that local residents are not able to have their voices heard in a major plan on access to bus services. I ask the Minister for Public and Active Transport to press pause on the decimation of bus services in Kensington so that the community can be adequately consulted with.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:35): (1395) My question is for the Minister for Education. Last year I sponsored a petition asking the government to consider a new school in Winchelsea, where the current school faces health and safety risks including asbestos, lack of fencing and some buildings that are over 100 years old. Winchelsea Primary School has been advocating for many years for additional funding to support their annual student resource package, which simply does not provide enough to carry out the repairs the school needs. The minister stated that a new school is not always the most suitable response when considering enrolment growth and that a key focus of the department is to maximise the use of existing infrastructure. Although the minister may not believe a brand new school is appropriate, will the government at least commit to additional funding for the school to carry out the necessary and overdue upgrades?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:36): (1396) My constituency question is to the Minister for Small Business and Employment. I ask: Minister, will you take immediate action to address the concerns of 67 traders who have leased shops at the Dandenong Hub and who are desperate to deter antisocial behaviours and unwanted night-time break-ins, which are severely impacting their businesses? The Dandenong shopping precinct, and in particular the hub, needs a face lift and some tender loving care. I met with the chairman of the Dandenong Hub and the committee members recently and was shown the appalling state of the hub, with numerous shops closed and up for sale or lease. I was shown pictures of horrifying examples where security doors had been forced open, fires had been lit and there was damage from acts of trespassing, including hallways being used as toilets. Not only are traders frightened, frustrated and losing their businesses, but there is also the added safety issue, with people being reckless and property being damaged after being broken into. Traders say they do not feel safe to remain in the Dandenong Hub after business hours.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:37): (1397) My constituency question is for the Minister for Agriculture. A new strain of avian influenza has been detected at two Euroa poultry farms just this month. At one farm alone, all 76,000 chickens will be killed as a result. In 2024 the Department of Energy, Environment and Climate Action spent almost $8 million of taxpayer money on responding to avian influenza in Victoria, killing 1.3 million birds, only for it to resurface a few months later. Thirty thousand of these birds were suffocated to death by toxic foam, experiencing a horrifically slow and agonising death. Yet nothing is being done to address the problem where it starts.

It is factory farming, with its high density and extreme confinement of animals, that is responsible for zoonotic diseases like avian influenza, and ultimately the further spread of them. My constituents want to know what method will be used to kill the chickens on both northern Victorian farms with avian influenza outbreaks.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:38): (1398) My constituency question is in respect to the Minister for Health, and it concerns the closure of the colorectal and pelvic reconstruction service at the Royal Children's Hospital. In particular I would like to raise the case of young Tara. Tara had the benefit of the services at the Royal Children's Hospital, and her mother has shared her story with me. I will quote from Tara's mother. She talked of the unit and the service they have provided to Tara directly. She said:

> The doctors saved my daughter's life a couple of times.
>
> However, despite the main unfortunate events, the nursing and allied health team was our lifeline during this period, providing us with support that helped us grasp the medical details of the disease and guiding us through each step of our daughter's treatment.

Hirschsprung disease is a disease that affects many children in this state. The service provided at the Royal Children's Hospital is world class, and I ask the minister to step in and intervene to ensure that that unit continues and is fully funded to do its amazing work with our children.

The PRESIDENT: Mr McGowan, can I just check with you – and I am not undermining the issue – the hospital does not necessarily fall inside the electorate, but this is a constituent that has been assisted?

Nick McGowan: Both Tara and her mother are constituents of the electorate, yes.

The PRESIDENT: Thanks. I just wanted to get that on record.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:40): (1399) My constituency question today is for the Minister for Roads and Road Safety. My constituents ask: when will the Murray Valley Highway be repaired to a high standard? The Murray Valley Highway in my electorate of Northern Victoria has to be one of the most neglected highways in Victoria. From Mildura in the north-west to Corryong in the north-east, you would be hard-pressed to find a stretch of highway that is not in some way damaged and potentially dangerous. Yet another highway in my region filled with potholes, sinking road bases and waves pushed up by bitumen you could almost surf on, the condition of the Murray Valley Highway has been neglected by this city-centric government for far too long.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:40): (1400) My question is to the Minister for Environment. A local resident made enquiries about the domestic firewood collection in the Bendigo area that is due to start on 1 March. He has been advised that there will be no wood available to collect, as the staff responsible for firewood collection areas have work bans in place and part of the bans is no woodcutting. With skyrocketing electricity prices, many people in regional Victoria rely on wood heating to stay warm over winter. However, under the Allan Labor government, it appears the areas open for firewood collection get smaller and smaller each year. Last year the area felled for firewood collection in Bendigo was cleared out on the opening day. Can the minister please confirm that firewood will be available for collection in designated areas when the season opens on Saturday 1 March?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:41): (1401) My question today is to the Minister for Transport Infrastructure. Just recently a sinkhole opened up at one of the North East Link worksites, right on the old army barracks site. This part of Simpson army barracks was once full of

trees, lush habitat for the critically endangered matted flax lily and the Studley Park gum, as well as home to around 200 eastern grey kangaroos. Now it is a construction wasteland, bringing nothing but dust and destruction to nearby residents. But back to the sinkhole, I understand it is 18 metres deep and emerged close to the two 4000-tonne tunnel-boring machines, Zelda and Gillian. Thank goodness we have not seen reports of injured people or worse from this event. Minister, my constituents and particularly those who live near the project would appreciate an update. Could you please update us on the status of the sinkhole and any potential risks that it poses to nearby homes, workers and the community?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:42): (1402) My question is directed to the Minister for Planning. The Blackburn station shopping strip in my electorate has been central to the Blackburn community, supporting small businesses and being a place to connect. It is of a perfect scale in harmony with the area. The imposition of an activity centre at Blackburn without any consultation, allowing 20-storey developments, puts all that at risk. Under the activity centre model, the intention is that the entire strip will be demolished and replaced with towers. My constituents are deeply concerned that high-rise towers will displace small businesses, overwhelm the infrastructure of the area and further erode livability. It is so inappropriate it defies any logic. Minister, my constituents seek your guarantee that the Blackburn station shopping strip will not be destroyed and replaced with high-rise towers.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:43): (1403) My constituency question is for the Minister for Emergency Services. Constituents are highly frustrated that the new Emergency Services and Volunteers Fund will overwhelmingly be channelled to core state government services that should be funded directly through budget allocation. Labor's rebadged ESVF, with its flagged and marked increase, has my residents in Eastern Victoria highly concerned that, in addition to our wonderful and woefully underfunded CFA and SES, volunteer organisations such as coast guard, St John Ambulance and Surf Life Saving Victoria should be included. Recently I spoke with members of the Heyfield CFA, the Leongatha SES and Inverloch Surf Life Saving Club. Will the minister commit to ensuring that all emergency service volunteers receive the majority and their fair share of this fund and have a levy exemption for their homes, recognising their invaluable contribution to our community?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:44): (1404) My constituency question is to the Treasurer. Last week the City of Ballarat raised significant concerns about the new Emergency Services and Volunteers Fund, which replaces the fire services levy. Cr Tracey Hargreaves, the mayor of Ballarat, said:

> … the … fund is more than just a name change, and I, along with my fellow councillors, were extremely troubled to learn the new fund will cost ratepayers significantly more at a time when people can least afford it.
>
> …
>
> - Farmers will be slugged with a 122% increase …
> - Commercial ratepayers will be hit with a 75% increase
>
> …
>
> - Homeowners will see the … charge increase by 29%

Cr Hargreaves said:

> It is … difficult to understand how the state government can cap council rates yet indiscriminately increase the ESVF levy.

She also called for full transparency and said that the state government has not indicated how the collected revenue will be distributed. So my question is: will the Treasurer provide any relevant modelling of the ESVF's distribution to Ballarat City Council?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:45): (1405) My constituency question is for the Minister for Police regarding construction of the new Point Cook police station. Recently I corresponded with Mr Patil, a resident of Point Cook who expressed his concern that his wife was threatened with a knife at a Point Cook shopping centre while on her way to work. Can the minister please update my constituents on how the Allan government plans to address the increase in crime in Point Cook before the new police station opens in mid-2026? It is vital to ensure the safety of Point Cook residents. Recent crime stats indicate the significant rise in crime from 2023 to 2024. Aggravated burglaries rose by 33 per cent and theft from retail stores rose by 24 per cent. The people of Point Cook do not feel safe in their community under the Allan Labor government. With the new police station not set to open for another year and a half, residents need immediate action to address their safety concerns.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:46): (1406) My constituency question for the Minister for Health concerns the closure of the colorectal and pelvic reconstruction service at the Royal Children's Hospital. Minister, you have said the hospital have assured you that services are still being delivered. This is simply not true. You are being misled. Please investigate this further. Surgery may continue, but other services are gone. Nurses and allied healthcare staff are no longer available. I know this from parents directly and can provide you with multiple examples. In the case of psychology you could just check the website. It says, 'Please note appointments are currently not available.' Minister, it is also extraordinary that you told the ABC all further questions should be directed to the hospital's CEO. This is a statewide service and a statewide issue. The closure might save the RCH CEO money, but isolated treatment elsewhere will be poorer and will cost Victoria more overall. Minister, will you step in and intervene on behalf of my constituent Bridget in Warrnambool?

The PRESIDENT: Where was the hospital, Mrs McArthur?

Bev McARTHUR: The hospital is the Royal Children's Hospital. The constituent who has the concerns is Bridget in Warrnambool.

The PRESIDENT: This is a problem. I will let this one go through, but in the future I am not going to cop it. This one is going through, and I am not undermining the issue, but I am just saying that if we have a situation where the constituent has a problem because they attend a certain institution outside the actual electorate, it will never end. This will be sent to the minister this time. I am just letting people know in the future that it will be never ending, and it is against the intent of constituency questions when we negotiated and introduced them. It will go through – all good – and once again, I am not undermining the concern of that person.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:49): (1407) My question is for the Minister for Roads and Road Safety. When will the government properly repair the stretch of Midland Highway at the intersection with Dhurringile Road? Late last year I was driving on the eastbound lane of the Midland Highway towards Shepparton and passed a line of cars all pulled over on the side of the road with flat tyres because they had hit a dangerous series of potholes just after the Dhurringile Road intersection, which is the main turn-off to Tatura. This section of road is notoriously bad and yet it does not appear on the list of roads to be resurfaced in the Victorian road maintenance program 2024–25. Some of the potholes have since been patched, but the patches are already breaking up and the road surface needs to be repaired properly. Doing half a job on a road like this is not acceptable. If the Allan Labor government can spend billions of dollars on projects like the Suburban Rail Loop, it can afford to properly repair the regional road network.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:50): (1408) My constituency question today is for the Minister for Health, and it concerns the shocking developments in our health system not just in NSW but specifically at the Alfred Hospital in my electorate, where this antisemitic approach has appeared. I note that the health minister has made some statements about this, but this cannot be allowed to persist. What I am seeking from the health minister is a review across the Victorian public hospital system but specifically the hospitals in my electorate to ensure that the antisemitic focus that was uncovered at the Alfred is not replicated in any other hospital in Southern Metropolitan Region.

A member interjected.

David DAVIS: No, I am just talking about health services here, and I am talking about my region, which actually has the largest concentration of the Jewish community in the state. I am seeking that review to make sure that the antisemitic behaviour does not occur.

The PRESIDENT: The member's time has expired.

David Davis: President, I want to add to the point of order before. Mrs McArthur got up and raised a point and I think in this case legitimately. I understand the point that you were making about things outside the electorate, but the Royal Children's Hospital is a statewide provider. People seek specialist treatment there from all over Victoria. The conclusion would be, if you pushed the idea that only those in a particular place could raise that, only people in Northern Metro could raise something about the Royal Children's Hospital despite it being a statewide provider and treating people from Mrs McArthur's electorate, from my electorate and from your electorate. They are treated from all over the state, so I think it is within the spirit of a constituency question to raise a matter about a specific individual in your electorate who is treated at a statewide provider.

Lee Tarlamis: On the point of order, President, there are other mechanisms where they could address this, like through an adjournment matter.

The PRESIDENT: There are a number of provisions I would hope for members to represent their constituents. I will take into account what you are saying, Mr Davis, but my concern is that it could be endless with different facilities right through the state that may be unique in the service they supply. I will take into account what you are saying and consider it, but at this point, as I have said, there were two constituency questions of this nature which will be passed on to those ministers today. In the future I would like to think that members could take into consideration my concern about these institutions. Everything will be passed on today.

Sitting suspended 12:53 pm until 2:03 pm.

Bills

Justice Legislation Amendment (Committals) Bill 2024

Second reading

Debate resumed.

Michael GALEA (South-Eastern Metropolitan) (14:03): Acting President Broad, as I do rise to continue my remarks on the Justice Legislation Amendment (Committals) Bill 2024 may I also take this opportunity to congratulate you on your new role as Acting President. Prior to the question time break I was discussing in broad terms this government's investments into our justice system – including the new, already opened law courts in Bendigo, the Dandenong Children's Court and of course the new courts in Wyndham – as well as outlining the broad-based rationale for why these changes are before us today. I am sure members have been very anxiously anticipating the rest of my remarks, but I will continue in more detail as to some of the statistics that have gone into the rationale

for this case and why the Victorian Law Reform Commission indeed made several proposals to us, including that we enact changes along what has been proposed today.

It also will be valuable to quickly go through the background of the committal process. Committals emerged at a time when, because there were not independent police or prosecutors, it was necessary to have an independent third party look at the evidence and consider whether it had merit. This was designed to filter out the sort of private prosecutions that did not go through the careful decision-making that we typically expect today through DPP and other relevant agencies when they evaluate whether or not to proceed with a prosecution. The test applied by magistrates requires considering whether the evidence is of sufficient weight to support a conviction for an indictable offence. This is a relatively low bar, because the intention of course was to exclude only the weakest cases.

Currently the committal process looks a lot like a mini version of the trial. The prosecution lays out the case against the accused, parties are able to examine and cross-examine witnesses and the magistrate undertakes a lot of the same work that will then be completed in court if the matter does indeed proceed to trial. This duplication is naturally a cost for the justice system but also it is a cost for all the parties that have to go through the process. Indeed for witnesses and victims of the kinds of serious indictable crimes that go through the committal process, being repeatedly interrogated on the same issue, as I was outlining earlier, on the same material and about the same often traumatic experiences can be a retraumatising factor.

As I mentioned before, only around 1 to 2 per cent of all trials are found in the committal stage to have a different outcome than what was proposed at the outset. For the benefit of the chamber I think it is worthwhile to look at the last four years of data when it comes to cases dealt with in the Magistrates' Court system. Of the approximately 9935 cases held over the four years from 2021 to 2024 inclusive there were just 70 knockouts. In 2021, out of 2624 cases there were 241 charges withdrawn by prosecution and 18 charges discharged or struck out by the magistrate. In 2022, of all the committals initiated – there were 2422 of them – 196 were withdrawn by prosecution and 22 struck out by the magistrate. In 2023, out of the 2264 committals initiated, with 248 charges withdrawn by prosecution, just 17 charges were struck out by a magistrate. Last year, in 2024, out of the 2625 committals, 336 were withdrawn by the prosecution and just 13 were struck out by a magistrate. So the trends and the data points that were identified in that law reform commission report back in 2020 have been seen to have continued. There has not been a dramatic change to what they had observed in the four years following that. That does give us that extra valuable source of data to rest assured that the actions that we are taking based on those thorough and robust recommendations are indeed still supported by current evidence, which I think is an important point to note as well.

We know of course that one of the key reasons for this very low knockout rate is that we already do have an independent Office of Public Prosecutions, which carefully applies a series of criteria to determine whether charges should be laid. These criteria are set out in the director's policy, which is available online, and it includes considering the strength of evidence, whether there are reasonable prospects of securing a conviction and whether pursuing the charges is in the public interest. Even in a situation where a magistrate considers the bar for committing a matter to trial is not met, this can be overridden by the Director of Public Prosecutions, the DPP, who can directly indict a matter for trial in a higher court. This happened, by way of example, four times in the previous financial year, seven in the financial year before that, six in the year before that, five in the year before that and 10 in the year before that. So it does still account for the very important role that the Office of Public Prosecutions and Director of Public Prosecutions play and does not take away their right to still proceed.

This is a bill that is all about streamlining to make sure we have more efficient processes whilst minimising inefficiency and without compromising just outcomes for perpetrators, for accused and most importantly for victims. We have, as I have said, seen that evolution of the criminal justice system over time to a place where we do have a robust system, and the fact that we have such a low proportion of cases knocked out at the committal stage of a trial really does underscore that point. It really does show why having those robust institutions, such as the DPP and others, is so very, very important. As

a result, though, we do have this lingering inefficiency in a large number of cases, and that is what this bill today seeks to address.

As I said at the outset of my remarks, this is all about improving the efficiency and the outcomes from our justice system and reducing the burden on the judges, the hardworking court staff and others who work in the system. But as my colleague Mr Bourman said, it is also about reducing the workload on police. Another benefit, though not explicitly part of this bill, is one that will inevitably flow from the reduced workload that is on them, freeing them up to do the very important work they do in all of our communities. I know for my local police we have a new police station opening quite soon, just next year, in Clyde North, which will be a resource centre for them to support other police stations, as well as a new station being built to replace the existing one in Narre Warren. So just as we are investing in new courts for the court system, for all those reasons I outlined before the lunchbreak, we are also investing in our police. One of the secondary benefits, if you like, of this bill if enacted, is that it will also contribute to supporting our police by reducing the workload pressures on them so that they can focus on the core work that we all expect them to do, and that is undoubtedly a good thing.

I look forward to seeing this bill progress through committee stage and hopefully passing later today. With that, I commend the bill to the house.

Rachel PAYNE (South-Eastern Metropolitan) (14:12): Acting President Broad, I too would like to congratulate you on your appointment to the Acting President role. I rise to speak on the Justice Legislation Amendment (Committals) Bill 2024 on behalf of Legalise Cannabis Victoria. This bill makes several important changes. These include abolishing the committal test, streamlining committal processes and allowing for the use of audiovisual links to conduct committal hearings. While I understand that some stakeholders oppose these changes, on balance this bill will go some of the way to improving efficiencies in the court system and bring us in line with several other jurisdictions in Australia. In my contribution today I would like to focus specifically on the changes this bill makes to strengthen protections for victims and witnesses at the committal stage.

This bill prohibits cross-examination at the committal stage of any witnesses in sexual offence cases, family violence cases and stalking cases. It also amends the test for granting leave to cross-examine witnesses in all other cases and extends special hearings to certain complainants in family violence cases. When thinking about the importance of these changes I would like to reflect on the stories of victim-survivors and their often incredibly difficult journey to accessing justice through our court system. Some of these stories were told in a recent article written by Melissa Cunningham and published in the *Age*. This powerful piece shared the author's firsthand experience of attending the Specialist Family Violence Court. They wrote of the many different people who interacted with the court and the important measures in place to reduce the need for victim-survivors to be in extended, unpredictable and direct proximity to their alleged abusers. One of these people described in the article was a mother desperately trying to protect her teenage daughter from an abusive partner. Another was a woman who attended the court via video link seeking to extend an existing family violence intervention order. She was so frightened that she had sought special permission to remain off camera. That fear was very real, and the article describes how her estranged husband entered the courtroom demanding to speak to her and yelling at the video link.

During what is clearly a deeply traumatising experience, specialist courts ensure that victim-survivors like these are kept as far from alleged perpetrators as possible and ensure that safety is paramount. These specialist courts are so vital. Even simple measures like a privacy screen for people giving evidence, so that they have the option not to see their abuser while doing so, make a huge difference. Perpetrators will harass and intimidate the victims, at times weaponising the legal system to do so.

For the victims, giving evidence and being cross-examined are some of the most intimidating parts of bringing their case before the court. The existing system allows most complainants and witnesses to be cross-examined multiple times. Every time they are put under the microscope they are questioned about every aspect of their deeply traumatic experience and brought back into contact with their

alleged perpetrator, and often it is in the back of their mind the very real prospect that they will lose their case and this will all have been for nothing. This is why the proposal in this bill to prohibit cross-examination before trial to include all complainants in sexual offence, family violence and stalking proceedings is so important. There will still be the opportunity to cross-examine these witnesses in the trial court before appropriate cases. This change simply goes some of the way to reducing the burden on victim-survivors, recognising the unique challenges faced when giving evidence in these cases.

When you hear story after story of sexual assault victims being asked during cross-examination about the colour and the cut of their underwear, you are left appalled and asking yourself how these practices have been allowed to continue. Aside from changes to reduce the quantity of cross-examinations in these cases there needs to be better education and ongoing professional development for all members of the court on how to treat victim-survivors and dispel deeply harmful rape myths. The question 'What were you wearing?' must end. Without broader changes victim-survivors will suffer in silence, understandably unwilling to face a court system that is still grappling with how to unlearn victim blaming of survivors of sexual assault and family violence.

The Victorian Law Reform Commission's report *Improving the Response of the Justice System to Sexual Offences* made these shortcomings glaringly clear. The laws as they are, at the time were not written to protect victim-survivors. It found that criminal trials should be less traumatic for victim-survivors and that there was a need for better directions for judges about rape myths. It acknowledged that victim-survivors can feel alone and made recommendations to ensure they are supported every step of the way.

Thankfully, the Victorian government has put in the work to overhaul the justice system's response to sexual offences. Things are changing, and I await the further reforms this government intends to make in the family violence and stalking space later this year. There is still more work to be done, but this bill goes some of the way to improving victim-survivors' experiences with accessing justice. Legalise Cannabis Victoria will be supporting this bill.

Tom McINTOSH (Eastern Victoria) (14:17): Acting President Broad, I would also like to congratulate you on taking the role. I stand to support the Justice Legislation Amendment (Committals) Bill 2024. It was introduced in the Legislative Assembly at the end of October 2024, of course when our colleague here Minister Symes was the minister, and now continues on with Minister Kilkenny. I want to follow on from some comments that some of my colleagues have made as I go through my contribution, but I think it is important to recognise that this is a very good, commonsense approach to ensure that people engaging with the system are getting better outcomes and getting a better experience, and that we are getting better results that are more cost effective. The committals process was developed before we had independent police and prosecutors and is designed to filter out matters that should not be pursued to trial. However, in practice the process as is is duplicative, lengthy and resource intensive and can expose victims and witnesses to an unnecessary level of retraumatisation, and of course none of us want that occurring.

A 2020 Victorian Law Reform Commission (VLRC) report found that the rate of discharge – that is, the proportion of matters where any of the charges are knocked out at the committal stage – is very low, and we are talking somewhere between 1 and 2 per cent, so it is minute. Additionally, the report identified a range of duplications in the current approach and recommended further reform to reduce delays. It will yield financial and process efficiencies and improve victim and witness experience. I think we want to ensure that victims, as I said before, are not experiencing any further trauma than what they already have or what is absolutely necessary.

Significant funding and resources are needed to implement the recommendations made by the VLRC. This bill focuses on the forms that will streamline the process by maximising the use of existing resources. Specifically, it will abolish the test for committal, require committal case conferences in most matters to ensure appropriate disclosure, enable the accused to know the case against them, support narrowing and early resolution of issues and promote trial readiness. It will ensure the

accused's right to a fair trial by clarifying the need to disclose material that undermines the prosecution case or supports the defence case; reduce duplicative cross-examination by strengthening the test; prohibit cross-examination of witnesses and victims in sexual offences, family violence and stalking matters at the committal stage; allow children and people with cognitive impairment to give prerecorded evidence; fast-track the most serious matters to the Supreme Court for management and faster resolution; enable the appropriate use of audiovisual appearances for persons in custody; and allow certain officers and investigators to witness statements.

The bill is about making careful changes to modernise Victoria's committal process, and these changes will preserve the important benefits that the committal process provides while minimising the duplication of processes which will occur in the trial court as well. Reducing the duplication, as I touched on before, is going to reduce costs for parties and the justice system, which is a good outcome for everybody engaged in the process, and it will speed up the resolution of matters. We know that when we can get these dealt with in a more timely manner everyone benefits, and it will protect victims and witnesses from the trauma of repeated cross-examination. As Mr Galea touched on earlier, at the time when committals emerged there were not independent police or prosecutors. It was necessary to have an independent third party look at the evidence and consider whether it had merit. This was designed to filter out private prosecutions that did not go through the careful decision-making that occurs today before deciding whether to proceed with a prosecution.

The bill makes a series of considered adjustments to update committals in Victoria. For the modern context, it will ensure that the benefits are retained whilst unnecessary duplication is reduced, victims and witnesses are protected, and the right of all accused persons to a fair trial is maintained. With the evolution of our criminal justice system over time, the key benefits of committals are an opportunity for issues in dispute to be narrowed and for matters to be resolved where possible, and to ensure that appropriate disclosures of evidence are made so the accused knows the case against them. But it does not make sense for all indictable criminal matters to require duplicate costs and time, repeatedly retraumatising victims and witnesses through a process that sees only between 1 and 2 per cent of matters disallowed. We are doubling down on the benefits by removing the duplicative committals test in the Magistrates' Court but requiring committal case conferences, except where it would not be in the interests of justice. This is an opportunity for parties to take advantage of the magistrate's expertise. They can ensure that all appropriate disclosures have been made and the accused understands the case against them; that issues in dispute are narrowed to those that genuinely need to be litigated in the trial court; that issues capable of early resolution – for example, by guilty plea or discontinuation of prosecution – are finalised where appropriate; and that parties are ready and prepared for trial.

We will codify disclosure requirements clarifying that the prosecution is required to disclose materials that undermine their own case or support the defence case. This is an important change that will promote the right of accused persons to understand the case against them. We will also be reducing duplicate cross-examination by strengthening the test for allowing cross-examination at committal, limiting it to matters that are directly and substantially relevant to an issue that is capable of early resolution and that is in the interests of justice.

We will go further to protect witnesses and victims in sexual offence, family violence and stalking matters by shielding them from potentially being repeatedly cross-examined on the same matters. For witnesses and victims that are children or have cognitive impairments, we will also be giving them the option of prerecorded evidence. This is less intimidating and stressful, and the by-product of the environment that our witnesses are in will see a higher quality of evidence that is to be considered. We will also be expanding a successful fast-track pilot for the most serious criminal matters to be committed as early as possible to the Supreme Court. This will mean that justice is served faster and the parties will have the benefit of the Supreme Court's specialist expertise in managing these complex matters, ensuring that matters progress more smoothly. We will also be making some commonsense

changes to support the appropriate use of audiovisual appearances for persons in custody and to ensure that certain officers and investigators are able to witness statements when carrying out their duties.

Prohibiting cross-examination at committal for sexual offence, family violence and stalking matters will reduce retraumatisation of victims and witnesses. Currently most victims and witnesses in indictable proceedings can be cross-examined multiple times on the same evidence, first at the committal hearing, then in a higher court during trial and sometimes before trial. We know that cross-examination is one of the most challenging parts of the criminal trial process and the experience of being repeatedly cross-examined can be significantly retraumatising. We know it is already very challenging for victims of sexual offences, family violence and stalking to come forward, and the prospect of having to repeatedly tell and defend their story and experience can further deter them from engaging with the criminal justice system. That is why we are protecting victims and witnesses in sexual offence, family violence and stalking matters from cross-examination at the committal stage of the process. Instead, their evidence will be given and tested at trial, as is appropriate. This approach is not novel. Children and those with a cognitive impairment are already shielded from giving evidence twice in sexual offence matters. We are simply expanding this protection to cover all sexual offence, family violence and stalking matters. To ensure a fair trial, the defence will still be able to make an application for limited pre-trial cross-examination in the trial court of witnesses other than the complainant.

We will also be strengthening the test for cross-examination more generally at committal to reduce duplication between the Magistrates' Court and the trial court. Currently cross-examination is permitted if the accused identifies a relevant issue and cross-examination on that issue is justified. The bill will narrow the allowed topics of cross-examination to matters directly and substantially relevant to an issue and where there are substantial reasons why, in the interests of justice, the witness should be cross-examined on that. This will ensure that cross-examination at committal only occurs where it serves the interests of justice and directly goes to supporting disclosure, ensuring a fair trial or resolving issues in dispute. Limiting cross-examination will reduce the time taken up in the committal process, reduce unnecessary questions on peripheral issues and help minimise stress and trauma for victims and witnesses in all cases.

We currently have a scheme in place to support sexual offence complainants by allowing them to give prerecorded video evidence. This has worked well, and we are now looking to extend this option to victims and witnesses in family violence matters who are children or who have cognitive impairments. A special hearing has a number of benefits, including that prerecorded evidence can be used in a subsequent trial following an appeal or mistrial. The environment of a special hearing is less intimidating and stressful for the complainant and can be conducted less formally, which benefits the complainant and generally results in better quality evidence, and a special hearing recording can be edited, in case the complainant gives evidence that cannot be put before the jury, to avoid a mistrial.

The current committals test is whether the evidence is of sufficient weight to support a conviction for an indictable offence. Magistrates are required to make this assessment before committing an accused to a higher court for a trial or plea. The purpose of the committal test is to act as a filter and for the magistrate to provide independent scrutiny of an indictable prosecution. However, significant time is spent and costs incurred. Prosecution witnesses can be cross-examined, and the accused can call their own witnesses and make submissions as to the strength of the evidence. A lot of these processes duplicate proceedings that will then be repeated in the trial court. Additionally, the Director of Public Prosecutions is able to directly indict an accused for trial even if a magistrate discharges the case at committal.

Abolishing the test and refocusing the Magistrates' Court on case management – unless contrary to the interests of justice – to expand the role will enable magistrates to work with parties to achieve a number of things. It will ensure appropriate disclosures have been made. Disclosure is a key part of the legal process, and the conference is an opportunity to raise and resolve disclosure issues, ensuring that the accused understands the case against them. It will narrow issues in dispute; the expertise of a

magistrate can assist parties to understand the matters that need to be litigated at trial. It will support appropriate early resolution. The conference process can reveal weaknesses in both prosecution and defence cases, particularly with the benefit of the magistrate's experience, and it can help identify issues that can be resolved, including through guilty pleas or by discontinuing prosecution. It can also promote trial readiness; magistrates can support parties, ensuring they are as ready and prepared for trial as they can be.

As I have touched on throughout my contribution, this bill is going to see careful changes that will modernise Victoria's committal processes. They are going to preserve the important benefits that the committal process provides while minimising the duplication which will occur in the trial court. The fact that we are able to look to reduce costs for parties and the justice system and speed up resolution of matters is why I stand here and commend the bill to the house.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:33): I rise today to summarise the bill, but before I do that I want to take the opportunity to thank everyone who has contributed to what have really been quite considered and thoughtful contributions from all sides in relation to this important matter of the way the justice system and the criminal justice system operate.

The Justice Legislation Amendment (Committals) Bill 2024 will streamline Victoria's committal proceedings to minimise trauma for victims and witnesses and improve criminal justice efficiencies by reducing duplicative court procedures. The bill will amend the Criminal Procedure Act 2009 to (a) abolish the test for committal for indictable cases and strengthen case management in the Magistrates' Court, preserving the core functions of the committal proceedings; (b) allow for early committal in cases before the Supreme Court; and (c) strengthen the protections for victims and witnesses at the committal stage by prohibiting cross-examination of any witness in sexual offence, family violence and stalking cases, amending the test for granting leave to cross-examine witnesses in all other cases and extending special hearings to certain complainants in family violence cases.

Currently the committals process looks a lot like a mini version of the trial. The prosecution lays out the case against the accused, parties are able to examine and cross-examine witnesses and the magistrate undertakes a lot of the same work that will be completed in court if the matter proceeds to trial, where most of these matters do end up, I might add. This duplication is obviously a cost for the justice system but also for parties that have to go through the process. For witnesses and victims of the kinds of serious indictable crimes that go through the committal process, being repeatedly interrogated on the same material, often about terrible experiences, can be significantly retraumatising.

I did listen to the contribution of the shadow minister on this bill and particularly the remarks regarding the amendments put before the house. I wish to state that the government will be opposing those amendments. I will just say a few words and share some of the reasons why we will be opposing them in relation to the discharge test. Careful consideration has been given to replacing the committal test with a discharge test, essentially moving the bar on the assessment the Magistrates' Court would have to take from 'sufficient weight to support a conviction' to 'reasonable prospect of conviction'. This would make it easier to meet the test, meaning even fewer matters would fail to meet the discharge test than the current committal test. In theory the discharge test would only be engaged where the accused person applied for it; however, stakeholders and the Victorian Law Reform Commission themselves know that in the absence of a cultural shift, which really cannot be legislated for, it is likely that the application would be made as a matter of course, which means that basically the discharge test would just be rebranded 'committal test', with magistrates needing to hear and analyse evidence. This would erode the efficiency benefits of these reforms in terms of reducing duplication in order to retain a test that would knock out even fewer matters than the committal test we are removing.

Basically the government has weighed up the marginal benefit of adding a discharge test against the likelihood that it would minimise the benefit of these reforms overall and decided not to include it. In effect it would affect a very small number of cases, and that would affect the efficiency of these

reforms. But also, looking at the process more broadly, the proposed discharge test would be harder to clear than the no-case submission, which can be made at trial, and it would overlap with the DPP's criteria for commencing proceedings. The DPP reserves the right to go straight to trial as well in these matters.

The shadow minister Mr Mulholland has also outlined, I might add, that in New South Wales similar reforms were implemented and in the end we have seen they have not had a dramatic effect because there are safeguards in place. We obviously keep similar safeguards in place as a general process that we are proposing, and that has been acknowledged. The government will closely monitor the effectiveness of these changes and consider further reforms as needed. On that point, I commend the bill to the house.

Council divided on amendment:

Ayes (14): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:44)

Evan MULHOLLAND: I referred to this in my second-reading speech, and I know that the minister was watching. Minister, can you guarantee there will not be less-worthy cases going to trial after these changes – or any increase in unworthy cases?

Enver ERDOGAN: I thank Mr Mulholland for his question and his interest in this matter today. I did listen to your contribution earlier, and I thank you for your support for the bill overall. I think that it is important on issues such as this that we do have bipartisan support for matters that affect the justice system and in particular people's right to fair hearings.

In relation to the specifics of your question about the worthiness of cases going forward, I do understand that these are matters that are important. It is about efficiency, because that is the heart of this bill, really. It is about making sure that the committal stage can focus more on case management so that we can prepare people and so that at the other end workloads are not necessarily increased at trial as a result. What I will say is that it is important to note that it is highly unlikely because the numbers are so small. At the moment we are talking about a handful. I did ask this question of the minister's office, and I can say that last year, for example, there were over 2600 cases, of which only 13 had all charges discharged or struck out at the magistrate stage. So you can understand we are talking very small numbers; it is 1 per cent of cases that would be potentially affected. But we do have strong safeguards at the moment already with the Office of Public Prosecutions. It does have a rigorous process for ensuring prosecutions are viable, and that is part of the reason why there is such a high success rate in matters moving from committal stage to trial stage.

I think it is very unlikely that less-worthy cases will go to trial, very highly unlikely, and it is important to note the vast majority of matters are committed to be heard because the Office of Public

Prosecutions does that work in the lead-up. They will not be charging unless they believe they have a reasonable prospect of securing a conviction. We are talking about 1 per cent of matters. That is not just me saying that; that is what the Victorian Law Reform Commission said. In short, the answer is: it is highly unlikely to occur. In New South Wales, where they have had reforms – not the same, their criminal justice system is a bit different – we have not seen a big uptick or an increase in unworthy cases going up to trial unnecessarily.

Evan MULHOLLAND: Given your supportive comments on the work of the Victorian Law Reform Commission, why didn't the government adopt that the VLRC recommendation to give the Magistrates' Court a type of reserve power to kill off cases that have no prospect of success?

Enver ERDOGAN: That is very good question. I remember when I was reviewing this legislation it was a question that I had in my mind, but basically we weighed up the marginal benefit of adding a discharge test. There is always an argument in that regard, and I know that was something that the VLRC was pushing for, but we were also concerned that it would minimise the potential benefits of these reforms in terms of efficiencies. Currently the way it works is with the committal test. We believe that the discharge test would effectively replace that test and magistrates would spend a lot of their time effectively duplicating and having mini trials and that outweighed the potential benefit that this discharge test would bring. So obviously it was a balancing act, but we have decided overall not to include it because that would minimise the potential benefits of these reforms to streamline so we are not duplicating the same processes.

Clause agreed to; clauses 2 to 63 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:50): 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) (14:50): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (14:53): I am pleased to rise and make a contribution on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, and in doing so I want to thank my colleague the Shadow Minister for Consumer Affairs Tim McCurdy, the Shadow Minister for Planning Richard Riordan and the Shadow Attorney-General Michael O'Brien.

This is a bill that covers a number of portfolio areas, including areas that I have an interest in and have carriage of in this chamber. But as I say, the bill clearly crosses a number of portfolios.

The Victorian government's so-called housing statement tried to outline various changes, including to the rental market, and as a result of the announcement the government passed the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024 and implemented changes in dispute resolution backlogs at VCAT. It also brought forward this piece of legislation, the Consumer Planning Legislation Amendment (Housing Statement Reform) Bill, delivering, it says, on a number of the proposed changes. It is an omnibus bill, as I have said, covering a wide variety of areas. Part of it repeals the 'no reason to vacate' clause for the end of the first term or a fixed term of residential leases and bans all types of rental bidding, including the solicitation of rental bids as well as accepting any without soliciting them. The bill also applies prescribed forms for rental applications and contracts, preventing renters from being asked to hand over unrelated or irrelevant data and personal information as well as adding stronger protections around the retention and deletion of data from unsuccessful applicants. There is the introduction of mandatory continuing professional development and training for real estate agents, conveyancers, agents' representatives, owners corporation managers and others. These changes place an onus on individuals to complete the required training, with some elements of the rules around mandatory training to be completed in regulations after the passage of the bill. I would make a comment here that it is important that the government does not over-regulate these areas and lay out burdens or barriers that are too high, because there will be less people entering these fields if they do that. We know the importance of ensuring what an economist would call occupational closure. We know the importance of ensuring that there is reasonable contestability in these sorts of fields, while seeking to balance the need to have proper consumer protections as well.

The bill implements some tighter penalties for those who underquote – which is generally supported – as well as requiring renters to be provided with a free method for paying rent, due to an increase in rent collection and background checks charging money as a management fee of sorts. There are additional requirements being implemented regarding rental properties meeting minimum standards, with the change meaning that any rental properties advertised as such must meet the standards at the point they are first advertised. Further changes in the bill are an extension of certain notice-to-vacate times to 90 days from 60, as well as in the case of all rental increases, and changes to tidy up loose ends around the powers and operation of Rental Dispute Resolution Victoria, including providing VCAT power to deliver alternative dispute resolution in that context. Changes to VCAT and planning laws claim to speed up changes but deliver a number of problems, and I will have more to say about that in a moment.

We do face a housing crisis and we are very aware of the need to do everything that is possible to bring forward housing for people, both owner-occupied housing and rental housing, and to have the widest possible options. The government, though, appears set on placing more and more burdens on landlords – 'rental providers' is probably the modern term. Rental providers have to make a return on their properties, and it is important that we understand that. It is interesting that the largest group of people who own a rental property are teachers, making up 10 per cent of rental providers who own at least one such property. This is followed by registered nurses, in fourth position, with 9 per cent of the total. These two occupations are very well figured there. They are not excessively wealthy people, but they are people often making provision for their retirement. There is obviously a need to ensure that people come into the rental market and that they are not squeezed out by the government's changes. We have seen layer upon layer of changes. I know that real estate agents in my area and people I have spoken to who do own rental property – those rental providers; they are everyday citizens – point to the growing burden that the government is placing on rental providers. We did not oppose the RDRV when it first came to the Parliament. There is a risk with the VCAT matters that delays will become a problem and the speed of the decision-making will not be what it should be.

There are a number of changes to the Residential Tenancies Act 1997, which we have referred to. There are amendments I have also pointed to of the Estate Agents Act 1980. These are primarily

centred on the real estate sector – the need for continuing professional development as well as accountability. The steps of registration as an agent's representative are outlined in clause 70 of the bill, including the application process and eligibility requirements. They are pretty stiff penalties, at 500 penalty units. There are the range of traditional provisions in there as well.

There are amendments to the Owners Corporation Act 2006, with increased training and accountability in the owners corporation and strata management sectors. These are very important sectors, they are growing sectors and they are sectors that need proper regulation, but we also need to make sure that regulation is not so sharp and not so heavy and burdensome that it kills the goose, as it were, that is laying a golden egg in this respect. That is not to say that there is not a need for reform, because there obviously is in this area. In order for an individual to be registered they must first undertake new mandatory training and meet the eligibility requirements for registration as well as undertake continuing professional development. This also extends to those who are applying to register as managers of an owners corporation, such as an individual appointed by a corporate manager to manage a specific owners corp. These are important changes, and I think there is a lot more work to be done in this area to ensure that high standards are achieved but at a low regulatory impact. There are amendments to the Conveyancers Act 2006 too. These are small and once again focused on requirements for continuing professional development, and they also include a number of transitional provisions.

There are significant changes to the Planning and Environment Act 1987, and these are claimed to be designed to speed up development by giving more power to the minister to call in projects and to sideline or ignore community concerns. This is the format with this minister; she has repeatedly sought more and more and more power. This is an overweening minister; it is a minister who is determined to thump and pressure and override councils as a first and early measure; it is also a minister who has been prepared to override communities and not listen to communities, and this has become an increasing trend with this government. We have seen the government first announce the 10 large zones. I have three of them in my area, one in Boroondara; one that crosses Stonnington – I am going to use these as an example because I am most familiar with them – Monash and Glen Eira; and one in the south of my electorate of Southern Metropolitan that actually takes in some of Kingston, Bayside and Glen Eira. These are very large zones where the government intends to pack in tens of thousands of people – massive increases in people and dwellings, and dwelling targets foisted upon councils and done so without proper thought or proper consultation.

I will just pick a couple of examples. I could go on with this, but I think it is important for the chamber to understand what the government is actually proposing and what is driving some of these changes here. In the City of Boroondara there are currently 70,000 dwellings. That is 70,000 dwellings that have been built there or that now stand there after 190 years of European settlement. The state government said that in two to three decades it wants to add 67,000. It wants to fundamentally replicate the number of dwellings in the City of Boroondara – the final figure after 190 years of European settlement – and it wants to do that in 25 or 30 years. I think this is absurd. It will not happen, but a lot of damage can be done along the way. In the case of these large zones that the government is putting in place, the government has taken a central hub and added a so-called walkable catchment zone. It is an Orwellian phrase, but leaving that aside, there is this catchment zone. There is a dense node in the centre and then a part stretching out from there.

The dense node is to have 10, 12 or maybe more storeys in height, and the walkable catchment zone – the so-called catchment zone – is to have three to six storeys as of right. This will fundamentally destroy many of our established suburbs. They will be completely and utterly turned over and changed in a relatively small number of years if these permits are granted, and some of them are intended to be as-of-right permits. The same applies to the so-called Chadstone one. But it is not really Chadstone; it is a huge swathe of Stonnington, way out down the Monash and then into Glen Eira. It is also connected with the Hughesdale, Carnegie, Murrumbeena and ultimately Oakleigh stations, which are

also the other type of zone, this sort of station-based zone, the government has said. Up to 20 storeys in those areas – up to 20 storeys as of right. I mean, this is absolutely bizarre.

I have held forums, and there was one the other night, I should say, in the City of Boroondara, run by the council there. The government officials were there – and I am not going to name them because I have no particular truck with the individual officials – but they were deeply unconvincing. The audience, maybe 250 people in the Hawthorn town hall, were deeply unconvinced. They could see that the shape of their suburb, the quality of their suburb and the livability of the suburb – the treescape, the streetscape, the canopy trees – are all at risk, all to be torn asunder by the government's proposals, which are all to be imposed from outside, with dense, dense, dense development proposed in the centre of that node and then going out 800 metres in each direction.

Michael Galea interjected.

Renee Heath: On a point of order, Acting President, Mr Galea seems to be interjecting while not in his seat, which is outside of the standing orders.

The ACTING PRESIDENT (Jeff Bourman): I am actually going to uphold the point of order; you may find that difficult to believe. Mr Galea, if you are going to interject, you know the rules: from your spot.

David DAVIS: I am trying to describe the nature of the government's changes. There are the 10 large zones, and some of them, I might add, are not even near railway stations. If you think of Niddrie, the proposed new large zone in Niddrie, with a central core of 10 to 12 storeys and a so-called catchment zone around it, this area has a single major tram route but it does not have a train station and it has higgledy-piggledy buses. It is not up to holding tens of thousands of people, as the government appears to be intent on foisting on that area. I am picking these examples. I have been to some of the meetings in these areas. I have heard what people have said. I have heard what the councils have said. The government officials at the most recent Boroondara meeting were deeply unconvincing.

I know the petitions that we are tabling in this chamber are very focused on protecting these areas. On issues like heritage, the government were not able to give good answers at the meeting in Boroondara the other night. They were not able to give good answers about heritage. I listened closely to what the bureaucrats said, and all they would concede is that heritage would be considered – that is all they would say. They would say it would be considered. Actually, we know the planning authority, the Victorian Planning Authority, is undertaking work, and they have been actively modelling a 50 per cent loss of heritage in some of these catchment zones – a 50 per cent loss of heritage. Think of some of the great streets in some of our suburbs; these will be lost. I held a forum at Hawksburn and had about 50 or 60 people at the forum. It was very well attended on a Sunday afternoon just a few weeks ago. I cannot help but think that the very strong vote that our party had in the Hawksburn area for Rachel Westaway was in no small measure due to the rejection of the government's density proposals for that area. If people know Hawksburn –

Enver Erdogan: It was a small swing.

David DAVIS: It was quite a good swing I thought, 13 per cent.

Members interjecting.

David DAVIS: Tony Lupton, to pick up the interjection, is a person of great integrity. I have known him a long time, since 2002, when he first came into this place. I am actually paying tribute to his integrity and to his commitment and to his understanding of the need to put the Greens last. I would suggest that Labor adopt his approach in a broader sweep. He understood that from many of the Greens – and I do not say all but many – there is a fundamentally antisemitic tone. That is true.

A member interjected.

David DAVIS: The Advance group, again picking up the interjection, are very active in that campaign and making the point about putting the Greens last. So I say good on Mr Lupton. I read his article in the *Australian* the other day. In fact I posted it on my LinkedIn because I thought he made a number of good points, and I say that he is a man of integrity. I spoke to his wife Julie Szego during the process while I was on the booths – again a person of real sincerity and integrity. I make the point that it was a tough battle. We cannot underestimate that task, but the Labor government is not protecting our local areas. They are actually determined to foist and force large densities on local areas and to do that without proper consultation or support. There is not that support, I know. I have spoken to many of the community groups that are very active with this. I have also tabled, as I say, the petitions in Parliament. I have held forums and I have attended forums held by others over the recent months since late last year when everyone across the metropolitan area was awoken by the state Premier announcing these large, dense intensification zones where the planning minister will have the power to override communities and override local councils and to do as she wants. She will have all-encompassing power under these proposals, and they are simply outrageous. They are draconian, they are authoritarian and they are un-Victorian.

Victoria and Melbourne have always had principles about planning that have involved the right to object, the right to go to court, the right to go to VCAT – in this case to have your say, to put your point to councils and to do that in a thoughtful and principled way that looks to the future of your suburb and your community. This is about communities, and the state government is determined to override those basic points.

I want to just distribute, if I can, the proposed amendments. There are a number of these. I will not talk at full length to these because I am conscious of the time and I am also conscious that the Government Whip and so forth have indicated that they will not move to the committee stage today, so these can be circulated. People will have time to look at them, and I indicate that I will run a briefing for the crossbench probably next week or early in the week after to run through these in some detail.

Amendments circulated pursuant to standing orders.

David DAVIS: I am open to feedback from the crossbench on a number of these as well. I am looking for a more fulsome discussion with them on these points in particular. This goes into the far-eastern suburbs too – Mr Welch is very aware of what is proposed at Ringwood and the density that is proposed there – sweeping down the rail line into the neighbouring municipality, out of the City of Maroondah and into the City of Whitehorse, with long tongues running up the traffic and rail arteries. There are the so-called 800-metre catchment zones. 'Catchment zones' is this phrase. These 800-metre catchment zones are tacked on the end and up and down, and suddenly you have got –

Michael Galea: On a point of order, Acting President, my understanding from many pronouncements in this chamber is that Mr McGowan is the member for Ringwood. I am happy to be corrected by Mr Davis if that is no longer the case.

The ACTING PRESIDENT (Jeff Bourman): Mr Galea, that is not a point of order.

David DAVIS: Further to the point of order, Acting President –

The ACTING PRESIDENT (Jeff Bourman): No, there is no point of order to be further to, Mr Davis.

David DAVIS: This is precisely my point, Mr Galea. These huge and dense catchment zones that are being imposed do not stop at one electorate. They sweep right across electorates. There was a forum I held with Michael O'Brien. A huge swathe of Malvern is gone on these proposals, and then they run down in a huge sweep into Oakleigh. So this is exactly the point: they sweep far and wide beyond us, and they join up in some cases across large swathes of metropolitan Melbourne. These changes will forever, forever destroy the Melbourne that we know. They will destroy the Melbourne that we know, and I say we have got to fight very hard on these.

I had some planning experts look at a number of these points here. In the amendments that I have circulated there are obviously points that relate to rental arrangements and the rental providers and the balance to be struck there. There are also other matters that deal with the need for a review. There are also matters that deal with the planning matters, and we will have more to say about that as time goes on. I am conscious I have only got a few minutes left, but I want to draw the chamber's attention to the work that Emeritus Professor Michael Buxton and some of his people have done.

Michael Galea interjected.

David DAVIS: I have asked a group of planning experts to give me some formal planning advice. I am not sure why people would not be interested in the advice of a panel of planning experts about this bill and about the impacts of this bill. The minister has justified some of the amendments in terms of reference to the red tape commissioner's recommendations. I am going to read some of this because I think it is important. The bill, the minister stated, is intended to improve and strengthen the planning system by implementing the red tape commissioner's recommendations. The statement is misleading; that is what the planning experts say. The Better Regulation report included an extensive series of recommendations. Only two recommendations in the commissioner's report bear a specific relation to any of the legislative clauses in the bill, so I just want to knock on the head this idea that somehow or other this bill is implementing the red tape commissioner's recommendations. This statement is misleading, is what the planning experts say. Only two recommendations bear a specific relation to any of the legislative clauses in the bill. The report's recommendations were primarily directed at improving planning processes. The recommendations did not involve major changes to the Planning and Environment Act 1987 or to the land use planning. The report's discussion of stakeholder feedback included wideranging comments of recommendations, and I am not going to read all of that. But I think it is important to note the proposed legislative clauses that are involved here. New sections 16A to 16E – 'Request for municipal council to prepare amendment' – allow proponents to apply for an amendment and a process for councils to accept or refuse. The advice I received was:

> In current form unexceptional – except for potential to expand proponent initiation to override councils to minister

New sections 16F and 16G(2) enable a low-impact amendment for the purposes of section 16N(1)(a) and include references to the 'SRL Minister for SRL-related amendments'. The comment relates to low-impact amendments, referring to a comment below on section 16N(1)(a). On new section 16N, 'Low-impact amendments', these are included in a class, or the minister may determine that the use or development is low impact. The minister may prepare amendments which are nominated as low impact. The class is yet to be finalised. And this is where it is a bit like buying a pig in a poke, to use the old expression. It may be added at any time without oversight, and the provision gives unlimited power to the minister to decide what is low impact. What is low impact? Well, I would not trust Sonya Kilkenny with these definitions if you paid me. I would not trust her after what she has done down at Frankston at the foreshore. After what she has done with these announcements to override councils and communities, I would not trust her to define 'low impact' and then initiate and approve the amendment. The advice goes on:

> **New 23A:** After a decision is made on a low impact amendment, a planning authority may prepare, not proceed with an amendment or abandon it.

The comment states, 'Consequential to the above,' and there are two of them. The advice then states:

> **New 28(1) Abandoning amendments:** a planning authority (council) must notify the minister of reasons for abandoning an amendment …

I do not have a big objection to that, and nor did the planning experts.

> **New sections 28A to 28D:** If a planning authority abandons an amendment, the Minister may become the planning authority and continue the amendment process and decide whether or not to refer the amendment to a panel

So the minister just rides into the sunset over the hill and does whatever she wants. But she is not the goodie in that movie; she is the baddie. She is the one who is doing the wrong thing. She is the one who is wrong.

At present if a council abandons an amendment, it lapses. The minister may take it up as a separate process, but the new provisions do not require a new process. The sections are a major expansion on the red tape commissioner's recommendation.

I have got to tell you, the fiercest opposition has come from areas around Hughesdale, Carnegie and Murrumbeena. When we held the forum – *(Time expired)*

Jacinta ERMACORA (Western Victoria) (15:23): I am pleased to be speaking in support of this bill today, the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. More Victorians than ever are renting and renting for longer. We are getting on with the important work of building more homes, but we are also doing the work to make sure that tenants have a fair go. Protecting renters' rights was one of the six commitments made in our housing statement back in September 2023, and we have already made great progress.

Just some of the changes are: we have invested $7.8 million to help people in need stay in their homes; we have established a renting taskforce to crack down on dodgy rental providers and estate agents who do things like rent out properties that do not meet minimum standards and put up misleading or fake ads or do not lodge bonds; and we began the work to establish the rental dispute resolution service, which will help disputes to be resolved quickly and fairly. This bill continues that work. The bill also delivers on the commitment in our housing statement to reform the planning system by implementing recommendations of the red tape commissioner. The provisions of this bill fall under four main areas of reform. Firstly, on renter protections, this bill will amend the Residential Tenancies Act 1997; remove the ability to give a notice to vacate for no reason; ban all forms of rental bidding; extend the notice period for rent increases and notices to vacate to 90 days – now, that is important; make rental applications simpler and ensure renters' personal information is protected; require rental advertisements to meet minimum standards; improve the rent review process; and require smoke alarms in all rental properties.

The second area that this bill reforms is professional standards in the property management sector. The bill will amend a range of acts to introduce mandatory licensing and training to improve property industry professionals' competence and tougher penalties to deter poor conduct. The third area is it will streamline and improve the accessibility of the Victorian Civil and Administrative Tribunal by empowering VCAT to offer a wide range of dispute resolution mechanisms for renters and rental providers.

The fourth area is reducing red tape in the planning system by amending the Planning and Environment Act 1987. It will create a low-impact planning scheme amendment pathway, which I think is fantastic, and formalise the processes for proponent-led planning scheme amendments. There is a tendency in planning schemes to just go around in circles finding new issues and more things and not really going sequentially step by step by step, so this will tidy that up. It will allow the minister to continue a planning amendment abandoned by a planning authority and introduce a range of changes to streamline planning processes, such as giving authorities the power to reject incomplete planning permit applications and removing the mandatory requirement for planning permit applications that are called in by the minister to be sent to a panel. This really will reduce the red-tape steps.

A lot of local governments receive incomplete planning applications, and the 60-day clock in which the council has to make a decision has already started ticking. It ends up in this toing and froing between applicant and assessment authority, usually a local council. It goes forward and back, forward and back, just to collect all the information. Sometimes these planning applications sit for months, maybe even years, without any progress because of a lack of information, clogging up planning departments and demanding the time of planners when they could be working on other projects. By

not requiring a ministerial called-in matter to also have a planning panel, it takes one of the duplications out of it. We are kind of having a duplication day, with committal hearings in the previous bill.

The local planning authority will go through an assessment process, which will include consultation, community engagement, stakeholders, section 55 referrals et cetera, and that can take quite a long time. Then there is strategic land use planning, including doing section 75 land use agreements, if I remember correctly – I do not think I do, actually – with developers. This can happen, and then it can be taken to VCAT and then it can be called in by the minister and the panel will go through all the same issues again. Then after that, when it gets into the minister's hands, the department go through their set of assessments as well. In my view sometimes some components of planning processes are conducted three times over. A more formulaic step-by-step process that is acknowledged and accepted at all levels of the process, whether it is the LGA, whether it is the panel or whether it is the department, is surely going to save time and money. This is something that developers have asked for for decades. Developers have been very clear that the pace of approvals impacts their bottom line and that the pace of approvals needs to be faster. This I think has some very strong merit.

Going back to the renter protections, I just want to focus on that for a minute. A third of Victorians rent, more than ever before, and this number is predicted to grow. This is why it is so important to increase protections for renters, providing them with greater certainty over their rental agreements, living standards and finances. The removal of all no-reason notices to vacate is an important part of this change. This bill will remove the ability of landlords to issue a notice to vacate at the end of a fixed-term tenancy. The chief executive of Tenants Victoria Jennifer Beveridge said in a press release on 30 October last year:

> We know from the people who contact our services for help daily that many are doing it tough in an extremely tight market for rentals.
>
> …
>
> Extending the ban –

on no-reason evictions –

> to include the end of the initial fixed-term agreement in a rental boosts this security. Renters are better able to assert their rights, such as asking for repairs, without the anxiety of being evicted for no clear grounds …

particularly towards the end of their tenancy. We are also giving renters more time to prepare for legitimate rent increases and notices to vacate by increasing the notice period by 30 days. In such a tight rental market it is only fair that renters have time to decide if they want to pay the increased amount or have time to find a new home if they feel they have to leave.

We are also banning landlords and agents from accepting unsolicited bids. The website realestate.com.au today shows that the median rental price snapshot for houses in my home town of Warrnambool has risen 8 per cent in the last year. It is a sign of how tight the rental market is that prospective tenants may feel they have to offer more money or to pay more in advance in order to be accepted for a property. It is a slippery slope which has the potential to drive the costs of rentals even higher. This bill levels the playing field by banning all types of rental bidding. It will be an offence to accept bids, and there will be tough penalties. The changes to rules regarding the rental applications might not seem like much to anyone who has not filled out a rental application recently. Many agents now use third-party apps to manage applications, and these apps ask for a whole range of personal data, even passports, previous addresses, payslips and Medicare numbers. We are tightening up the security expectations around that data but also formularising our uniform applications, so again the same information is collected by all real estate agents across the state for an application. This makes a lot of sense and very much simplifies the process.

On 3 December 2023 the *ABC News* website quoted University of Technology Sydney researcher Linda Przhedetsky:

> In overseas markets where these technologies are more established and more invasive, we're seeing these apps claim to predict things like someone's eviction potential, and rate their levels of honesty …

This bill will standardise rental application forms to prevent requests for unnecessary information and personal data, and it also increases rental protections on personal information. There is a clear expectation there. An important change to rental property standards is a strengthening of the rules around smoke alarms and gas and electricity safety. This is also a really strong feature of this bill. It will also require rental providers to ensure that gas and electrical safety checks are conducted every two years.

There is also a component of improving professional standards. We cannot have a strong rental sector if our property professionals are not knowledgeable and not ethical. Every real estate transaction involves significant financial investment for both landlords and renters, and they often rely on agents to provide accurate information and advice. So we are introducing mandatory continuing professional development, which will very much enhance the knowledge of those agents in the sector. We are strengthening the registration requirements for agents as well. We are introducing tougher penalties for agents who do the wrong thing as well as providing the director of Consumer Affairs Victoria with more ability and more powers to act when breaches do occur. There are also some reforms in the VCAT space, which will make things a lot more streamlined.

Just in closing, I have had a quick read of the opposition's amendments here, and they are just 'omit', 'omit', 'omit', 'omit'. They really look a bit like a reasoned amendment to me, by default. So I do not have much to say on the amendments in that regard, but I heartily support the bill. It is going to save money for all of the relevant sectors, and it is going to make life more secure for renters.

Wendy LOVELL (Northern Victoria) (15:38): I rise to speak on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, a bill that is very much an omnibus bill covering a range of issues in consumer rental law and planning law and that also has provisions in it to implement Labor's so-called housing statement. I would like to thank the four shadow ministers who worked on this bill and who have briefed us as opposition members: the Shadow Minister for Planning Richard Riordan; the Shadow Attorney-General Michael O'Brien; the Leader of the Opposition in the Legislative Council David Davis; and also the Shadow Minister for Consumer Affairs Tim McCurdy, who is the shadow minister with the largest responsibility in this bill.

The main provisions of this bill are to repeal the no-cause notice to vacate at the end of the first term of a residential lease, to ban rental bidding and soliciting bids, to increase penalties for underquoting, to impose prescribed contract forms, to tighten rules around handling data and rental applicants, to require professional development training for real estate agents and conveyancers, to introduce mandatory smoke alarm safety checks for all rentals and to make changes to planning laws to speed up approvals. There are parts of this bill that we would agree are good things. One of those is prohibiting the soliciting of rental bidding. This bill will make it an offence to solicit or attempt any form of rental bidding, which again is a commonsense approach. It is unfortunate that, because of Labor's policy settings and both the Greens' and Labor's housing policies, the rental market in Victoria has become severely constricted, which has driven up the cost of rents. That is why rental bidding has arisen. It has arisen because Labor have created the problem and because rental properties are in such short demand that people enter into bidding wars in order to get access to a rental property.

The bill will extend the notice-to-vacate time from 60 days to 90 days. Again, because of the shortage in the rental market, this is probably a good thing for those who are stuck in the rental market system and who are vacating a property. It will give them a little bit of time to find a new property. It will require fee-free payment of rent by estate agents. This is something that is a good initiative because nowadays we have all these electronic payment methods and people are not accepting cash, so it is very difficult to go in and pay cash anywhere. Of course every time you want to pay by an electronic

payment method they want to charge you a fee to do that, so it is a good thing to provide a fee-free payment option for renters when they are paying their rent. The bill will also introduce as a minimum standard the inclusion of smoke alarms in annual checks, and that is a good thing as well.

But the thing that I really object to in this bill is the repeal of the right to issue a notice to vacate without reason. Labor wants to repeal this because Labor always wants to brand the people who are rental providers as being bad. We know that in every market there is good and there is bad. Yes, there are some landlords who do the wrong thing and who need to be dealt with appropriately, but the vast majority of rental providers are good people who are providing a home for somebody else to live in. They may need to have their house vacated for the reason that their son or their daughter is returning from overseas and needs that property to live in, but this government is going to take away their right to just give a notice to vacate for no reason.

The reason they are doing this is because, as I said, they want to brand every rental provider as being someone who rips off their tenants and who is using this provision just to jack up the price of rent when they get a new renter in. But in reality rental providers like having good tenants who are reliable and who stay in the property long term. It reduces the turnover costs and lost rent for the provider while they search for new tenants. My nephew has just been through the process of renewing his rent. His rental provider is so happy with him and his fiancée that they put the rent up by only $10. They were very happy to have my nephew and his fiancée stay on, because they are good tenants who look after their property. The rental provider is very happy with them.

We are concerned that the inclusion of this provision to repeal the right to issue a notice to vacate for no reason will actually have a negative effect in the rental market and drive more rental providers out of the market, so we will introduce amendments to remove this clause. Like a probation period for employers, it is important that rental providers have the option to ask a tenant to vacate after the first year if it is not working for them, if the provider is not happy with the tenant or if there is some other problem. When I first became Minister for Housing I went around to all of the housing officers and I asked to speak to the staff who were on the front line. As we all know, it is almost impossible for anyone to be evicted from public housing. I asked those housing officers what was the one thing that I could do for them that would make their job easier, and every single one of them said, 'Give us the right to evict a tenant.' That is almost impossible in public housing, and it is not something that we did move to introduce, but I could understand why they were saying that. The vast majority of public housing tenants are very good people who just need a little bit of assistance from the government with housing, but there is a very, very small percentage, an extremely small percentage, of the tenants who actually cause problems in neighbourhoods, who cause problems for the other public housing tenants around them, who cause problems with the law and who take up the vast amount of the housing officers' time in management. I could understand why they were saying that, but that is not a provision of public housing. Public housing, as we know, is an open-ended rental arrangement, so there is no opportunity there to have a right to evict. You need to go through the processes, and it is very, very difficult to evict anybody from public housing.

There is a serious danger in this state that the rental market is dying a death of a thousand cuts, and this is because of the policy of the Greens and Labor. The Greens and Labor need to understand that their housing policy and settings are forcing rental providers out of the market. They no longer want to be rental providers, because it is getting too hard. That is partly because of Labor overtaxing rental providers, people who have invested in a second property to provide a home for somebody else, or it is because of the policy settings tipping the scale far too much in favour of the tenant rather than the rental provider who actually owns the property. It is restricting the private rental market. What we need in this state is a strong private rental market, because government cannot house everyone. There is no possible way the government can build enough homes to provide homes for everyone who wants to rent a property or for everyone who cannot afford to buy a property, so we do need a strong private rental market. The way to do that is to encourage people to invest in housing and put that housing into

the private rental market, not to tax them out of existence and not to regulate them out of existence so that the private rental market becomes so restricted that it drives up the cost of the rent.

Every new restriction or requirement makes it more likely that investors will sell up and get out of the rental market, because it is just too hard, too complicated and too expensive for them to actually rent out a property in Victoria. We must remember that about 70 per cent of rental providers have only one rental property: it is either the first home that they bought when they were young, and then as they have moved on to a second home they have kept that as an investment property; or it is part of their superannuation, and they use the income from that to generate their own superannuation. When we talk about rental providers, 70 per cent of them have one rental property, so we are not talking about commercial property owners who can fund heavy compliance costs. But this government wants to impose heavy compliance costs on everyone. What we are talking about here are mum-and-dad investors with one rental property as a retirement investment. Almost 20 per cent of those investors are schoolteachers or registered nurses. These people have busy lives, and they have limited capacity to perform more and more compliance work. At some point it just becomes too difficult to provide a rental property, and that is when they sell up and they leave the market. One Bendigo real estate professional estimated that nearly 40 per cent of the rental properties they had sold over the past year had actually gone to owner-occupiers because these are rental providers selling the property because they are getting out of the rental market. That has certainly restricted the rental market in Bendigo. This means there are less rentals available, there is more competition for homes and there are higher rents for those who need to rent.

What we heard when we were in Bright for the regional setting is that every home that is sold there is bought up for an Airbnb and there are no homes for the hospitality workers to rent. In Bright at one stage – I am not sure if they are still doing this – they actually had to have a roster of which restaurants would open on which nights because there was not enough hospitality staff to staff all the restaurants. There were no homes for them to rent because the rental providers are exiting the rental market.

This bill will prohibit soliciting or accepting rental bidding. It is actually a very good thing that that is coming in, but why did the rental bidding start in the first place? The rental bidding started because Labor is driving rental providers out of the market with more taxes and more red tape every year, leaving fewer rental homes available. Labor had to introduce this rental bidding ban because Labor policies have drastically reduced the number of rental properties in the market. Since Labor came to power in 2014 rent in metropolitan Melbourne has increased by over $200 a week, a more than 55 per cent increase. In regional Victoria the median rent has increased by 60 per cent in the last decade under Labor. This is not just a problem for renters but has knock-on effects and other industries. Our regional hospitals cannot get medical staff to the area because there are no homes to rent. As I said, in our tourist towns they are having difficulty getting staff to move there because there are no affordable rentals. It is time that Labor and the Greens realised that their policy settings are driving rental providers out of the market. They are restricting the rental market and they are driving up the cost of renting in Victoria, making it harder for those who are most vulnerable.

Ryan BATCHELOR (Southern Metropolitan) (15:53): I am pleased to make a contribution today on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. There is a lot that this government is doing to improve the supply of housing here in Victoria and particularly in this bill to improve the quality of housing here in Victoria principally relating to rental properties. Despite the criticisms of the opposition, who seem to not be interested in supporting renters in this state, the Labor government are very proud of the more than 130 reforms that we have made to back Victorian renters – strengthening their rights and helping them with their cost-of-living pressures. We will always continue to support renters in our state. This government is a government for the renters of Victoria. We hope that the measures in this bill – comprehensive reforms, particularly on the residential tenancy side – will give more security and more certainty to those who rent their home here in Victoria. We also hope it is going to improve the quality and safety of those homes, because I am

sure that everyone in the chamber would agree that people should be able to live in safe, quality homes no matter whether they are home owners or renters.

The bill does a range of things. The first thing is it is going to make renting fairer by ending no-fault evictions. They are not fair, they are not right and they will be no more when this bill goes through. This is probably clearing up some of the scaremongering, some of the misinformation potentially, or maybe it was just a lack of understanding about how the provisions of the Residential Tenancies Act 1997 will continue to operate after the passage of this bill. Rental providers can still end residential tenancies. They have just got to do it with a valid reason. Renters, as a result of this bill, can have the peace of mind of knowing that if there is no valid reason for their landlord to do so, their landlord will not just be able to kick them out with no reason at all. The question of no-fault evictions – evictions without a valid reason – will be ended. We want to make it really clear to the landlords out there that you cannot kick someone out and put the property back on the market to jack up the rent. You cannot do that here in Victoria after the passage of this legislation. You cannot kick people out for no valid reason. There are a range of valid reasons that exist in the Residential Tenancies Act and that will continue to exist, including the rights of landlords to move back into the property and to sell the property – all of these things will remain grounds. But 'no reason, no eviction' is pretty clear.

We are also increasing the period for notices to vacate or increase rent to 90 days, up from 60, so that everyone has the opportunity to have sufficient notice to be able to adjust to changes to rental amounts or indeed to find a new place to live. We have increased the minimum standards for rental properties so that people know that the housing that they are renting is up to a minimum standard. We are making sure that there will be no forms of rental bidding. Rental bidding is a pernicious feature of the rental system where people offer a bit more to the landlord in order to secure a rental property. You will no longer be declined a home because someone else offered to pay more rent in an unsolicited bid above the asking price. It pushes rents up and it is unfair on those who play by the rules, and we are closing these loopholes down.

That is not the only reform contained in this bill that will help with the price pressures of renting. Rental Dispute Resolution Victoria, which is being established in June of this year, means that tenants will no longer have to go to VCAT in order to get simple repairs done. We know that for many going to VCAT can be a costly and time-consuming process. It is an expense of both money and time that many cannot afford, creating barriers to renters seeking adequate redress from their landlords and allowing some unscrupulous landlords to get away with behaviour that is simply not acceptable. Once we establish Rental Dispute Resolution Victoria renters will have more access to swifter processes to enable their disputes to be resolved so that they will be able to get repairs done on their properties.

One of the most important things that the bill contains – and we certainly saw very moving instances of this when the bill was debated in the other place – is consumer protection provisions that were advocated for by some families here in Victoria to help save the lives of people living in rental properties. The reforms will ensure that the rental provider or agent must immediately arrange for urgent repairs to be carried out on faulty smoke alarms. We know that smoke alarms save lives. There have been too many instances where tragic incidents have occurred and where a working smoke alarm might have prevented the deaths of tenants. Very clearly, the onus should be on the rental provider to ensure they are providing a safe home for tenants to live in, and that is why the bill is going to extend the requirement for rental providers to ensure that gas and electrical safety checks are conducted every two years by qualified tradespeople at all residential properties.

Among other things, the bill will also improve the standards of service by property industry professionals, including mandatory licensing and training as well as requiring agents' representatives to be registered and ensuring that agents' representatives have to meet eligibility requirements before being registered. Many of the interactions that renters have with their property managers can from time to time leave something to be desired, and I think we will all benefit from having these provisions put in place across the industry. We are also introducing tougher penalties for real estate agents who break the law, particularly in relation to underquoting, something that is devastating to those seeking

to buy their own home. These practices stand in the way of people realising their dream of buying their own home, so we think that strengthening those penalties for real estate agents and sellers who break the law, particularly in relation to underquoting, is going to have a significant benefit.

The bill is going to strengthen the planning system by implementing some recommendations from the red tape commissioner, which will help make good planning decisions faster – changes that are aimed at modernising the planning system to make it more responsive, more agile and better equipped to handle the housing affordability challenges of today and set us up for the future. The proposed changes following the red tape commissioner's recommendations being made to the planning system are broadly supported by industry and councils, who are going to benefit from fast-tracked processes and clearer pathways in making a range of decisions.

This is a very timely debate because the government is committed to building more homes in Victoria to give more Victorians the opportunity to become home owners, to have a place to live. If they are in the rental market – and around 30 or 40 per cent, depending on where we are, of Victorians are renters – we are ensuring they have more protections around renting, that renting is fairer and the quality of the homes that they are living in is higher and that they are safer in those homes when they rent.

There is a lot that this government is doing to provide more homes for Victorians. As I have said time and time again in this chamber, the only way we are going to solve the housing crisis is to build more homes. Building more homes, building more dwellings, is the only way that we are going to get through the housing crisis and ensure that Victorians have a place to live, a place to call home, particularly in the communities that they want to live in. Whether that is where they grew up or whether that is where their family is, we want to make sure that people have the opportunity to buy a home in these communities, and we are supporting them.

We are also making sure that the settings are in place to create more opportunities in the rental market. We know that three-quarters of all of the build-to-rent projects in Australia completed in the last year are right here in Melbourne. Build-to-rent as a model provides larger scale residential rental developments. They provide the opportunity for longer term leasing and tenancy arrangements and, supported through a range of tax concessions, provide incentives for landlords to think to the long term. One of the features that we have had in the rental market and the provision of rental properties in Australia is that often a structure of the investor market is being driven by the seeking of shorter term capital gain in the rental market, supported by a range of Commonwealth tax concessions, which does not incentivise adequate maintenance or upkeep of rental properties. The big advantage of the build-to-rent sector for renters is that by having landlords who are in it for the long term, those incentives are shifted. There is a greater incentive for landlords in the build-to-rent sector who have got the 20- and 30-year horizons that they are looking at to make sure that maintenance and upkeep is done adequately on these properties, not just to the bare minimum but to keep their long-term asset in good check. I think the build-to-rent sector is making a huge difference for renters in Melbourne, and Melbourne is absolutely the home of the build-to-rent sector in this nation.

We have got huge investments underway in housing, particularly on the social housing side. In Southern Metropolitan Melbourne there is so much building going on, particularly of social housing. We have had huge developments in our social housing sites in Prahran, in Brighton, in Ashburton and in Hawthorn, to name just a few of the projects that have already been completed by this government under the Big Housing Build. They have already been completed by this government and have tenants living in them today – brand new, modern, energy-efficient social homes built by the Labor government with people living in them, and we have got more coming. There is a huge development underway on Bluff Road in Hampton East. There are significant developments underway in Prahran. More social housing has recently been approved, including a significant project in Balaclava. You do not need to travel far around the Southern Metropolitan Region –

Ann-Marie Hermans interjected.

Ryan BATCHELOR: I note the murmuring over there on the other side, where those opposite think that building social housing destroys communities. That is what they think, because they have said it. They have said it before – they did. They are sitting there saying, 'You are destroying communities.' Well, I can categorically put on the record that social housing enriches communities. There are residents who are living in New Street in Brighton. The ground lease model 1 site – opposed by the Liberal Party, denigrated by the Liberal Party – now has residents in there. When they opened, Minister Shing and I met Deb, who was in one of the brand new energy-efficient apartments on New Street, Brighton, in social housing. The look on her face when she showed us around her brand new apartment said it all. The smile ear to ear, the pride – it was amazing. She loved it, it looked great and it is her home, built by this government.

Hundreds and hundreds like it are being built right across Southern Metro. We have got huge plans to build more and more and more. The Liberal Party just seems to want to block and block and block. Labor wants to build. The Liberals want to block. Labor wants to build more homes for more Victorians, give more Victorians the opportunity to have a home and to own a home, and all the Liberal Party wants to do is stand in the way. We will not let them. We will not let the Liberal Party stand in the way of Victorians having a place to call home. We are getting on with the job of building more homes for more Victorians, and I support this bill.

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:08): I also rise today to speak on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, and just to clear up any misconceptions about the Liberals, I myself was once a housing support worker. Yes, I worked with homeless people, and I actually ran houses. I worked with homeless people, I helped them get into accommodation, I supported them and I did case management with young people and young adults, both in the private rental market and with department houses and in things that were a combination. And I can say that I have never seen a situation as dire as we are currently in in the state of Victoria. I have never seen a more incompetent Labor government when it comes to housing.

When I look at a bill like this, I just honestly look at it and go, 'What the heck?' Why is this government so bent on doing these omnibus bills where they throw a whole bunch of things in and stack it all in there and there is the good with the bad? And we are supposed to just go, 'Yep, no worries,' because we want to keep the good and just let the bad go through. Once again this is one of these bills that gives the minister incredibly exaggerated powers so that they are able to cut corners and make decisions without going through proper planning processes that have been put in place to make sure that things are done properly. Now, just in case you have any misconceptions about what this government is actually 'achieving', I can say it is not achieving because constantly do I have to deal with the most heartbreaking stories of people needing accommodation in the south-east. They are the most heartbreaking situations which, let me tell you, Mr Tarlamis and Ms Williams in the other place know all about because their offices are right next to Wayss. People come there because they are misled by the website into thinking that they are going to get crisis accommodation, and the reality is they get there and there is no room in the inn. There is nowhere for them to go, so we have situations where people are camping outside the back of their offices. Of course then we have the unsanitary situation, when there are no toilets available, where people are having to go to the toilet outside. Clearly some of them would be extremely hungry and desperate, and as the weather gets colder it is going to be more and more dire.

It is actually unacceptable to think that this can just be swept under the carpet, and then we are going to put something together that is just so convoluted. It is just another messy, messy bill put together by a government that just does not know what it is doing. It has no idea. It has got some good things; I am not going to say it is all bad. I mean, I do not have a problem with smoke alarm checks every 12 months. I think that that is necessary given that we are going to have more and more fires because we are going to have more and more people in situations where they are in desperate need. I personally have been to homes where people are not wanting to turn the heater on in winter – and that was last year. It is only going to be worse this year.

Let us just start with some of the figures that we know to be true. After a $6 billion Big Housing Build this is the net result of homes available to those on the housing waiting list. While there was an increase of just over 4000 in the community housing sector – not Homes Victoria – the Homes Victoria total stock decreased by nearly 500 homes, or 488. Now, you might look at that and think, 'Well, does that mean we've got more beds?' No, in actual fact we have 4551 fewer bedrooms available now in social housing. That is right. And if you look at what New South Wales was able to provide in the same period between 2015 and 2024 compared to Victoria, well it just says everything. It shows how this government that has been in for more than 10 years has failed the people of Victoria and continues to fail the people of Victoria. New South Wales had an increase in social and community homes, which went up by nearly 10,500 – in Victoria it was only 4000. Again, there is constant hot air from the other side of the chamber – hot air, promises, things that they never deliver. 'Blah, blah, blah, blah, blah' is all we hear in this chamber, and then as soon as you pick them up on it, it is more 'blah, blah, blah, blah, blah'. And people are actually sleeping on the streets.

What breaks my heart is when I see young people who are under 18 in a situation where they are trying to go to school and they have nowhere to live. That is not just one or two or three. You can go to schools, let me tell you, right now in the south-east – and Michael Galea, I encourage you to find this out, and the same with you, Mr Tarlamis. Go into these schools and actually really see these needs, because they are real and we have a number of people that do not have anywhere to live.

But let us get back to the bill, because look at all the issues here. Let us think about what it means to be a rental provider here in Victoria. There is a reason why people are just going, 'It's too hard; I can't do it anymore.' And as has already been stated in this place, about 10 per cent of people who are rental providers are actually teachers – that is right, teachers. About 9 per cent of them are nurses. Now we should be getting worried. We are going to go and hurt our teachers and our nurses, who are simply looking for a way to actually be able to provide something a little bit extra for the community, and we are going to make it more difficult for them. As if they have got time to do more training on top of what they are already expected to do with their registration. It used to be, once upon a time, that you got registered as a teacher and you were always a teacher that was registered. No, not under a government that is Labor. We have got to register, register, register and do umpteen things to get that registration. It is the same with the nurses.

They have made life so difficult for Victorians. But that is nothing in comparison. The teachers and nurses are not complaining; the point is that they are prepared to do it, but now you are going to make them do additional training – and at what expense? Who is paying for it? Is the government going to provide the payment for this training? Is this just another way to hit the pockets of hardworking Victorians who are already bleeding? 'Let's just make them do an additional amount of training. We're going to make them pay, pay, pay' – because we can already all pay our bills. There is just no consideration for how much people are suffering in this state already under this incompetent Labor government.

Let us have a look at some of the restrictions on ownership freedoms. Why does it not surprise anybody that there are going to be restrictions on ownership freedoms in this state under a Labor government like this? Of course there are going to be restrictions, because that is all they do. There is a constant binding, binding, binding – just making life so incredibly difficult for every single Victorian. 'Let's find another way to do it,' says Labor. 'Let's put in a nice big bill to make it more difficult to get a house, more difficult to be a rental provider.'

Members interjecting.

Ann-Marie HERMANS: That is right. They are all getting upset because they know it is true, and they are just trying to hide the fact. Let us have a look at one of the ways they are making it more difficult. Anybody who has actually been reading their emails will know they have received as many emails as I have. I cannot even tell you the volume of people that have written in about their concerns just on one specific issue – because the bill is full of things – this 90-day notice period. I can say that

as a coalition we strive to support both renters and rental providers. Right? We are not here to hit out at anybody. We are looking forward to two years, when we will be here to govern for all Victorians, not simply a few hand-picked buddies that happen to be mates with some of the MPs in the state Labor government.

Members interjecting.

Ann-Marie HERMANS: No, that is right. We are here, and we are looking forward to the day that we can govern for all Victorians. The addition of the 90-day notice period at the end of a fixed-term rental agreement is something that is going to really affect a lot of rental providers. I am not one of them. Right? I am not one of the teachers with a background of having a rental property that I am renting. I am not one of them, right, so I am not going in to bat for myself, I am going in to bat for other people. You may well be among all these people having lots of rental properties, but let me say that I am not one of them, okay? But I have been a renter plenty of times in my married life and before I was married, so I know what it is like to have to go through these challenges.

I will say this, though: as a person that has also had to move out of my home and rent it out, the last thing you need is to have a situation where you are looking at the challenges ahead. You have got to be able to look at how you can continually bring in that income. People are not going out – or not very many of us – and paying cash to be a rental provider of a property. They are paying for it with the bank as an opportunity to maybe support their family down the track and as a type of superannuation. To have a 90-day notice period at the end of a fixed-term agreement is simply going to make it more difficult; 60 days in itself is already a challenge for many people.

We understand the rental market is competitive. We understand that, because not enough houses have been built. Yes, that is right, Minister for Housing and Building. There are lots of promises about how many great houses are being built, but the reality is, as I said, that I have people in my region who are sleeping on the streets or who are having to sleep – right now – on people's couches tonight. There are people that I have met – single parents – who went to someone's house on a short-term basis but have been waiting now for a couple of years for somewhere else to live. Because the response is, 'Well, you have somewhere where you at least have a roof over your head, so you're no longer a priority.' But this is actually a person that very kindly said yes for a short time, not realising that two years later they would be in this situation. We cannot afford to punish both the renters and our rental providers. The Labor government, this Allan Labor government, needs to think about some of the changes that need to be made. We have given that some thought. We have worked out where the shoddy parts of this bill are, and we are saying, 'Just take this bit out. This needs to be reconsidered. Take this bit out.' You can have what is left in the parts where we go, 'Well, that bit's good. We think that's going to be beneficial.' The reality is we have a better understanding of what is going on here and how to fix it and you guys clearly have no idea, and that is why we have such a crisis on our hands.

I have got so much paper here it is unbelievable – all the issues. I personally do not like the whole concept of rental bidding. I have never seen it done. I am sorry for those who have to go through it. I think it is challenging enough to be trying to get a rental property. But I also think it is incredibly important if someone's super is all tied up in a property that they be allowed to have people that are responsible looking after what they have and what they consider to be something that will hopefully be able to help them in their old age and to help their family and that they can actually know that they are not going to go under with the risk that they have taken, because of this state Labor government making legislation that makes it more difficult for more Victorians. That is our concern with this bill.

The bill introduces mandatory continuing professional development. That is a major issue. I am not against the professional development, but I am wondering how that is going to be rolled out, how that is going to be beneficial, and it is really interesting that there are some people who are going to be able to be exempted from it. Well, I wait to see who those people are, because I guarantee that there will be a real pick-and-choose thing that happens here and some really good people are going to be treated really badly through this whole process. Then they will just come to my office again with more stories

about how this government is letting them down. As I said, I do not like the minister to be given more power – the Minister for Planning in this case to have more power as well. That bothers me because this government has not shown itself to be trustworthy with more power; it has shown itself to be horrendous in fact with power.

I am really sad that I am going to run out of time here. Rental providers are going to be hit with financial penalties, and that is a real concern. The government is moving to no-fault evictions, which is going to be a really difficult thing for all Victorians. They are simply not fit to govern, and it is time they stepped aside and let us help them out with their bills.

Michael GALEA (South-Eastern Metropolitan) (16:23): As I rise for my 15 minutes of 'blah, blah, blah' on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, I am entirely struck – I am stunned as a matter of fact. I am not sure what is more surreal: to be lectured by Mrs Hermans on blathering on, or whether I should be more stunned by the implication that the housing statement is making it harder for young people to get into housing – quite an extraordinary comment from Mrs Hermans. Even Mr Davis was not suggesting that, as he was valiantly defending his NIMBY friends in the inner east and south-east of Melbourne against any sort of prospect of young people living in those areas – we cannot have that! We know that Mr Davis is perhaps Victoria's chief NIMBY, and he brought up many things. But again I am quite flabbergasted, Mrs Hermans, that you would associate this with a housing statement proposal that is all about getting more Victorians into housing, that is about providing those options in the regions and in the outer suburbs, such as places like Clyde North that we represent, or indeed – dare I say it – perhaps millennials and perhaps gen Zs being allowed to live in the inner city as well. Outrageous! Certainly, Mr Davis, we absolutely cannot have that, because to do anything to change that would be, in the picture that he was painting, to demolish apparently every tree in the City of Stonnington, which would be a very, very bad thing. But that is not what this housing statement is about. That is not what the activity centres are about. It is about that sensible infill development at places like, yes, Hawksburn.

In the previous sitting week we had a debate on the electorate of Prahran and I outed myself as having lived in the electorate of Prahran for a few years around about a decade ago. At the risk of further doxxing myself I am going to say that when I did live in the electorate of Prahran I was actually living in Hawksburn. A beautiful place it was, too. Again, as I said last week, it does not compare to the south-east and I never quite felt at home there, but it was a lovely place and it was terrific. I could get on a train and be at AAMI Park to watch Victory demolish Melbourne City in 4 minutes – incredible. It was not like the hour it takes me now to get in from around near Pakenham. It was a much more convenient way to go and see the A-League.

Harriet Shing: Four minutes; that's how long we wish Ann-Marie would speak for.

Michael GALEA: Indeed, I could have gone from my front door to AAMI Park and been in my seat in less time than Mrs Hermans' contribution just then. It would have been perhaps a more productive 15 minutes, I might say.

Harriet Shing interjected.

Michael GALEA: More productive indeed, Minister Shing. There are many, many benefits to living in places such as Hawksburn, just as there are many benefits to living in places like Hampton Park or Hamilton. Victorians should have that choice, and that is what the government is saying with this housing statement. Now, even Mr Davis was not outrageous enough to suggest that the housing statement was blocking young people from getting into housing, because he knows that really the only people blocking housing here are the Liberal Party and depending on the issue possibly the Greens.

When it comes to these activity centres, they are not the only part but one very important part. If you were to listen to Mr Davis's contribution you might be forgiven for thinking that they were the only part, but they are not. There are many, many of these proposed new activity centres in addition to places like Arden, which will have the new Metro Tunnel station opening very soon, directly servicing

in fact my region. You can hop on a train in Pakenham and get off at Arden, for example, just as you can at Parkville – a terrific location to have some new housing. But, yes, God forbid, we are also putting housing in Hawksburn, in Toorak, in Armadale, in Malvern – even in Brighton. I know the other NIMBY friend, Mr Newbury, is also up and about about that and really connecting with those millennial and gen Z voters by protesting and picketing and saying, 'We don't want you to live here, you can go and live in the outer south-east.' Again, that would be fine if they had any sort of plan for the outer south-eastern suburbs, but of course they do not. Their plans at the last election: 55,000 new lots in the suburbs. 'Oh, infrastructure? No, we'll think about that later.' That is unlike this government, which has been constantly investing in the schools, the road upgrades, the level crossing removals and the new train stations, all of these things, not to mention hospital upgrades, early childhood – you name it; the list goes on. We are doing those things. We are walking and chewing gum at the same time, as they say, making those investments in the outer suburbs as we support their growth.

Continued growth in the outer suburbs is still very much part of the housing statement. This is not to say that we are blocking off that option. For many people, for many young families in particular, it is a great place to be. But many others want to be within 10 minutes on the train from AAMI Park. Ms Watt here is another terrific sports lover. She is a passionate advocate for Melbourne Storm among other clubs too. She may wish to be within relatively close reach of places like that as well. Whether it is for those work opportunities, for those social opportunities, whatever it is –

A member interjected.

Michael GALEA: hospitals, yes – what the Allan Labor government is saying is that you should have that right. You should have that opportunity.

We saw a very interesting speech today, not in this place but just up the road, by Ken Henry, a former chief official at the federal Treasury, who was speaking quite bluntly in fact about the way in which governments – especially the federal government but governments at all levels – have really been setting tax policies that will disadvantage young people, perhaps in no more significant way than in getting into that housing market. In fact he was making some very bold statements, and I think it would be a very interesting speech to get to the bottom of. They were very bold statements basically saying that governments have ignored those people. You cannot say that, though, of the Allan Labor government, because we have a housing statement that actually says that if you are a millennial or if you are a gen Z voter you should have the right to a home. That home could be in the city, it could be in the suburbs or it could be in the regions, but we are saying that the system as it is is not working for young people, and that is not good enough. Young people are increasingly bearing the larger share of the tax burden in this country, but they are not getting the same benefits that generations before have had. That is exactly why the housing statement in this particular area of policy is so important, because we know that especially when it comes to taxation the states are very limited in what they can do to change those levers. The federal government have more controls than states do, and without going into a whole other discussion of the vertical fiscal imbalance and how they have those capacities more at their fingertips, it is worth noting that states do have some roles that they can play, and the aspect of housing is perhaps one of the most important.

We on this side of the chamber have been a government that has actually delivered on infrastructure – that has not just talked about it but has got on with it. You have seen that, whether it is a level crossing on Clyde Road in Berwick, whether it is the Metro Tunnel, whether it is the West Gate Tunnel or whether it is major, wholesale hospital upgrades – Frankston Hospital in my electorate, just to name one – we are getting on with it. We know that, unlike the four years before we came in, if you have a very fast growing state, you need to invest in that state and you need to invest in the future of that state, because not to do so and not to build schools, like those opposite did when they were last in power, is to go backwards. If you are growing and you are not investing in that growth, you are going backwards. That is what we have done, and that is the record that we stand on over our existing 10 years in government.

What we are now saying is we will continue that work, but we recognise that the housing system in this state – and in this entire country as well – has not been adequately responding to young people, and that is one of the key things that the housing statement will address. Whether you are in private or community housing, you deserve a safe, habitable roof over your head. There are many, many other levers that we can pull, but the activity centres – which do get the Liberals so worked up and so agitated – are a very, very important one because they do provide that choice. You should have the option: if you want to live in the suburbs, you should live in the suburbs, and if you want to live in the city, you should live in the city. Again, those opposite will just come in here and bring petitions every single day into this place opposing new housing development and then turn around –

Ann-Marie Hermans interjected.

Michael GALEA: You read one in this morning. Your colleague, Mrs Hermans, read one in this morning. Your other colleague read one in yesterday morning. If you were in the chamber, Mrs Hermans, you would have seen, day after day after day –

Ann-Marie Hermans interjected.

Michael GALEA: Read the notice paper – it is in there. Read the daily blue – it is in there too. You would have actually seen petition after petition after petition.

Ann-Marie Hermans interjected.

Michael GALEA: It is absolutely democratic, Mrs Hermans, but your choice of priorities is day after day after day coming into this place and attacking new housing for all Victorians, but especially in doing so you are effectively attacking new housing for young Victorians. You have come in with petitions every day this week, and then you turn around and say that we are making it hard for young people to get a home. That is the most outrageous thing I have ever heard. You talk and talk and talk, and honestly between some of your speeches I cannot tell what your position is. We have Mr Mulholland, who is conspicuously absent for this debate, who might very much disagree with Mr Davis. I would be very keen to hear his views on Mr Davis's speech today, in fact.

Harriet Shing interjected.

Michael GALEA: I will ask the IPA about that, yes, Ms Shing. But I would be very grateful if Mr Mulholland did want to come into the chamber to give a contribution on this debate, and perhaps he might be able to rebut some of Mr Davis's comments as well. Mrs Hermans, it would take a litany of hours and days to rebut all of your comments, to be honest. I was at least very glad to hear that you do support one element of this bill, and that is with regard to smoke detectors. I appreciate that you are not entirely consistently negative. Frankly, I am surprised that we could even get you to support that, but that was good. You said that you rented, and yes, just as many in this place have, I did indeed rent for many years, including when I was living in Hawksburn. I had a very good agent there – I have got to say that she was a terrific property manager – but I have also had some very bad ones in different places as well. I know what some of the issues can be when you are trying to get a dishwasher replaced, fixed or just working at all and you are consistently getting rebuffed or ignored. That is one example that happened to us.

Ann-Marie Hermans: Wow, First World problem – your dishwasher's not working.

Michael GALEA: I will take up that interjection, Mrs Hermans.

Harriet Shing: Basic standards, meeting the terms of the contract – wow.

Michael GALEA: Yes. If you think it is okay for basic services and utilities as part of a house to not be functional and that that is what we should be accepting, that is quite extraordinary, and that probably goes to explaining why you are so vocally opposing the bill today – if you do think that people that provide homes to people should not actually be required to keep them in a condition that they were rented out and advertised as.

Ann-Marie Hermans interjected.

Michael GALEA: That is exactly you are saying, Mrs Hermans, if you think that those things should not be attended to. A lot of these things are things that should be common sense, and to be quite honest, a great deal of landlords and property agents do the right thing, but there are far too many that do not. And that is what this bill before us is designed to address. This will not affect the ones that are already doing all these things, because it is largely about common sense. And if you oppose that and you are saying landlords should be able to let their houses deteriorate and degrade and 'Well, that's too bad, get over it, First World problems' – they may well be First World problems, but for people who are perhaps working multiple jobs, trying to make ends meet, trying to maybe study as well, trying to raise kids, they do not have time to deal with them. They have got more important things to deal with. And if their basic household services are not functioning, Mrs Hermans, you are now saying, 'Well, too bad. Get on with it; get over it.'

Ann-Marie Hermans interjected.

Michael GALEA: That is exactly what you are saying, because that is what you just said in your interjection and in your opposition to this bill and, if I may say so, Mrs Hermans, in your 'blah, blah, blah' when you were speaking at great length and opposing it. That is exactly what you were saying.

I am grateful to have Mr McGowan in the chamber. I was about to pay you a compliment, Mr McGowan, but I see you are perhaps already leaving. It is all relative. Perhaps you can help me to make sense of this, Mr McGowan. We have got Mr Davis saying something and Mrs Hermans saying other things. Maybe you can come through with a modicum of sensibility and decent thinking and actually come out in favour of sensible housing options and of giving young people the chance to live, God forbid, in the inner city. Do you support that, Mr McGowan?

Members interjecting.

Michael GALEA: Indeed, another activity centre I could talk about is Ringwood. We had Mr Davis refer to –

Nick McGowan interjected.

Michael GALEA: Mr McGowan, you would be very interested to know that Mr Davis was in fact referring to Mr Welch as the member for Ringwood earlier, so I am sure you will be keen to speak so you can reclaim your title off Mr Welch. Mr Davis was trying to call him the member for the Ringwood area, but I know you will set that record straight. I fiercely defended you, Mr McGowan. In fact I raised a point of order on your behalf. And I am sure that you can talk to the benefits as well of having good housing options in places like Ringwood, where we have got good services and a good station. We have got a great shopping centre there and indeed we have got a good electorate office there as well, I believe. I would of course want more people to be able to live in proximity to your office, Mr McGowan. There are many, many things that I would love to talk about. I do not have the time, so I will commend the bill to the house.

Trung LUU (Western Metropolitan) (16:38): I rise today to contribute to the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, a bill that takes yet another swipe at our state's rental providers to remove the last remaining controls that they have over tenancy arrangements. Make no mistake, this bill is an attack on rental providers, who are mums and dads, hardworking average Victorians. It will place further stress on them and the property sector, and this is one of the main reasons this side of the house are concerned about this bill in its current form. It is not the only reason that I am concerned about this bill, however. This bill also actively strips away rights of local government to consult with their communities on major developments impacting residents and in some instances that will completely reshape their communities and make them unrecognisable from the suburbs in which they currently live.

This bill is inconsistent with local communities' bids, taking away communities' and individuals' rights in planning decisions. I would have assumed it was a fairly reasonable request to have a say about your neighbourhood. We have always and will always continue to actively promote greater local decision-making in planning matters. It is so important, particularly for constituents of mine in the rapidly growing western suburbs of Melbourne, who have experienced decades of rapid development and growth in areas like Brimbank, Tarneit, Wyndham Vale and Mount Atkinson.

From the outset it is clear this omnibus bill was cobbled together to try to win back voters in seats like Richmond and Melbourne in the inner city, people who rent, at the expense of other hardworking aspirational Victorians elsewhere in the state. The only parties in this Parliament who stand with both renters and rental providers are those on this side of the chamber. We know that striking the right balance is critical. We need to ensure that we are helping to increase supply by way of building more homes to increase supply in the housing market while ensuring the rights of those renting are paramount, and we will continue to advocate for that balance.

We owe it to Victorians to get the planning decisions right, to have livable and thriving local communities and to help build homes. Having a home is a fundamental right. We know that. Furthermore, I have listened intently to those opposite and have come to realise they no longer represent aspirational Victorians, who just want to own their own home and to have a voice in their local community, in its development and infrastructure.

On this side of the chamber we stand for a strong voice for the community we have been elected to represent, and I am determined to be that voice for the Western Metro region. This means standing up and making clear that the government cannot bulldoze dissenting voices of the community, whether they are objections from local councils or from community groups opposing widespread overdevelopment. This bill strips away proper and real community consultation in planning matters. What residents and local councils in my areas are telling me is that this bill will further erode local planning controls that have been whittled away and will severely reduce the role of councils and residents to have a say in decisions that directly affect them in the place they live and the place they have grown up in.

I also want to make some remarks about the war this government seems determined to wage against rental providers. Whether it is to please the Greens or not, I am not sure. When you go to war with rental providers, you ultimately go to war with renters. In the end, no-one wins. We know that when too much stress is placed on rental markets, including when the rent you are paying becomes unreasonable and impossible for renters, our social housing market is placed under even greater strain. We know from the data that the social housing waitlist in Victoria is growing at a rapid rate. We do not want to place an additional strain on the social housing network. However, this bill has the potential to do just that. The government should be more focused on supporting those people who are creating supply in the rental market, to add supply and to provide more options for renters. People who invest in a second home to get themselves and their family ahead should not be demonised and punished. They should be supported.

Feedback from the sector is resoundingly in favour of increasing stock and supply in the market and using all levers the government has at its disposal to facilitate this outcome. The Australian dream of owning your own home is why so many migrants move to Australia, this great country of ours. Their dreams and aspirations to own a home for their family should be encouraged and supported, and if they want to invest in property to get themselves ahead, this is a good thing. It should be noted that 70 per cent of rental providers only have one rental property. These people are not property tycoons. They are the average mums and dads who seek the investment of a house for their future security.

This bill, as I mentioned, removes the last remaining controls for rental providers and could ultimately lead to serious unintended consequences, which I am not sure the government has even considered. When rental providers leave the market, the affordability of the rental stock that remains goes down. This is the last thing we want or need in a cost-of-living crisis. Rents will rise, and we know what

happens when rents become unaffordable: the most vulnerable in our community could become homeless and be locked out of the market entirely. I have heard this message loud and clear from my community and many local housing services that are trying to manage the influx of those seeking emergency accommodation. For this reason those on this side of the chamber will continue to voice our concern and attempt to improve this bill in this state through our reasoned amendment. I thank the house, and I will leave it there.

Renee HEATH (Eastern Victoria) (16:46): This bill is being introduced under the guise of protecting renters and improving rental conditions, but let us be clear: it is not about fixing housing affordability. It is about the government covering up its own failures.

Members interjecting.

Renee HEATH: There is a bit of touchiness from the other side of the house there, Mr Galea. After years of harsh lockdowns and government mismanagement the priority should have been rebuilding lives and industries. Instead, this government has funnelled billions of dollars – taxpayer dollars, by the way – into its corruption-ridden Big Build projects, draining resources, labour and materials away from housing investment. Now, having failed to build enough homes, the government is forcing rental providers to fill that gap. Rather than addressing the root causes of rising rents and declining rental availability it is using this legislation to shift the blame, fostering a toxic divide between rental providers and renters. I think what we must do is stop and look at the real cause of Victoria's housing crisis. While the government and the Greens often spin this narrative of greedy landlords, the facts tell a very different story, and I want to talk to you about some of those facts today.

Number one: 90 per cent of rental providers in Victoria are private individuals, not big corporations. Many of those are teachers, nurses and working families who just own one property. Number two: they are grappling with higher taxes, costly regulations, rising mortgage rates, council fees, insurance premiums and surging energy costs. Many of those things are completely outside of their control. And number three: 54 per cent of rental providers already operate at a net loss, meaning that they are not profiting from their investment.

Rather than providing real solutions, this bill introduces punitive policies that will drive more investors out of the market, further shrinking rental supply and driving rents even higher, and that is something that I am genuinely worried about. The fact is in Victoria rental stock is plummeting, and the numbers speak for themselves. In just one year Victoria lost 24,716 rental houses. That is the biggest drop on record since 1999. Over the last decade Victoria's total rental stock has dropped by 12.8 per cent. Investors are leaving Victoria at an alarming rate, taking tens of billions of dollars out of Victoria to more stable states with better policies and better conditions.

Industry experts have sounded the alarm. The Real Estate Institute of Victoria has warned that Victoria's rental law reforms are the key reason investors are fleeing the market. The Property Investors Council of Australia called the decline in rental stock 'appalling', stating:

> Investors in Victoria especially are sick and tired of being treated so appallingly by the state government, and they're selling, and that is fundamentally reducing the supply of rental accommodation in Victoria.

Yet instead of listening to this feedback, the government is doubling down with new restrictions: no-fault evictions removed, meaning rental providers may be forced to keep problem tenants; caps on rental increases, ignoring the rising costs of maintenance, repairs and mortgages; and more expensive compliance rules, forcing landlords or rental providers to install ceiling insulation, 5-star showerheads, blind cord anchors, draughtproofing and energy-efficient appliances. All of these are fantastic things, but that is at an estimated $30,000 per property. When we think back to who actually own these rental properties, they cannot afford to keep them, and they are fleeing the market. If they flee the market, that puts more pressure on everyday Victorians. This is nothing short of government overreach into private investments. It will accelerate the rental market, and sadly, I do not think it will solve it.

What has driven rents up? Instead of misleading the public with anti-rental-provider rhetoric, the government should be addressing the real causes of rental increases. One of those is supply-and-demand imbalance. Fewer rental homes naturally means higher rents – it is just basic economics. Yet the government is pushing investors out of the market, and that will make the problem even worse. The Big Build seems to be prioritised over housing. Billions have been spent on cost-blowout infrastructure projects while housing supply remains stagnant. Also we need to have a housing plan that will keep up with immigration. Eighty per cent of new housing in Melbourne last year was taken by international students. Obviously this is an important issue but we have to be realistic and look: we are just not keeping pace with the amount of new homes. Another 187,000 new students are projected to arrive this coming year, which will increase the competition for renters. No plan exists to accommodate this surge. Instead, local renters are being completely squeezed, and because of the increased pressure a lot of them are leaving the market.

Victoria has the highest taxes in Australia. We have more debt than New South Wales, Queensland and Tasmania combined. This government has increased taxes over 55 times since coming to government. This government has introduced 30 new property taxes. A land tax hike in 2023 now affects people with properties valued at just $50,000. Experts warned that these policies would shrink investment and reduce revenue, not increase it. The reality is that rental providers fill an absolutely vital part of the market. They are not the problem; bad government is the problem.

Where is Victoria headed? Victoria's economy is already one of the worst performing in the country, and it is no surprise that housing forecasts for 2025 rank Victoria amongst the weakest markets in Australia. This rental crisis is government made – there is no doubt about it. It was created by bad policies, high taxes and reckless spending. All of the responsibility for those things is at the feet of the Labor government, and this bill could make it worse. If this government is serious about rental affordability, it really must take a comprehensive approach. It has to end the war on investors, encourage investment, restore confidence in Victoria and reward effort rather than punishing it. It needs to reduce taxes and the regulatory burdens that are driving rental providers away. It needs to address the housing bottlenecks and stop diverting resources to wasteful megaprojects that probably will not be delivered and then saying that they are on time and on budget when it is clear that they are not. Develop a proper plan that will be able to accommodate the growth of Victoria. This bill is not the solution; it is political damage control designed to distract from years of failure of the government. If passed, it will further weaken Victoria's rental market, hurt both renters and rental providers and leave Victorians worse off than they are.

Lee TARLAMIS (South-Eastern Metropolitan) (16:55): I move:

That debate be adjourned until the next day of meeting.

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

Motions

Housing

John BERGER (Southern Metropolitan) (16:56): I rise to move my motion, the first time I have done this since being elected. I am particularly pleased that this is happening on such an important issue as this. It is motion 651, of which I gave notice on 17 October 2024. I move:

That this house:

(1) condemns the Liberal and Nationals coalition for their:

  (a) consistent efforts to undermine and oppose social housing developments in Victoria;

  (b) disregard shown to the wellbeing and dignity of their most vulnerable constituents;

(2) notes that in:

  (a) 2017, the member for Brighton opposed a development in Hampton, building 207 new apartments;

  (b) 2021, the member for Sandringham opposed a proposal to build 1048 apartments in Highett; and

(c) 2022, the former Liberal Minister for Housing believed low-income families had no place in the member for Brighton's electorate as they would not have the latest sneakers or iPhones.

That, as you know, is the motion. I move this for this very serious reason: I move that the house formally condemns the Liberal and National coalition for their consistent and deliberate efforts to undermine and oppose social housing developments in Victoria, because housing is a human right and the coalition just do not get it. Their behaviour is unfortunately nothing new at all for most Victorians. Given that the record of the Liberal and National parties when it comes to housing in recent decades has been horrific, nobody can be surprised about their policies, because they are non-existent. It has been less concerned with helping those who need a roof over their heads and more concerned with protecting their own backyard. It stands in stark contrast to the conservative movements of international friends and allies, particularly in Canada with the leader of the conservatives, Pierre Poilievre, and across the Tasman with our friends in New Zealand and the national conservative-minded government there. The so-called NIMBY movement, which stands for 'not in my backyard' – or as those opposite on that side of the chamber would call it, 'not in my Brighton' – has found a natural political home right here in the Victorian Liberal Party, where the prevailing ideology is not about helping first home buyers but locking them out.

In thinking about this motion today, there is a particular quote I hope you can indulge me sharing, Acting President, and I think it is important that the quote is from a former member in this place and from across the other side:

> I would urge my colleagues to be brave in pursuit of Menzian values on housing and on housing freedom. I would urge my colleagues not to be intimidated by selfish, rich geriatrics who oftentimes may vote for us but who we know always have a predilection towards bigger government and greater regulation to protect their own wealth at the expense of younger people and new migrants. I would urge my colleagues to be brave, because I believe not only is this very good policy, it is also good politics, because Victoria's demographics are changing. We must look to the future. We must look to empower younger people, and the status quo is not an option …

You may be wondering who made that quote. Well, you may recall that quote was from the good Dr Bach – the much-missed and eloquent contributor to the North-East Metropolitan Region, a man who had a real grasp on social issues and the issues that matter to the people of the North-Eastern Metropolitan Region – housing, jobs and education, which he cared about a lot as a former teacher and doctor – and who, I might add, availed himself of briefings from our ministers, unlike others. We do miss the good Dr Bach's contributions in his role as Shadow Minister for Education, and he said it more than a year ago now, on 2 November 2023, in this very place. While you have seen big movement on this front on our part, there has been no movement on it from the other side.

While the good Dr Bach used to speak positively of housing, this do-nothing, know-nothing opposition runs away from it at every turn. The gig is up. The Liberals' friends in the Murdoch media exposed the racket for what it is – a racket.

> … housing towers in Brighton, Toorak, Malvern, Armadale and Hawksburn is going to ruin Melbourne …

says Steve Price from the *Herald Sun*. These suburbs in my community of Southern Metro, Mr Price argues, do not want more housing and that it would ruin the character of the community, it would ruin the shape. Well, I could not disagree more, and let me tell you why.

For some in Brighton, Toorak, Malvern, Armadale and Hawksburn, the suburbs Mr Price has singled out, housing affordability is out of reach, even for those who grew up in those homes. You grow up knowing one community – I know for me that community was Glenroy and Coburg – and you feel at home there. Your parents live there in your childhood home, Nan and Pop live around the corner just a few minutes drive away, you know the quickest path through the side streets to get to the shops and you feel like you are the only one of your university or workmates lucky enough to know where the best coffee or doughnuts are in Melbourne. But then what happens? You enter the real world and enter the housing market, and you can no longer live anywhere near your family – it is just too far out of reach, too expensive. I know; I had that experience. I know many families across Victoria are

experiencing that currently. You hear a lot in this place about aspiration – the aspirational class and people's aspirations for a better life in this next battle, the future and all of it – the Australian dream and the Victorian dream. As the Premier said back in November, it is the fight of her life, and it is the fight of all of our lives. We must make it manageable for families to stay together and get back into the housing market.

The disrespect with which this debate is happening has been shameful and wrong. Many in this chamber would remember the time a member for Northern Victoria weighed in on the debate about social housing. Do you remember what was said? That it was somewhat inappropriate for a low-income family to move into Brighton – 'Not in my Brighton, not in my Bayside'. Her principal objection to building social housing in the area was the prospect that low-income, welfare-dependent families would have to attend the same schools as other kids with different sneakers and iPhones. That was from a former Liberal housing minister. I am not sure why the Liberals would have a housing minister if they do not want to build housing.

Four years of failure, four dark years from 2010 to 2014 – years of incompetence and paralysis when the coalition let social and affordable housing take a back seat and went to work carving up Melbourne for unrestricted development with no consideration for the future. I think many of us would remember the time when the planning minister in the other place, the member for Bulleen, earned himself the nickname 'Mr Skyscraper'. We actually have a plan. He had a knack for letting private developers rip without any plan – with no infrastructure ready, no schools, no hospitals – and most importantly, no plan for families. To this day they still take any and every opportunity to make sure that working people can never get a leg up.

In November the Premier made a bold new announcement to establish 25 new activity centres across Melbourne. These activity centres will help build more homes where Victorians need them, around public transport hubs like train stations, shops, doctors and chemists. In my community of Southern Metro it is a fact that more young people are looking to move further and further away from their home because it is becoming simply unaffordable for the average student who is juggling university with casual jobs to afford rising rents. Suburbs like Brighton are simply unaffordable. That is why the Allan Labor government is investing in housing and investing in the future of young people.

Housing supply is critical to making sure that we are addressing rising rents. It is possibly the most basic economic lesson you can give: the fundamental laws of supply and demand. Though for some, the rationale of the market economy is not strong enough to counter the Liberal Party's NIMBY tendencies. When the Premier announced the new activity centres, the party once again showed their true colours. The member for Brighton in the other place doubled down and rocked up with an armada to protest new housing in true Liberal fashion. The photos are a treat, and I would encourage you to have a look at them if you have not already done so by now. At some point between Robert Menzies' reign and the modern day, the Liberal Party transformed itself from a libertarian party to a conservative party. They are less concerned with empowering ordinary Australians, first home buyers and renters and more concerned about their own backyard. Stopping ordinary people moving in down the street has taken a higher priority in the minds of Liberals like the member for Brighton. It is a pattern of behaviour. In 2017, when a proposal suggested 207 apartments in Hampton, the member for Brighton folded his arms and opposed it. Similarly, the neighbouring member for Sandringham decided to oppose the proposal for over 1000 apartments – 1048 to be exact – locking out hundreds and maybe thousands of young professionals, parents, families and students from living in a beautiful suburb like Sandringham.

That is not to mention the fact that the lack of housing supply means that when younger people do want or need to move out of their parents' house they will not even be able to buy or rent a place nearby. The prospect of young people being able to actually live in the places where they grew up frightens those opposite, because it is not about helping first home buyers to them. It is not about making sure there are enough homes and apartments available for renters to stay in. They want to freeze time and let the world pass them by with no concern for where these renters and prospective

home owners will go. Kicking the can down the road – or out of your backyard – does not fix the problem. Ultimately, forcing Melbourne to sprawl into the suburbs for ever and ever will cause trouble in the inner city too with time, as congestion builds up and there is more pressure on our inner suburbs.

To make sure there are enough homes to house our growing population we have to build homes where it just makes sense, and that includes at train stations. Building more homes around train stations takes pressure off our roads, which means people get to work faster, and also reduces our carbon emissions. The Allan Labor government is working hard to make sure that young people can have a future in our city. Melbourne is projected to have the same population as London has today in around 25 years, and if one were to visit London they would see they have several apartment complexes with higher density built around train stations, because that is the smart thing to do. That is how you build a city, instead of building out, and how you keep pressure off the roads while reaping the benefits of a growing community.

I understand that wanting Victoria's economy to be more dynamic, prosperous and diverse may not be the first instinct or inclination for the Liberals. After all, in the past 30-odd years they have had two governments of their own and left their own stain on this state. The last Liberal government managed to cobble together a dysfunctional team, one that mass-approved skyscrapers with the plan to deal with the population crunch. One of the members, the member for northern Victoria, sat in the housing driver's seat while opposing social housing development in Brighton because of kids owning iPhones. Before that, the coalition unleashed the mania that was the Kennett Liberal Party. Nothing reflects the contempt the Liberal and National parties have for young people like closing over 300 public schools. Whole families were destroyed. Parents were sacked and students were thrown out of their schools and disrupted from learning. They do not do, they block; but we do.

We heard in October the Leader of the Opposition say on Raf Epstein that there is nothing there and we have not dealt with the issues blocking houses from being built. What does that even mean? That is what we are doing. He said they would have a different approach and that we should scrap the activity centres because you cannot put them in established areas. What does that mean? If they do not want to put them there, where do they want to put them? They are not experts in building homes; they are experts in blocking them.

It is entirely hypocritical of the coalition to talk about housing when there is no other political party in the room that has worked harder to stop the construction of higher density housing in their respective electorates. It is also why they would never be able to deal with the housing market pressures if elected. They are just not leaders in any regard. The Liberal Party would not even attempt to lead the state and bring constituents along with them. They would try to keep things as they are, twiddling their thumbs in the hope that things would magically get better.

The Australian market is at a structural disadvantage compared to other OECD advanced economies on housing market metrics. For instance, a parliamentary research paper from New South Wales found that the elasticity of the Australian housing market was at 0.5. That is considered intermediate and far below peers like the United States, which has an elasticity of 2.0, or four times our levels, or Sweden at 1.4. Why is this important? I want to quote from the report:

> The elasticity of supply is a measure of the responsiveness of housing supply to an increase in demand or house prices. Technically, this covers both the supply of new-build housing and the supply which occurs from within the established dwelling stock. However, the latter is difficult to observe and has not been subject to much previous research. Housing supply elasticity has therefore become synonymous with new housing supply. It is defined as the percentage change in housing stock that arises due to a 1% change in price. For instance, suppose a rise in demand for housing increases house prices by 1%. If housing supply elasticity is 0.62, it can be expected that the housing supply will expand by 0.62% in response to this 1% increase in price.

Thank you to professor of economics Rachel Ong ViforJ and professor of property and housing economics Chris Leishman for their work in this space. As you can see, if there is an elasticity level greater than one, it means that the price increase in the market because of proportionality is larger and it will increase in stock. But it is not clear that this happens in Australia or Victoria. That is where the

government comes in, and the Allan Labor government is committed to filling this gap. The basic law is that for housing stock per capita to increase over time, new homes need to be completed at a rate that surpasses population growth. Unfortunately, Australia is below the OECD average on dwellings per 10,000 people, with Italy the highest at 600. Australia is above 400, and the OECD average is just 450. Yet despite all of that, recent ABS data showed Victoria was number one in the country for home approvals, home construction starts and home construction completions. So we are at a structural disadvantage as a country, but as usual, Victoria is punching above its weight, doing more. We are delivering more social and affordable homes, and that means the Suburban Rail Loop, which is not only Australia's largest infrastructure project in history but Australia's largest housing project.

But we know we need to do more. Now we are building more homes a year as a percentage of the current housing stock than the OECD average, but we also growing faster. So the question of how we grow that stock is a big deal and a big question. We are building more homes than any other state. That means more than 60,000 home completions over the last 12 months, nearly 15,000 more homes than New South Wales, and I can only imagine how many more it would be over in South Australia, the state the Victorian Liberals so desperately want us to copy and be like. The numbers could not be starker. ABS data released shows Victoria built 60,606 homes over the year, a 7.5 per cent increase year on year, while New South Wales built 46,573 homes, a 3.9 per cent decline year on year.

If it were up to the Victorian coalition, we would have achieved nothing like this. They would have just blocked and blocked and continued to block. How are we going to achieve this? The more homes bill is a game changer and will slash stamp duty on eligible homes, off-the-plan apartments, units and townhouses. This 12-month concession will cut up-front costs for getting a home, making it more affordable for Victorians. This will boost construction, and the concessions will have an effect across the state, fighting the housing crisis. The concession provides a deduction, and a big one, of 100 per cent of construction and refurb costs when determining how much stamp duty is payable.

While $348.8 million was cut from the social housing fund by the Liberal–National coalition in the 2011–12 budget, we are doing the opposite. While they cut another $1.8 million from housing assistance and support programs a year later, we are doing the opposite. While they cut another $13.1 million from housing assistance and support programs the year after that – three years in a row – we are doing the opposite. To sum up the last Liberal government, four years of cuts. They cut another 210 homes from the social housing acquisition program in the Liberal–National coalition's last budget in 2014–15.

Well done to everyone who was involved in crafting this bill. I encourage my community in Southern Metro to look into this plan, if they have not already done so, to see what we are doing. Our plan has also included approving big projects that Victorians want right near the places where Victorians want to live, which includes my beautiful community of Southern Metro. At the end of 2024 we approved three residential buildings in Docklands. That means almost 1000 homes added on the waterfront. There are 915 new homes to be built in new buildings at Collins Wharf, nearly doubling the place. This half-a-billion-dollar project includes two 28-storey buildings and another 16-storey building.

As you know, the Allan Labor government is the only government that can deliver for our regions in Victoria. It was 25 years ago that much of regional Victoria turned red, and for good reason. It was lucky for us too, because part of that crop was our Premier, the member for Bendigo East. It is not just the cities that need more homes built, it is the regions as well. Our regions face a massive challenge of resources and getting tradies out to regional Victoria to build new homes, but that is what the Allan Labor government is doing. We are getting on with it.

I am sure as a house we will have the opportunity to further discuss this motion at great length, but I will reiterate a few points. We introduced the Duties Amendment (More Homes) Bill in 2024, and as the then Treasurer made clear, it was a temporary measure to:

> … encourage more off-the-plan purchases of apartments and townhouses by providing a land transfer duty benefit to purchasers, including investors, who are not eligible for existing off-the-plan concessions that are currently available for first home buyers and owner-occupiers.

As the motion signifies, the Liberal and National coalition have shown no regard for the wellbeing and dignity of their most vulnerable constituents. It is these sorts of bills that aim to do that, and by opposing them the coalition have shown themselves for what they truly are. It is the same for the short-stay levy. The bill was passed without amendment in this place on 17 October 2024 and later passed in the Legislative Assembly on 29 October. Thankfully, sounder heads prevailed, but it is this that shows what the coalition is about. When the coalition opposed the short-stay levy they were telling the most vulnerable in their communities that they will oppose homes being built in Victoria and that they are opposing Homes Victoria's work in building and maintaining social and affordable housing across Victoria. Mr Welch claimed that we vilify the outer suburbs and particularly called out 'urban ghettos' in his adjournment matter on 29 October 2024 when he was talking about social homes. He truly thinks Victorians in these communities live in ghettos. Has he ever ventured out of Yan Yean? Has he ever ventured out of McEwen? Does he even know that my community of Southern Metro includes many public housing towers and social and affordable housing in the electorates of Prahran and Albert Park in particular?

Democracy is about choice. Our side believes in social housing. The Leader of the Opposition does not and neither does his shadow cabinet. The last time they were in power they just cut, cut, cut. Let us not forget that in 2021 the then Leader of the Opposition jumped on the back of a ute in Hawthorn to oppose the social housing project the government is delivering in Bills Street. It is a housing project that I know very well, having had the honour to visit it with successive ministers for housing, first Minister Brooks in the other place and now of course Minister Shing in this place. While the then Leader of the Opposition tried to block those houses, we built them. He is a blocker, but we build things. The Bills Street, Hawthorn, development tenants have been moving in since 18 July last year. If the opposition had had their way not only would those homes not have been built but those jobs around them would not have existed. This development has provided 206 social and affordable homes and has created 890 jobs. I think that is just great.

Since November 2020 we have built more than 15,000 homes and are in the process of building them as part of the capital program right across the government. This includes the Big Housing Build, the Regional Housing Fund, ground lease model 1, the public housing renewal program and the Social Housing Growth Fund. That includes more than 10,000 homes which have been built or are on the way to being built as part of the Big Housing Build and more than 5000 households – that means families, friends and everyone in between – who have moved into or are almost ready to move into their brand new homes. I have seen firsthand the difference a new home makes. In Bangs Street, just a few hundred metres away from my office, we are delivering some of the over 13,300 social and affordable homes that are part of the $6.3 billion Big Housing Build and Regional Housing Fund. Last year we announced the location of 1000 of them, a game changer for the communities where they are located. These new and refurbished homes include 700 public housing homes, making it easy to get a roof over your head. In regional Victoria over 3100 homes are complete or underway under Big Housing Build planning as well – underway to deliver more than 400 homes through the renewal of regional neighbourhoods like Delacombe in Ballarat, Benalla, Virginia Hill in Bendigo or Ormond Road in Geelong East.

But we have done more than that, and we are continuing to do more than that. We are currently delivering 1370 new homes across ground lease model sites at Essex Street in Prahran, Simmons Street in South Yarra, Barak Beacon in Port Melbourne and Bluff Road in Hampton East. I also visited Markham Avenue in Ashburton, near my good friend the member for Ashwood in the other place –

he knows the value of social housing – along with Dunlop Avenue in Ascot Vale and Tarakan Street in Heidelberg West, which are all providing another 304 social homes and 204 affordable homes.

This side of the chamber is committed to delivering, and that is what this motion is all about. It is showing what those opposite are really about. There is our new building watchdog with teeth, to protect Victorians, directing builders to fix substandard work before, during and after settlement and the move-in date. It will help make homes more affordable, reducing the need for costly repairs and endless pain because of dodgy builders. There is the new land we unlocked in Kew, which is closer to transport, the amazing schools of Southern Metro and the parks that define our community. This will deliver more than 500 new homes in Kew, and I want to thank the former Minister for Precincts in the other place for his work on this. As part of our landmark, nation-leading and forward-thinking housing statement, at least 10 per cent of the dwellings on this site will be affordable homes.

We have a plan for affordable housing; the Liberals and Nationals do not. The Allan Labor government are going to deliver at least 9000 homes across 45 sites right across our state, and we will achieve this by having a plan and by unlocking and rezoning surplus government land. As the Minister for Precincts wisely said, 'The status quo isn't an option.' We know that is true. We cannot go on like this. We need to make a change. We cannot allow those opposite to continue to say, 'Not in my backyard.' We cannot allow those opposite to continue to say, 'Not in my Brighton.' This is not a challenge that just some communities need to face; we are all in this together. Our plan for 50 activity centres across Melbourne is just that – in Broadmeadows, Camberwell, Chadstone, Epping, Frankston, Moorabbin, Niddrie, North Essendon, Preston and Ringwood.

Dr Stephen Glackin, an expert in urban planning from Swinburne University, has said he was taken aback by the scope of the overhaul – our boldness, our vision. That is what this side of the chamber is about – that bold vision and doing what matters. As Dr Glackin correctly said, it is the right thing to do and it is the right thing for Melbourne. While the coalition continues to undermine homes being built in Victoria, I want all of my community of Southern Metro to know that it is the coalition's fault and that they are the blockers and the ones not getting things done. The Allan Labor government are the builders. Do not just take our word for it; you can see the results. The community knows that we can build things. From the North East Link, to the Metro Tunnel, to the countless level crossing removals – so many that I have lost count – to the record numbers of schools and train stations under the leadership of Daniel Andrews and the Andrews Labor government and to the Allan Labor government's bold plan to get millennials into homes, we are the only party that can get it done, and that is what we will do. By moving this motion today, the house will record and show that Labor governments are the only governments that are delivering for housing in Victoria. I encourage the Greens to get behind this motion as well and put their vote where their values are. I commend the motion to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:24): I will just quickly speak on Mr Berger's motion. I have had it in the bottom drawer for a long time. I am happy Mr Berger finally got a guernsey, because –

Renee Heath: On a point of order, Acting President, Mr McIntosh appears to be interjecting when he is not in his spot, which is outside of the standing orders. I seek your guidance.

The ACTING PRESIDENT (Jacinta Ermacora): You may seek guidance. I uphold the point of order – any interjection from your place, please.

Evan MULHOLLAND: I am happy for Mr Berger. He finally got a guernsey on this motion. It has been sitting in my bottom drawer, unlike Anthony Carbines's very full bottom drawer, which is full of policies on bail. It has been sitting in my bottom drawer for a while because he keeps getting put at the bottom of the queue by the Labor Party, on that side. We heard a lot about housing in his electorate and in Prahran. Mr Berger obviously got rolled on that one as well. His Labor Party –

John Berger: On a point of order, Acting President, if Mr Mulholland is going to refer to my name, he should refer to it correctly. It is 'Berger'.

The ACTING PRESIDENT (Jacinta Ermacora): While technically that is not a point of order, it is about respect – a courtesy – so please, with a hard 'g'.

Evan MULHOLLAND: Mr Berger obviously got rolled on that one, because his party did not actually have the guts to run a candidate in Prahran. They talk about how Labor is serving the community in Prahran – 'We just don't want to represent you'; 'We're the Labor Party. We govern for all Victorians' – he said it in his speech. No, they do not, because they do not stand a candidate in a seat like Prahran. A seat like Prahran is not worthy of the Labor Party running.

We have a fantastic incoming member for Prahran in Rachel Westaway, who will do a great job as the Liberal member for Prahran. Mr Berger could have run his good friend – what is the fellow's name? His good friend John Kennedy could have switched over to Prahran. They could have run the campaign for John Kennedy in Prahran – they could have run anyone in Prahran – but they decided to turn their backs on that electorate.

Mr Berger, I did pick up one thing that you said, which was that there has been a big movement on your side towards housing. He might not have been here for the eight out of the 10 years of this government that Richard Wynne spent as their planning minister – opposing housing, putting height limits in places like Brunswick. Mr Berger also spoke fondly about places like Glenroy and Coburg. He did.

John Berger: You wouldn't know anything about it.

Evan MULHOLLAND: I do; I represent them. Wouldn't you know that the minister at the table, Mr Erdogan, was also a councillor representing places like Glenroy and Coburg. So was the member for Broadmeadows; Ms Kathleen Matthews-Ward was a councillor there. I know that those two members –

Tom McIntosh: On a point of order, Acting President, Mr Mulholland has clearly abandoned his YIMBY principles and the positions that he stood here and talked about in this chamber last year.

The ACTING PRESIDENT (Jacinta Ermacora): That is not a point of order.

Evan MULHOLLAND: The then councillors Matthews-Ward and Erdogan did not always agree with each other at the time – I know Ms Matthews-Ward did not vote for Mr Erdogan as mayor; she got in a bit of trouble over it – but they were in absolute lockstep on opposing development in the City of Moreland. They were in lockstep. If anyone came up with sensible proposals like development in areas like Brunswick and Coburg, they were the first ones to oppose it. They were there with their placards. They were there in the council chambers.

Members interjecting.

Evan MULHOLLAND: Your colleagues were there in the council chambers opposing development.

Richard Welch: On a point of order, Acting President, there is some pointing going on across the chamber.

The ACTING PRESIDENT (Jacinta Ermacora): The member will be heard with, if not silence, more respect, please.

Evan MULHOLLAND: Let us not forget it was this government that introduced the Planning and Environment Amendment (Recognising Objectors) Bill 2015, which made a significant impact, and still does to this day, in halting development across the state. You had the member for Carrum, who opposed a three-storey, 14-home development in Seaford as being inconsistent with neighbourhood character. You had the member for Frankston commenting on the bill, talking about protecting heritage

and things being in line with the community. You had the member for Oakleigh talking about it. Of course he was successful in placing two-storey height limits in Carnegie, overturning our plan for an activity zone, only for an almost identical plan to re-emerge in the government's housing statement. So do not lecture this side on blocking housing. Labor were the biggest blockers of all. Richard Wynne blocked development in the CBD. They are the ones that blocked development. We approved more housing in four years than Labor have in 10 – that is a statement of fact – and we actually built infrastructure before people moved in, not afterwards.

While we were approving homes, Mr Erdogan and his mates were blocking homes. While we were approving homes, all of these people – Brian Tee, Richard Wynne, probably Mr Tarlamis and all of his mates – were in here talking about Matthew Guy blocking development, talking about the Liberals approving too much development in our community. We know Ms Kilkenny does not like development in her community. We know the member for Frankston does not like development in his community. The member for Oakleigh does not like development in his community. They have all spoken about it. Ms Symes has even spoken in the chamber about overdevelopment under the Liberal Party. So do not give us a lecture – actually get on with it. You are all talk, and Mr Berger's motion is all sledge, no action.

Lee TARLAMIS (South-Eastern Metropolitan) (17:31): I move:

That debate on this motion be adjourned until the next day of meeting.

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

Bills

Energy and Land Legislation Amendment (Energy Safety) Bill 2025

Introduction and first reading

The ACTING PRESIDENT (John Berger) (17:31): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Electricity Safety Act 1998**, the **Gas Safety Act 1997**, the **Pipelines Act 2005**, the **Energy Safe Victoria Act 2005** and the **Land Act 1958** and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:32): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:32): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Energy and Land Legislation Amendment (Energy Safety) Bill 2025 (the **Bill**).

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

Overview of the Bill

This Bill amends the *Electricity Safety Act 1998*, the *Gas Safety Act 1997*, the *Pipelines Act 2005* and the *Energy Safe Victoria Act 2005* to continue to make the energy safety legislation framework in Victoria fit for purpose for the energy transition. It does this by expanding and strengthening the regulatory tools available to Energy Safe Victoria and the courts under the energy safety framework, aligning Energy Safe Victoria's powers with those available to other, similar regulators and streamlining the approach to safety risks and regulatory responses where relevant across each Act.

The Bill also amends the *Land Act 1958* to provide increased certainty of tenure for proposed projects on unreserved Crown land that are also subject to the *Environment Effects Act 1978* regime. While a decision to grant a lease of Crown land may engage human rights, the amendment in the Bill is limited to dealing with the procedure for making such a decision rather than the substantive effects of such a decision and therefore does not engage relevant human rights.

The following amendments in the Bill may engage human rights contained in the *Charter of Human Rights Act 2006* by amending:

the *Electricity Safety Act 1998* to abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee; reform the process for making the regulations that prescribe the Code of Practice for Electric Line Clearance; expand Energy Safe Victoria's existing power to issue an improvement notice and introduce a new power for Energy Safe Victoria to issue a prohibition notice;

the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005* to enable a court to issue an adverse publicity order power and a warrant to enter land or premises where necessary to mitigate safety risks;

the *Electricity Safety Act 1998* and *Gas Safety Act 1997* to provide Energy Safe Victoria and the court with a new injunction power to stop conduct that contravenes or threatens to contravene those Acts or regulations made under those Acts.

Human rights

This Statement of Compatibility commences with an outline of the rights generally engaged by the Bill and then discusses the compatibility of relevant Parts of the Bill with those rights.

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

Right to freedom from forced work (section 11)

Section 11 of the Charter provides that a person must not be held in slavery or servitude, or made to perform forced or compulsory labour. 'Forced or compulsory labour' does not include court-ordered community work as a condition of release from detention, work or service required because of an emergency threatening the Victorian community or a part of that community, or work or service that forms part of normal civil obligations.

Right to privacy and reputation (section 13)

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

The fundamental values which the right to privacy expresses are the physical and psychological integrity, the individual and social identity and the autonomy and inherent dignity of the person. The right to privacy may be engaged in circumstances where the there is a sufficient impact upon a person's capacity to experience a private life, maintain social relations or pursue employment.

Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

Right to freedom of expression (section 15(2))

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions

reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Right to take part in public life (section 18)

Section 18 of the Charter provides every person in Victoria has the right and is to have the opportunity to participate in the conduct of public affairs, directly or through freely chosen representatives.

While the scope of section 18 has not been thoroughly examined in Victorian Civil and Administrative Tribunal or Victorian courts, the International Covenant on Civil and Political Rights indicates that public affairs is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative power and the formulation and implication of policy at local levels.

Right to property (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or the common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. Deprivation of property will therefore not limit the right to property under section 20 where there is a law that authorises the deprivation and that law is adequately accessible, clear and certain, and sufficiently precise.

The Charter does not define the term "property" and very little Victorian jurisprudence exists with respect to the meaning of "property" under the Charter. The rights recognised as possessions under the European Convention on Human Rights may inform how a court will understand property under section 20. Patents and licenses have before been recognised as possessions.

Right to a fair hearing (section 24(1))

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision- making procedures of many types of tribunals, boards and other administrative decision- makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Right not to be tried or punished more than once (section 26)

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with the law. The right is relevant where legislative provisions may impose trial and punishment more than once for the same offence. However, the right does not prevent other non-penal consequences from flowing from the same conduct that gave rise to a criminal conviction and punishment. The right must consider whether the provision is penal in nature rather than the type of proceeding involved.

Human rights issues

New injunction power: clauses 31 and 62 of the Bill

Clauses 31 and 62 of the Bill insert new sections 141F into the *Electricity Safety Act 1998* and 109DA into the *Gas Safety Act 1997* to provide the court with a new power to issue injunctions if the court is satisfied that a person has engaged or is proposing to engage in conduct that constitutes, would constitute, or may lead to a contravention of a provision of the *Electricity Safety Act 1998* or the *Gas Safety Act 1997* or regulations made under those Acts. The court can grant an injunction under these new sections whether or not the person has engaged in the conduct before, will engage in the conduct in future or there is an imminent danger of substantial damage to any other person. Energy Safe Victoria or a person prescribed in regulations can apply for an injunction and the application may be made ex parte. I note that the regulations would only prescribe a person other than Energy Safe Victoria for the purposes of exercising the power to apply for an injunction if it was deemed necessary to support Energy Safe Victoria's exercise of enforcement powers. The person would need to be suitable and possess the knowledge required to make such an application.

An injunction may require a person to do or not do various activities including requiring a person at their own cost to institute an employee training program, carry out or arrange for work to be carried out and arrange for testing of an electrical installation or equipment in accordance with the regulations. The Supreme Court can also grant an injunction restraining a person from carrying on a business that involves carrying out activities regulated by the *Electricity Safety Act 1997* or the *Gas Safety Act 1997*.

Energy Safe Victoria or a person prescribed in regulations can apply for an injunction and the application may be made ex parte.

Right to freedom from forced work (sections 11(2), 11(3)(c))

The right to freedom from forced work under section 11(2) of the Charter is engaged by the new injunction power, because an injunction may require a person to undertake work or testing to rectify or avoid a contravention of provision under the relevant Act or regulations made under that Act.

However, the right to freedom from forced work is likely not limited, as any forced labour required under an injunction would from part of normal civil obligations (section 11(3)(c)) and is therefore explicitly excluded from the scope of forced or compulsory labour under section 11(3)(c) of the Charter.

I am therefore satisfied that the right to freedom from forced work in section 11(2) of the Charter is not limited by clauses 31 and 62 of the Bill.

Right to privacy (section 13(a))

The right to privacy under section 13(a) of the Charter is engaged by the new injunction power, because the person subject to an injunction may be restrained from carrying on a business that involves regulated activities under the *Electricity Safety Act 1998* or the *Gas Safety Act 1997*.

The right to privacy may be engaged where the Supreme Court issues an injunction that has a sufficient impact upon a person's capacity to pursue employment.

However, any interference with the right will not be arbitrary because it will be done in accordance with the law as set out in new sections 141F(5) of the *Electricity Safety Act 1998* and new section 109DA(5) of the *Gas Safety Act 1997*.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 31 and 62 of the Bill.

Right to a fair hearing (section 24(1))

The right to a fair hearing under section 24(1) of the Charter is engaged and may be limited by the new injunction power, because the applicant for the injunction may make the application ex parte.

This may limit the right to a fair hearing, because the person subject to the injunction will not have an opportunity to respond to the application for the injunction.

I consider that any such limitation of the right to a fair hearing would be reasonable, justified and for a legitimate purpose, as an application for an injunction on an ex parte basis may be necessary to ensure Energy Safe Victoria can respond quickly to contraventions of the relevant legislation and that action is taken to prevent, minimise or remedy any safety risks that the contravention may cause.

I am also satisfied that appropriate safeguards are in place, including that a court will retain the discretion to refuse to hear the application ex parte, including when hearing the injunction ex parte would result in an unfair hearing.

Accordingly, to the extent that the Bill limits the right to a fair hearing under section 24(1) of the Charter, I am satisfied that any limitations are justified on the basis that they are reasonable and have a legitimate purpose. I am therefore satisfied that the right to a fair hearing is not limited by clauses 31 and 62 of the Bill.

Expansion of improvement notice power and introduction of new prohibition notice: clauses 33, 34 and 35 of the Bill

The Bill expands the existing improvement notice power and introduces a new prohibition notice power in the *Electricity Safety Act 1998*.

Clause 33 of the Bill expands the improvement notice power so that an improvement notice can be issued where a person is contravening the *Electricity Safety Act 1998* or regulations made under that Act or, if a person has already engaged in a contravention, it is likely that the contravention will be continued or repeated, instead of a contravention to Division 2 or 3 of Part 10 of the Act only. It also provides that the Chairperson of Energy Safe Victoria, in addition to an authorised officer, can issue an improvement notice. An improvement notice may require the person to remedy the contravention.

Clause 34 of the Bill introduces a new power for authorised officers and the Chairperson of Energy Safe Victoria to issue a prohibition notice under the *Electricity Safety Act 1998* to prohibit a person from carrying on an activity that involves or will involve immediate risk to the safe supply or use of electricity. Clause 35 of the Bill expands the existing power for authorised officers to include a direction to take measures to remedy a contravention of the Act in an improvement notice, so that the Chairperson of Energy Safe Victoria or an authorised officer can include a direction in a prohibition notice to take measures to remedy any contravention, risk, matter or activity to which the notice relates. It is already an offence to not comply with an improvement notice and the Bill will make it an offence to not comply with a prohibition notice.

Right to freedom from forced work (sections 11(2), 11(3)(c))

The right under section 11(2) is engaged by the expanded improvement notice power and the new prohibition notice power, because a person subject to one of these notices may be required to stop a certain activity or to take specific measures to remedy a contravention, a possible contravention of the *Electricity Safety Act 1998*, or a risk, matter or activity to which the notice relates. This could be viewed as requiring a person to perform forced or compulsory labour.

However, in my view the right to freedom from forced work is not limited, as any forced labour required under these provisions would from part of normal civil obligations and is therefore specifically excluded from the scope of section 11(2) by section 11(3)(c) of the Charter.

I am therefore satisfied that the right to freedom from forced work in section 11(2) of the Charter is not limited by clauses 33, 34 and 35 of the Bill.

Right to a fair hearing (section 24)

The right to a fair hearing under section 24(1) of the Charter may be engaged by the expanded improvement notice power and the new prohibition power, because a broad reading of the right may encompass the decision-making procedures of administrative decision-makers, such as Energy Safe Victoria.

The right to a fair hearing is concerned with the procedural fairness of a decision.

The power to issue an improvement notice under section 143 of the *Electricity Safety Act 1998*, which will be expanded by clause 33 of the Bill, and the new power to issue a prohibition notice inserted by clause 34 of the Bill both require Energy Safe Victoria to provide the affected person with the reason for the notice and in the case of an improvement notice, the date by which the affected person must remedy the contravention. Energy Safe Victoria may direct the affected person to take a specific action under an improvement and prohibition notice. I note that Energy Safe Victoria is not required to give the affected person prior notice that they will be subject to an improvement notice or a prohibition notice, nor does it provide an opportunity for a person to provide reasons to Energy Safe Victoria as to why the notice should not be issued. In my view, any limitation to procedural fairness and therefore the right to a fair hearing caused by the absence of prior notice or opportunity for the affected person to provide reasons is justified, as this will enable Energy Safe Victoria to act quickly and mitigate safety risks to the community.

Further, any limitation caused by the absence of an ability to provide reasons to Energy Safe Victoria as to why the notice should not be issued is reasonable, as a person can apply to the Victorian Civil and Administrative Tribunal for review of the decision. The requirement to comply with an improvement notice or prohibition notice does not apply during any period that the operation of the relevant notice is stayed by the Tribunal.

Further, an improvement notice or prohibition notice does not in and of itself impose a penalty. While it is an offence under existing section 144 of the *Electricity Safety Act 1998* to not comply with an improvement notice, and an offence under new section 144B inserted by clause 34 of the Bill to not comply with a prohibition notice, prosecution of these offences by Energy Safe Victoria must comply with all relevant court processes and rules, which provides the affected person with procedural fairness.

Therefore, if a broad reading is adopted and the right to a fair hearing is engaged, I am satisfied that the right to a fair hearing is not limited by clauses 33, 34 and 35 of the Bill.

New power for Energy Safe Victoria to immediately suspend a registration or licence: clauses 46, 47 and 48

Clauses 46 and 47 of the Bill provide new powers for Energy Safe Victoria to immediately suspend an electrical contractor's registration or an electrical worker's license in whole or in part, where Energy Safe Victoria considers it is in the interests of the public to do so. To exercise the power, Energy Safe Victoria must either intend to commence or have already commenced an inquiry to determine whether there is proper cause for taking formal disciplinary action against the contractor or licensee under sections 34 or 41 of the Electricity Safety Act. If the grounds for suspension cease to exist or Energy Safe Victoria decides not to commence an inquiry, Energy Safe Victoria must revoke the immediate suspension.

The suspension takes effect when the notice is given to the electrical contractor or worker. Energy Safe Victoria is not required to give the contractor or worker prior notice.

Clause 48 amends the *Electricity Safety Act 1998* to provide that the affected contractor or licensee can apply to the Victorian Civil and Administrative Tribunal for review of a decision to immediately suspend their registration or license.

The right to privacy and reputation (section 13)

The right to privacy may be engaged in circumstances where the there is a sufficient impact upon a person's capacity to experience a private life, maintain social relations or pursue employment. The new power to

immediately suspend a registration or licence may engage the right to privacy under section 13(a) of the Charter, because the person whose registration or license is suspended may be restrained from carrying on their business, or working as an electrical worker, which may impact their capacity to pursue employment.

However, in my view, any interference with the right will not be unlawful because it is authorised by an accessible and precise legislative framework, nor arbitrary, because it has a legitimate purpose of protecting community safety.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 46 and 47 of the Bill.

Right to property (section 20)

A licence or registration under the *Electricity Safety Act 1998* could be construed as a registered contractor or licensed electrical worker's property. The right to property under section 20 of the Charter may be engaged by the new immediate suspension power as it could be considered to facilitate a deprivation of a person's property. However, a person would only be deprived of their property in accordance with the legislative framework set out in clauses 46 and 47 respectively, which, in my view, provide an accessible, clear, certain and precise legislative framework that authorises immediate suspension of a registration or license under the *Electricity Safety Act 1998*. Any immediate suspension undertaken in accordance with these provisions would be done in accordance with the law.

I am therefore satisfied that the right to property under section 20 of the Charter is not limited by clauses 46 and 47 of the Bill.

Right to a fair hearing (section 24)

The right to a fair hearing under section 24(1) of the Charter may be engaged by the new immediate suspension power, because a broad reading of the right may encompass the decision-making procedures of administrative decision-makers, such as Energy Safe Victoria.

While Energy Safe Victoria is not required to give the affected person notice of the immediate suspension prior to the suspension taking effect, clauses 46 and 47 set out a detailed process that requires Energy Safe Victoria to give written notice to the affected person setting out relevant details of the suspension and within five days, written reasons for the suspension. The suspension must also be revoked if the grounds for suspension no longer exist. Further, the affected person will have the right to apply to the Victorian Civil and Administrative Tribunal for review of a decision. This provides the holder of the license or registration with procedural fairness, including an avenue of review of the decision.

Therefore, if a broad reading is adopted and the right to a fair hearing is engaged, I am satisfied that the right to a fair hearing is not limited by clauses 46 and 47 of the Bill.

Right not to be tried or punished more than once (section 26)

The immediate suspension power may engage the right to not be tried or punished more than once under section 26 of the Charter, because Energy Safe Victoria may have regard to whether the contractor or licensee has been the subject of multiple other adverse disciplinary actions when deciding whether it is in the public interest to suspend the registration or licence. Disciplinary action may be taken in various circumstances, including if a person has been convicted of certain offences punishable by imprisonment for 6 months or more.

However, even if a persons' license or registration is suspended due to multiple adverse disciplinary actions which include action taken due to being convicted of one of the specified offences, in my view, the right is not limited as the immediate suspension is imposed on public interest grounds, to protect the community, and not as punishment

I am satisfied that the right to not be tried or punished more than once is not limited by clauses 46 and 47 of the Bill.

New power to allow a court to make an adverse publicity order, clauses 51, 80 and 91

Clauses 51, 80 and 91 insert new provisions into the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005* to provide the court with a new power to make an adverse publicity order.

If the court convicts a person, or finds a person guilty of an offence against the relevant Act or regulations made under that Act, the court may make an order requiring the person to undertake either or both of the following actions: publicise the offence, its consequences and any other related matter or notify a specified person of the offence, its consequences and any other related matter. If the person does not undertake these actions in a satisfactory way, Energy Safe Victoria may apply to the court for an order authorising Energy Safe to take the actions on the person's behalf.

An adverse publicity order serves the important purpose of seeking to promote accountability by preventing a person from concealing that they have been convicted of an offence and have been subject to a penalty. This helps to create better outcomes for consumers, who will be made aware of the previous conduct of service providers they may be considering engaging related to the provision of essential services in their homes or businesses. The risk of an adverse publicity order and the resulting damage to a person's reputation may create a greater deterrence than a monetary penalty, which will in turn encourage greater compliance with the relevant Act by industry.

Right to privacy (section 13)

This new power engages the right to not have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) of the Charter and the right to not have a person's reputation unlawfully attacked under section 13(b) of the Charter, by mandating that a person must make the commission of an offence known to the public or to a specific person, or both.

I consider it likely that the information that a person will be required to publish under an adverse publicity order will already be in the public domain as a consequence of judicial proceedings held in open court.

In my view, the not to have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) and the right to not have one's reputation unlawfully attacked under section 13(b) of the Charter will not be limited, because any interference with a person's privacy or damage to the person's reputation will not be unlawful as it will be in accordance with an accessible and precise legislative framework. Further, any interference with a person's privacy will not be arbitrary as the required disclosure of information serves the legitimate purpose of promoting public and consumer safety.

I am satisfied that the right to privacy and reputation under section 13 of the Charter is not limited by the new adverse publicity order powers in clauses 51, 80 and 91 of the Bill.

Right to freedom of expression (section 15)

The new power engages and may limit the right to freedom of expression, because it compels a person to publish certain information. To the extent that the right to freedom of expression may be limited, I am satisfied that any such limitation is justified, given the important consumer safety and deterrent purposes that adverse publicity orders serve, as described above.

New power for Energy Safe Victoria to enter residences to investigate safety or compliance issues with a warrant: clauses 25, 57 and 84

Clauses 25, 57and 84 of the Bill amend the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and the *Pipelines Act 2005* to introduce a new power for authorised officers to apply for a warrant to enter land or premises (including residential premises) where there is a safety risk or risk of significant damage to property, or where non-compliance with a direction issued under those Acts may cause the same risks. The warrant may authorise the authorised officer to exercise search, inspection, record-making, seizure and examination powers upon entering the premises.

Right to privacy (section 13)

As a warrant for entrance to residential premises may be issued under the new powers, the right to not have a person's home unlawfully or arbitrarily interfered with under section 13(a) of the Charter is engaged but is not limited.

Depending on the occupants of the residential premises, the right to not have a person's family unlawfully or arbitrarily interfered with under the same section may also be engaged, to the extent that entrance and exercise of powers upon entry may disturb the occupants of the household.

In my view, any interference with the right to privacy under the new power is not arbitrary, as the Magistrates' Court will need to be satisfied that there are reasonable grounds to suspect that the risks described above exist and that entrance is warranted in all the circumstances before issuing the warrant authorising entry, nor will it be unlawful, because it will be a process carried by a court that is reasonable, rational and logical in accordance with the criteria in the legislative framework

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not arbitrary and therefore not limited by the new entry power inserted into the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005*.

Right to property (section 20)

Clauses 25, 57 and 84 arguably engage the right to property in section 20 of the Charter, which provides that a person must not be deprived of their property other than in accordance with the law. For an unlawful deprivation of property to occur, the interest affected, or interfered with, must be 'property', which is likely to include all real and personal property interests recognises under general law.

The process and parameters for entry onto land or premises, and the powers that may be exercised with respect to property at that land or premises, including powers to inspect and make records and examine, test and seize items, are set out under the relevant provisions of the Acts. In my view, these existing provisions provide an accessible, clear, certain and precise legal framework that authorises the exercise of these powers.

Therefore, to the extent that these provisions may engage the right to property, any deprivation of property will be in accordance with the law and therefore I am satisfied that the right to property is not limited.

New powers for authorised officers to request assistance of any person for exercising powers under the Electricity Safety Act and the Gas Safety Act, clauses 29 and 61

Clauses 29 and 61 introduce a new power for authorised officers to request the assistance of a person for entry to land or premises, which includes residential premises, to exercise enforcement powers under the Electricity Safety Act and Gas Safety Act, and creates new offences for refusing entry or obstructing a person assisting an authorised officer. The purpose of these new provisions is to ensure authorised officers can get assistance to exercise their powers when required and without interference, for example, if they require an electrician to assist with disconnecting or removing unsafe electrical equipment, from the land or premises.

The right to privacy and reputation (section 13)

Clauses 29 and 61 engage the right to privacy in section 13, as they will require a person to allow a person assisting an authorised officer to enter the land or premises that they are occupying and to assist in the exercise of powers including inspecting and making records and examining, testing and seizing items, and this may occur at a person's home. As above, a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

While clauses 29 and 61 engage the right to privacy, I do not consider this right is limited. The entry onto a land or premises by the person assisting an authorised officer is set out within the relevant provisions, and only occurs where the authorised officer is exercising enforcement powers set out in the relevant legislative framework. Further, the requirement to allow a person assisting an enforcement officer entry and not to obstruct or hinder the person, is proportionate to the legitimate aim of ensuring that authorised officers can safely and effectively exercise their enforcement powers. Therefore, any limit on the right to privacy will not be unlawful or arbitrary.

The right to property (section 20)

Clauses 29 and 61 arguably engage the right to property in section 20 of the Charter, which provides that a person must not be deprived of their property other than in accordance with the law. For an unlawful deprivation of property to occur, the interest affected, or interfere with, must be 'property', which is likely to include all real and personal property interests recognises under general law.

The process and parameters for entry onto land or premises, and the powers that may be exercised with respect to property at that land or premises, including powers to inspect and make records and examine, test and seize items, are set out under the relevant provisions of the Acts. In my view, these existing provisions provide an accessible, clear, certain and precise framework that authorises the exercise of these powers.

Therefore, to the extent that these provisions may engage the right to property, any deprivation of property will be in accordance with the law and therefore I am satisfied that the right is not limited.

Reforms to abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee, clauses 16, 17 and 18

Clauses 16 and 18 of the Bill abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee which are required to provide advice on specific matters to Energy Safe Victoria or the Minister, to provide greater flexibility for Energy Safe Victoria to establish advisory committees under existing powers under the *Energy Safe Victoria Act 2005* as need arises. Clause 17 of the Bill repeals section 89(1)(a) of the *Electricity Safety Act 1998*, which provides that Energy Safe Victoria must refer all matters with respect to the contents of the regulations that prescribe the Code of Practice for Electric Line Clearance, before the Governor in Council makes the regulations.

Right to freedom of expression (section 15(2)) and right to take part in public life (section 18(1))

The abolition of these committees and the repeal of section 89(1)(a) may engage section 15(2) of the Charter because it will remove the ability of committee members to impart information and ideas when providing advice in accordance with the functions of those committees. The abolition of these committees may also engage section 18(1) of the Charter, as membership of these committees could be construed as a form of participation in the conduct of public affairs.

However, in my view, the rights are not limited because the members of the committees will not be prevented from expressing their views on the matters that the committees could previously advise on. For example, former members could still provide their views on the making of regulations via the Regulatory Impact

Statements consultation processes required under the *Subordinate Legislation Act 1994*, and are not prevented from using other forums to provide their views to Energy Safe Victoria or the Minister. The Bill just removes the ability to provide formal views via the committees.

I am therefore satisfied that the rights to freedom of expression in section 15(2) and to take part in public life in section 18(1) of the Charter are not limited by clauses 16, 17 and 18 of the Bill.

Reforms to amend requirements for the Code of Practice for Electric Line Clearance, clause 49

Clause 49 of the Bill amends the process for prescribing the Code of Practice for Electric Line Clearance, including to remove the requirement to make the draft regulations prescribing the Code available for public comment for 90 days and to consider any comments made during that period. Following the amendments, the process for making these regulations will be governed by the requirements of the *Subordinate Legislation Act 1994*.

Right to freedom of expression (section 15(2)) and right to take part in public life (section 18(1))

Removing the requirement to make the draft regulations available for public comment for 90 days may engage section 15(2) and 18(1) of the Charter as the consultation process provides an opportunity for members of the public to express their views on the draft regulations, and participate in the conduct of public affairs.

However, in my view the rights are not limited because when making the regulations prescribing the Code of Practice for Electric Line Clearance, the Government will have to comply with the requirements of the *Subordinate Legislation Act 1994*, including the public consultation requirements in relation to Regulatory Impact Statements prepared for regulations.

I am therefore satisfied that the rights to freedom of expression in section 15(2) and to take part in public life in section 18(1) of the Charter are not limited by clause 49 of the Bill.

Conclusion

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

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

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:33): I move:

That the bill be now read a second time.

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

Safety must be a priority in the delivery of essential services like energy. Most importantly, energy safety brings invaluable benefits by protecting life and property. But it is also a crucial part of building the community acceptance and trust we need during the energy transition. That is why this Bill is so important – the reforms it introduces will have long term benefits to the safety of Victorians, and ensure consumer protection and confidence in our energy safety regulator, Energy Safe Victoria (Energy Safe).

The Bill will amend the *Electricity Safety Act 1998*, *Gas Safety Act 1997*, *Pipelines Act 2005* and *Energy Safe Victoria Act 2005* to strengthen Victoria's energy safety framework.

The Bill will also amend the *Land Act 1958* to provide improved certainty to invest in complex projects on unreserved Crown land in Victoria.

A new energy safety regulatory environment

Victoria's energy sector is undergoing rapid transformation, driven by the growth of both utility-scale and residential generation and storage. The shift from a few large-scale facilities to smaller, widely distributed energy resources has occurred alongside other changes like the rising number and variety of electrical appliances (such as electric space and water heating and induction cooktops, along with rooftop solar, household batteries and electric scooters and other vehicles) in the community.

Victoria's energy safety framework was designed for a centralised, fossil-fuel based network, and has not kept pace with these evolving technologies, creating regulatory gaps. Legislative reform is required to respond to contemporary energy safety risk.

A suite of reforms to strengthen Energy Safe's regulatory framework for safety and flexibility

This Bill will make amendments to the Electricity Safety Act, Gas Safety Act and Pipelines Act to strengthen Energy Safe's ability to mitigate safety issues early, monitor compliance with directions, and take enforcement actions. It introduces a new entry power with a warrant, where there is a risk to the health and safety of a person or of significant damage to property that does not amount to an emergency. These reforms will add to Energy Safe's suite of regulatory tools and reflect similar powers available to the new Building and Plumbing Commission, which will replace the Victorian Building Authority.

The Bill removes the need for Energy Safe authorised officers to obtain written consent before exercising certain powers, and allows officers to request assistance from any person for the purpose of entry in exercising their powers under the relevant Act. This will enable authorised officers to act swiftly to resolve safety risks involving new technologies requiring specialist knowledge. Authorised officers will need to report their use of entry powers to Energy Safe, and Energy Safe will continue to maintain a register of the entry power usage.

The Bill enables additional offences against the Electricity Safety Act and the Gas Safety Act to be enforced via infringement notices, providing additional flexibility. These reforms will mean that Energy Safe is able to issue on the spot infringements for a wider range of relatively minor offences, allowing for a more efficient and appropriate response.

The Bill will introduce new powers for the courts to issue injunctions and adverse publicity notices. This will enable the Courts to require an entity to comply with requirements under the relevant act, and strengthen the deterrent effect of penalties by introducing reputational risks for non-compliance, and improve public awareness about energy safety issues.

The Bill will provide Energy Safe with new powers to suspend electrical contractor registrations, or electrical worker licenses, where it is the public interest to do so, and to issue prohibition notices to prevent certain activities and address immediate risks to the safe supply or use of electricity. The Bill also expands Energy Safe's powers to issue improvement notices to enable Energy Safe to take a proactive approach compelling compliance with the Electricity Safety Act and regulations, and to address risks before they arise.

A wide range of penalties under the Electricity Safety Act and Gas Safety Act will be increased to act as a strong deterrent, recognising the potentially dangerous or damaging consequences of non-compliance. These increased penalties will better reflect the seriousness of the offences, and bring the penalties into line with similar offences in similar legislative frameworks. The primary goal of increasing these penalties is to protect consumer safety, especially building occupants at risk from unsafe electrical and gasfitting work, which could lead to serious injury, illness, or death.

Bushfire mitigation plans for specified operators will now be required every five years instead of annually, bringing them into line with the equivalent plans required for major electricity companies. Energy Safe will maintain strong oversight of all Bushfire Mitigation Plans and will have the power to require a plan to be revised in certain circumstances, for example, if there are changes in an operator's risk profile or government policies.

In addition, the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee will no longer be required by legislation to enable Energy Safe to undertake more flexible technical engagement with industry and community. The consultative role can be performed, informally or formally, by other persons or committees on an ad hoc or ongoing basis.

The Bill makes other minor and technical amendments to improve Energy Safe's operational efficiency and effectiveness such as changing terminology, aligning regulation making processes with Subordinate Legislation Act requirements and removing a duplicated duty.

The Bill will amend the Energy Safe Victoria Act to require that Energy Safe submit a corporate plan every three years, rather than every year, with annual updates in the intervening years to the Minister and Treasurer. This will enable Energy Safe to develop a more forward looking, strategic plan with multi-year actions.

The Bill will provide the Minister for Environment with the power to enter into an agreement to lease under section 134 of the Land Act for projects on unreserved Crown land that are subject to the *Environment Effects Act 1978*. These types of projects are proposed only once or twice a year but may have strategic importance to Victoria.

Increasing certainty about future land tenure for proponents of complex projects seeks to support further investment in EES processes and future project needs. The reforms in the Bill seek to provide that certainty by removing any doubt that the Minister for Environment can enter into Agreements to Lease in these specific, limited circumstances where a project is proposed on unreserved Crown land that is also subject to the robust Environmental Effects Act regime.

Community safety is the highest priority of this Government, and I will continue to focus my efforts, and those of my department on addressing community concerns. The introduction of this Bill shows that we are unwavering in our commitment to the safety of Victorians.

These reforms are a key component of enacting the Government's election commitment to ensure regulatory settings are keeping pace with emerging technologies to protect worker and community safety, by strengthening Energy Safe's suite of regulatory and enforcement tools.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:33): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024

Introduction and first reading

The ACTING PRESIDENT (John Berger) (17:35): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Crimes Act 1958**, the **Equal Opportunity Act 2010** and the **Bail Act 1977**, to repeal the **Racial and Religious Tolerance Act 2001** and to make consequential amendments to other Acts and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:35): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:35): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 (the Bill).

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

Overview

The purpose of the Bill is to strengthen and expand anti-vilification laws to better protect individuals and communities from vilification and promote the rights of all Victorians to participate equally in a democratic and inclusive society. The Bill gives effect to 15 recommendations of the 2021 Victorian Parliamentary *Inquiry into Anti-vilification Protections* (Inquiry).

The term 'vilification' is more commonly known as hate speech or conduct, but it includes a broader range of behaviours that are against the law. This hateful behaviour can cause significant harm to a person's health and wellbeing, and reduce their ability to participate in public life.

Currently, the *Racial and Religious Tolerance Act 2001* (RRTA) protects people from racial and religious vilification. The Bill expands anti-vilification protections beyond race and religious belief or activity to also

protect disability, gender identity, sex, sex characteristics, sexual orientation, and personal association with a person with a protected attribute.

The Bill improves criminal serious vilification offences, including by:

- introducing a new incitement offence and threat offence into the *Crimes Act 1958* that capture broader conduct including intentional and reckless behaviour, and
- increasing maximum penalties.

The Bill also strengthens civil anti-vilification protections by:

- introducing civil protections into the *Equal Opportunity Act 2010* (EOA) (a modified incitement-based protection and a new harm-based protection)
- introducing a definition of 'public conduct'
- refining the existing civil exceptions to vilification, and
- extending the existing powers of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) to better respond to vilification.

The Bill imposes a review of the operation of the reforms to be conducted no later than 5 years after commencement of all the reforms in the Act. This provides an opportunity to consider how the reforms operate in practice, including any limitations on Charter rights.

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

The following rights under the Charter are relevant to the Bill:

- recognition and equality before the law (section 8)
- privacy (section 13)
- freedom of religion and belief (section 14)
- freedom of expression (section 15)
- protection of families and children (section 17), and
- taking part in public life (section 18).

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited to protect other rights. As discussed below, I consider that the limitations this Bill imposes on Charter rights are reasonable and justified in accordance with section 7(2) of the Charter.

Right to recognition and equality before the law

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination. It protects the right for every person to equal protection of the law and the right to equal and effective protection against discrimination.

Justice Bell in *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* (2009) 31 VAR 286 at [109] and [277] noted that the equality rights in section 8 are 'the keystone in the protective arch of the Charter' and the fundamental value underlying the right to equality is the 'equal dignity of every person'. Unequal treatment on the basis of a person's attribute can cause 'emotional pain, distress and a grievous loss of personal dignity and self-worth' and can have 'serious, and even traumatic, physical, social or economic consequences'.

The Bill promotes the right to recognition and equality before the law in several ways. Most significantly, expanding legal protections beyond race and religious belief or activity protects more individuals and communities who are most impacted by vilification, including those who have not previously been protected under anti-vilification laws. In support of this, the Bill clarifies that a civil vilification complaint can be made to VEOHRC or the Victorian Civil and Administrative Tribunal (VCAT) based on one or more protected attributes. The criminal offences will also apply to vilifying conduct that occurs on the basis of more than one attribute. This recognises that hate speech or conduct may be directed at individuals with intersecting identities and protected attributes, further promoting recognition and equality before the law.

Other ways the Bill promotes the right to recognition and equality before the law include, for example:

- The new serious vilification offences (new sections 195N and 195O of the Crimes Act), modified civil incitement-based protection (new section 102E of the EOA) and new civil harm-based protection (new section 102D of the EOA) capture a broader range of conduct than current RRTA provisions, providing greater protection from the harmful effects of vilification.
- Expanding VEOHRC's existing powers under the EOA to vilification matters enables VEOHRC to better respond to vilification in the community, including systemic vilification. These powers

include the power to initiate investigations, issue practice guidelines, and intervene and assist in court and tribunal proceedings.

- Allowing a representative body (such as a religious or community organisation) to bring a dispute to VEOHRC on behalf of an unnamed person better supports people to bring vilification complaints. It recognises that in some circumstances people may not feel comfortable or safe to identify themselves through the dispute resolution process.

The Bill also limits the right to equality and recognition before the law, including by continuing to provide civil exceptions. Civil exceptions (new section 102G of the EOA) apply to conduct engaged in, reasonably and in good faith, for artistic work, for any genuine academic, artistic, public interest, religious or scientific purpose, or for any report of any event or matter of public interest.

In effect, these exceptions may permit behaviour that would otherwise constitute vilification, thereby limiting the right to equality for those targeted or affected by vilifying conduct. However, I consider these limitations are reasonable and justified in accordance with section 7(2) of the Charter. Including the civil exceptions also promotes other rights, including the right to freedom of expression and the right to freedom of religion and belief (see below).

Right to privacy

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

Justice Bell has emphasised the 'fundamental importance' of the right to privacy in ensuring that 'people can develop individually, socially and spiritually' in their private sphere, thereby providing the foundation for participation in democratic society (affirmed in *Castles v Secretary of the Department of Justice* (2010) 28 VR 141 [78]; *PJB v Melbourne Health* (2011) 39 VR 373 [54]; *Director of Housing v Sudi (Residential Tenancies)* (2010) 23 VAR 139 [29]).

Section 13(a) of the Charter prohibits unlawful and arbitrary intrusions to privacy. Determining whether an interference is arbitrary involves a broad assessment of whether it extends beyond what is reasonably necessary to achieve the statutory purpose (*Thompson v Minogue* (2021) 67 VR 301 [56]–[58]).

The Bill's reforms engage the right to privacy but, as they are not intended to arbitrarily interfere with the private behaviour of a person, in my view, they do not limit the right. To the extent that they may limit the right, I consider any limitation is reasonable and justified in accordance with section 7(2) of the Charter.

Application to private conduct

Consistent with the current civil anti-vilification laws, the civil incitement-based and harm-based protections only apply to 'public conduct'. The Bill defines 'public conduct' (new section 102C of the EOA) to provide greater clarity about how the laws apply. The definition is based on the definition of 'public act' in section 93Z(5) of the *Crimes Act 1900* (NSW), in accordance with recommendation 13 of the Inquiry. It is not intended to change how the law currently operates, merely clarify its operation. For example, it clarifies that conduct may be public even if it occurs on private property or land, or at a place not open to the general public. This is not intended to limit the right to privacy because a person's reasonable expectation of privacy is already reduced when out in public as conduct can be observed or overheard by someone else, compared to when conduct occurs within a person's home.

The Bill excludes tattoos or other forms of body modification from the definition of public conduct. This ensures the Bill is not more restrictive than necessary to fulfill its purpose and recognises the importance of protecting a person's bodily integrity as part of the right to privacy. In addition, private conduct, such as private conversations, is not intended to be captured by the definition. This recognises the importance of individuals being able to express themselves freely in their private sphere, while recognising the harm caused by vilifying conduct that occurs in public.

In contrast, and consistent with the current serious vilification offences, the new serious vilification offences prohibit conduct that occurs in public or in private, including conduct that occurs on private websites and forums. This reflects how the type of extreme conduct captured by the criminal offences – including threats of physical harm or to damage property – can cause significant harm and undermine social cohesion even when it takes place in private settings or is directed at limited audiences. This conduct cannot be excused merely because it takes place in private. As such, the offences do not arbitrarily interfere with privacy, and any limitation on the right is reasonable and proportionate to protect members of the public from the harmful effects of serious vilifying conduct.

VEOHRC investigation powers extended

The Bill extends VEOHRC's current investigation powers under Part 9 of the EOA to vilification matters. This will enable VEOHRC to better respond to vilification, including by:

- initiating an investigation into vilification matters (section 127 of the EOA)
- asking for information for an investigation (section 130 of the EOA), and
- applying to VCAT for an order to compel the production of information or documents or to compel a witness (sections 131 and 134 of the EOA).

These extended investigation powers may limit the right to privacy as they may involve disclosing the identity of persons. However, the EOA has existing safeguards that ensure that any limitations imposed by extending VEOHRC's powers to vilification matters are reasonable and justified. Any impact on privacy is proportionate to the legitimate aims of the new laws, which are to protect individuals and groups from the harmful effects of vilification. For those who are targeted, vilification can lead people to feel dehumanised, isolated and marginalised.

Right to freedom of religion and belief

Section 14 of the Charter protects the right to freedom of religion and belief. This includes the right to hold a religion and belief and to demonstrate one's religion or belief in worship, observance, practice and teaching. The right promotes respect for different religious faiths and beliefs, including the right not to hold religious beliefs, as an integral part of an equal and democratic society based on human dignity.

While the right to have or adopt a religion and belief is a matter of individual thought and is absolute, the right to demonstrate religion and belief impacts others and is therefore subject to reasonable limitations. The Victorian Court of Appeal in *Christian Youth Camps Ltd v Cobaw Community Health Services Ltd* (2014) 50 VR 256 noted that the right to freedom of religion may need to be limited to protect the rights of others. The balancing of these rights does not involve privileging one right over the other, but a recognition that rights coexist.

The Bill promotes the right to freedom of religion and belief by continuing to protect the attribute of 'religious belief or activity' and improving how anti-vilification laws operate. Extending anti-vilification laws to protect additional attributes may limit the right to freedom of religion and belief, however, I consider that any limitations are reasonable and justified in accordance with section 7(2) of the Charter.

It is unlikely that the serious vilification threat offence (new section 195O of the Crimes Act) would limit the right to freedom of religion and belief, as observing a religious belief would be unlikely to involve threats of physical harm or property damage. The incitement offence (new section 195N of the Crimes Act) may inadvertently limit the right to demonstrate religion and belief in the context of a religious sermon or proselytising, but it does not limit the right to *hold* a religious belief. Further, the offence targets only the most serious and harmful forms of vilification. Conduct that meets the offence thresholds – which intentionally or recklessly seeks to incite hatred or other specified emotions in others – would interfere with the rights of others to be free from serious vilification. Accordingly, I consider any limitations the incitement offence imposes are lawful and proportionate to achieving the Bill's purpose of protecting Victorians from serious vilification.

The Bill retains a civil religious purpose exception for conduct engaged in, reasonably and in good faith, for any genuine religious purpose. This exception protects the right to freedom of religion and belief and minimises any limitations on the right.

The Bill also modernises the definition of 'religious purpose' to align it with the wording of the Charter, with additional modifications. It defines a religious purpose as including, but not limited to, worship, observance, practice, teaching, preaching and proselytising. The inclusion of the terms 'preaching' and 'proselytising' provides greater certainty to faith communities that these religious practices continue to fall within the religious purpose exception.

Right to freedom of expression

Section 15 of the Charter provides that every person has the right to freedom of expression, including the freedom to hold an opinion without interference and seek, receive and impart information and ideas of all kinds through a variety of mediums.

The right is essential to individual self-fulfilment and the 'social and cultural development of the individual in society' (*XYZ v Victoria Police* (2010) 33 VAR 1 [554] (Bell J)). The right to freedom of expression is also a foundation of the rule of law and 'one of the essential pillars of a democratic system of government, because it enables citizens to freely and effectively participate in the political, social, economic and other affairs of their community' (*Magee v Delaney* (2012) 39 VR 50 [181] (Kyrou J)).

The right to freedom of expression is 'not absolute but is conditional and qualified' (*Magee v Delaney* (2012) 39 VR 50 [103] (Kyrou J)). The right may be subject to lawful restrictions reasonably and necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality (section 15(3) of the Charter).

The relationship between the lawful restrictions in section 15(3) and the proportionality assessment under section 7(2) of the Charter is not settled. The approach taken by Justice Bell in *McDonald v Legal Services Commissioner (No 2)* [2017] VSC 89 at [33] is that section 15(3) states the relevant considerations for performing the proportionality assessment under section 7(2).

The Bill imposes some narrow limits on the right to freedom of expression. However, I consider these limitations are reasonable and justified in accordance with section 7(2) of the Charter, as informed by the factors set out in section 15(3).

Protection of additional attributes

Extending anti-vilification protections to additional attributes and clarifying that this will protect people living with HIV or AIDS and drag performers, limits the right to freedom of expression as it prohibits a broader range of hate speech and conduct.

However, the purpose of this aspect of the reform, and the Bill as a whole, is to limit hateful speech and conduct to protect at risk individuals and communities. The Inquiry heard that vilification is common for many Victorians, including for First Nations, Muslim and Jewish people, women, LGBTIQA+ communities and people with disability. The Bill extends the attributes only to the extent identified as necessary by the Inquiry (recommendation 1) to protect the individuals and communities that are at most risk of vilification.

Stronger criminal offences and civil protections

The new threat offence (new section 195O of the Crimes Act) does not limit the right to freedom of expression. Criminal acts of threats and violence are not protected forms of expression (*Magee v Delaney* (2012) 39 VR 50 [86]–[91]). However, the new incitement offence (new section 195N of the Crimes Act) will impose some limitations on this right.

The new civil harm-based and modified incitement-based protections (new section 102D and 102E of the EOA) will impose some limitations on this right by prohibiting vilifying conduct in public that is based on a person's protected attribute.

However, the new incitement offence, modified civil incitement-based protection and new civil harm-based protection are designed to limit the right to freedom of expression only to the extent that is reasonably necessary to protect the rights of individuals and groups with protected attributes. The Bill does this by:

- imposing criminal sanctions only for the most serious and egregious conduct, when a person *intentionally or recklessly* does something that is likely to incite hatred or other specified emotions on the ground of a protected attribute
- imposing high legal thresholds so that the civil anti-vilification protections would only capture hateful conduct (conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of another person or group) and not merely offensive speech, and
- applying civil exceptions to ensure legitimate conduct is not against the law.

Civil exceptions (new section 102G of the EOA) will apply to conduct that is engaged in, reasonably and in good faith, for artistic work, for any genuine academic, artistic, public interest, religious or scientific purpose, or for any report of any event or matter of public interest. These exceptions promote the right to freedom of expression and protect debate and discussion on important issues, including protecting the ability of the media to communicate on matters that may involve vilifying conduct. While the exceptions are broad, they are also limited by the requirement for the conduct to be engaged in 'reasonably and in good faith'.

The term 'reasonably' has been assessed from the objective standard of a reasonable person who is part of an open and just multicultural society (*Catch the Fire Ministries Inc v Islamic Council of Victoria Inc* (2006) 15 VR 207 [94] (Nettle JA)). This recognises that, while we live in a tolerant society that acknowledges the right for individuals to express themselves freely, there are limits, and some conduct will be considered 'intolerable despite its apparent purpose' and therefore would not be covered by the exception (at [96] (Nettle JA)). The requirement 'in good faith' involves considering the respondent's subjective belief about whether the conduct was necessary or desirable to achieve a genuine purpose (at [92] (Nettle JA)).

The reforms in this Bill reflect a balancing of rights and ensure that these reforms only limit the right to freedom of expression to the extent necessary to protect the right to equality.

Additional safeguards in the new harm-based protection are intended to uphold freedom of expression by narrowing how the protection will apply in practice:

- An objective assessment: whether conduct would meet the threshold requires objectively assessing, from the perspective of a reasonable person with that same attribute, whether they would consider that conduct hateful, seriously contemptuous, reviling or severely ridiculing. This promotes freedom of expression by ensuring conduct is assessed objectively, and not from the perspective of someone who may have an extreme or atypical reaction.
- An additional standing requirement: the Bill only enables a person to bring a harm-based complaint to VEOHRC or VCAT if they have the relevant protected attribute and are part of the audience of the conduct. This narrows the standing test so that only people who have been targeted by the conduct can bring a complaint.

Right to take part in public life

Section 18(1) of the Charter provides that every person has the right, without discrimination, to participate in public affairs.

The Inquiry highlighted how, over time, vilifying conduct can limit how individuals and communities participate in public life. The Bill promotes the rights of individuals with protected attributes to take part in public life by extending and strengthening anti-vilification protections. This also benefits the broader community, as vilifying conduct that impacts an individual's ability to participate in public life denies the community the benefit of diverse voices and experiences.

The criminal offences and civil protections in the Bill may limit the right to take part in public life by restricting speech that vilifies others based on their protected attributes. However, as discussed in relation to the right to freedom of expression, the reforms in this Bill involve a balancing of rights. Any limitations on this right are reasonable and justified in accordance with section 7(2) of the Charter, as they protect individuals from vilification and their right to fully participate in public life.

Protection of families and children

Section 17 of the Charter protects the rights of families and children. Section 17(2) recognises the vulnerability of children because of their age, conferring additional rights on them. It is concerned with protecting the 'best interests of the child' (*Certain Children by their Litigation Guardian Sister Marie Brigid Arthur v Minister for Families and Children* [2016] VSC 796 [145]).

The Bill requires Victoria Police to obtain the DPP's consent to charge an accused who is a child (under 18 years of age) with serious vilification. This safeguard promotes the protection of children by ensuring that their unique characteristics and vulnerabilities are considered before deciding to proceed with a prosecution.

The civil protections also promote the rights of children, by clarifying that conduct may be public if it occurs at a school, even though schools are generally not open to the general public. Whether conduct that occurs in a school would be considered 'public' and fall within the definition of public conduct will depend on the particular circumstances in which the vilifying conduct occurred. This is to ensure that children and young people can be protected from the damaging impacts of vilification that occurs in schools.

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

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:36): I advise the house some amendments to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 were passed in the Legislative Assembly. The nature of those have been incorporated into the second-reading speech. The first involves removing the political purpose defence and the criminal incitement offence from the bill that was proposed. Secondly, the words 'proselytising' and 'preaching' have also been added into the civil religious purpose exceptions. I move:

That the bill be now read a second time.

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

Vilification has no place in our community. It is contrary to our democratic values and undermines social cohesion and the benefits that inclusion, multiculturalism and diversity brings to our community.

The term 'vilification' is more commonly known as hate speech or conduct but includes a broader range of behaviours that are against the law. This hateful behaviour impairs the dignity of its targets and undermines social cohesion because it can result in people being silenced or marginalised from participation in public life.

Recently, there has been an alarming increase in reports of hate speech and conduct:

- The 2024 *Understanding reporting barriers and support needs for those experiencing racism in Victoria* report recorded that 76 per cent of people surveyed stated that they, or someone in their care, have experienced racism in Australia.
- The 2023 *Victorian Antisemitism Report* recorded that there has been a 228 per cent increase in antisemitic incidents.
- Since 7 October 2023, the Islamophobia Register Australia has seen an over 600 per cent increase in reported incidents.
- The 2023 Trans Justice Project and Victorian Pride Lobby, in its *Fuelling Hate* report, reported anti-trans hate is escalating in Australia with 49 per cent of trans participants surveyed reporting having experienced online anti-trans abuse, harassment or vilification and 47 per cent having experienced that behaviour in person.
- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability heard evidence that abuse is a common occurrence when people with disability leave their home and recommended that disability be covered by state criminal anti-vilification offences.
- In 2019, the eSafety Commissioner reported that around 14 per cent of Australian adults were estimated to have been the target of online hate speech in the previous year, with LGBTIQA+ communities and First Nations people experiencing online hate speech at more than double the national average.

In Victoria, only hate speech and conduct that meets the legal definition of vilification is against the law. Currently, the *Racial and Religious Tolerance Act 2001* protects people from racial and religious vilification. People who are vilified for other reasons are not protected by current anti-vilification laws.

In 2021, the Victorian Parliamentary *Inquiry into Anti-vilification Protections* (Inquiry) examined the operation and effectiveness of the Racial and Religious Tolerance Act. The Inquiry heard that vilification is commonly faced by many Victorians, including First Nations, Muslim and Jewish people, women, LGBTIQA+ communities and people with disability. Many Victorians experience its harmful effects, including online.

The Inquiry found that despite the protections in the Racial and Religious Tolerance Act, prejudice and hate are unfortunately still rife in Victoria, and the laws are ineffective and inaccessible. The Inquiry recommended extending anti-vilification laws to protect more Victorians and strengthening how the laws operate.

The government has already implemented the first stage of the Inquiry's recommendations, by banning the use of the Nazi Hakenkreuz in 2022, followed by the 2023 ban of the Nazi salute and other symbols and gestures used by the Nazi Party.

This Bill now gives effect to a further 15 of the Inquiry's legislative recommendations. It will strengthen Victoria's anti-vilification laws, improve the operation of the laws and assist in responding appropriately and effectively to the most serious cases of vilification, as part of a calibrated suite of measures to address conduct of increasing seriousness.

These reforms are one part of wider initiatives being taken across government to address and prevent vilification, hate crimes and violence. Prevention is as important as changing the law, that is why the government is also working on complementary prevention-based strategies and initiatives to reduce and eliminate vilification. These include initiatives to better understand the root causes of vilification, community and school-based education programs, and improved support for those impacted by vilification.

The development of the Bill

This Bill has benefited from extensive public and stakeholder consultation.

In addition to the consultation carried out by the Inquiry, in 2023, the government held three submissions processes supported by consultation papers and surveys on Engage Victoria and consultation with key stakeholders. Victorians had the opportunity to provide their views on extending the attributes protected by anti-vilification laws, expanding criminal offences and strengthening the operation of civil protections. A report back on the feedback received during these consultation processes was published on Engage Victoria in May 2024.

Further, in September 2024 the government published an overview paper detailing proposed changes to the law and provided another opportunity for Victorians to have their say on the proposed reforms. There has also been consultation with human rights, justice, legal, multicultural, advocacy and faith-based groups.

I would like to thank the Victorian community and stakeholders for their input into these reforms over a number of years. I would like to particularly thank those with lived experience of vilification, and their advocates, for engaging in the reform process and helping to contribute to better laws for all.

It has not been possible to adopt or reconcile all views – it is clear that Victorians have diverse opinions about these reforms. However, the advice and feedback has been carefully considered and balanced in developing this Bill.

Balancing Charter rights

The reforms in this Bill have been developed to carefully balance rights under the *Charter of Human Rights and Responsibilities Act 2006* (Charter), including the right to freedom of expression, equality and freedom of religion and belief.

The freedom to engage in robust discussion, reasonably and in good faith, is an important pillar of an open and democratic society and these laws are not intended to prohibit this.

The right to freedom of expression is an essential component of our society and, like all Charter rights, can only be subject to reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Vilifying conduct is contrary to democratic values because of the harm that it causes to the people who are subjected to it, and the broader community. This Bill promotes the equal participation in public life for all.

The Bill promotes the right to equality and the freedom to live without vilification. It also upholds the right to freedom of religion and belief. Every person has the right to freedom of thought, conscience, religion and belief under the Charter and to demonstrate that religion or belief in worship, observance, practice and teaching. The religious protections under existing anti-vilification laws will be retained and strengthened by improving how the law operates.

How Charter rights are engaged by these reforms is outlined in the Statement of Compatibility.

Improving the key features of the Racial and Religious Tolerance Act

This Bill repeals the Racial and Religious Tolerance Act and moves the serious vilification offences to the *Crimes Act 1958* and the civil anti-vilification protections to the *Equal Opportunity Act 2010*.

Moving serious vilification offences to the Crimes Act will improve the visibility of these offences and further highlight the seriousness of this conduct. Moving civil anti-vilification protections to the Equal Opportunity Act will put anti-vilification laws alongside discrimination, sexual harassment and victimisation laws, creating a single accessible equality framework.

The important protections under the Racial and Religious Tolerance Act will be retained and further strengthened by improving how the law operates. People will continue to be protected from vilification based on their race, including their ancestry, nationality, ethnicity or ethnic origin. They will also continue to be protected from vilification based on their religion, which includes their lawful religious beliefs, views and religious activities.

The Bill will improve the serious vilification offences that prohibit extreme behaviour, civil anti-vilification protections that enable victims to seek civil redress, and protections from victimisation. Anti-vilification laws will continue to apply to vilification that occurs online.

The Bill also retains the civil exceptions to vilification, with some amendment, to balance Charter rights and ensure legitimate activities are not against the law.

The current terminology for vilifying conduct will also be retained. Anti-vilification laws will continue to only capture speech and conduct that is *hateful, seriously contemptuous, reviling or severely ridiculing* of another person or group. This can be seriously abusive, derogatory, intimidating or violent behaviour. Speech or conduct that is merely offensive is not intended to meet this existing threshold, and this balance is important to uphold the right to freedom of expression.

Expanding anti-vilification protections to more Victorians

The Bill expands anti-vilification laws beyond race and religion to also protect the attributes of disability, sex, sex characteristics, sexual orientation, gender identity and personal association with a person with a protected

attribute. This will protect individuals and communities most impacted by vilification who have not previously been protected by anti-vilification laws.

The existing definitions under the Equal Opportunity Act will apply, providing broad protection that is consistent with how discrimination law operates. This includes protection for people living with HIV or AIDS, mental illness and drag performers.

The Bill clarifies that vilification complaints can be made on the basis of one or more protected attribute. This recognises that hate speech or conduct may be directed at a person for multiple reasons, for example, a person might experience hate speech because of their gender and race.

Introducing new serious criminal vilification offences

The Bill introduces new serious vilification offences that will apply to the expanded protected attributes and will make it easier to prosecute serious examples of hateful conduct.

It will be an offence, on the ground of a protected attribute, to:

- incite hatred against, serious contempt for, revulsion towards or severe ridicule of a person or a group (the incitement offence), or
- threaten physical harm towards another person or group or threaten to damage property (the threat offence).

Currently, it is not an offence to incite hatred unless a threat is also made. This Bill will ensure either hatred or threat is sufficient for criminal sanctions. The offences will apply to intentional and reckless conduct. Recklessness is still a high threshold to prove, which is appropriate to ensure these offences only capture the most serious conduct.

The offences will continue to apply to both public and private conduct and conduct that occurs online, including in members-only forums. Unlike the current offences, the new offences will be indictable offences, given the seriousness of the conduct they target. However, they will still be able to be determined in the Magistrates' or Children's Courts, when appropriate.

The Bill also makes it clear that the offences apply to conduct that has a link to Victoria. For example, the offences will apply to:

- a person living outside Victoria who creates a Facebook post threatening physical harm against a protected group with members in Victoria, and
- a person in Victoria who incites hatred against a person or group with a protected attribute.

Imposing higher maximum penalties to reflect the seriousness of the conduct

The current offences are punishable by up to 6 months imprisonment and/or a fine. The Bill will increase the maximum penalties to reflect the culpability and gravity of serious vilification.

The new incitement offence has a maximum penalty of 3 years imprisonment, and the threat offence has a maximum penalty of 5 years imprisonment. This recognises that while inciting hatred is serious, threatening actual physical harm to a person or damage to property is objectively more serious.

A range of sentencing options that fall below the maximum would also be available for appropriate cases, including fines, community-based orders and restorative justice options.

Changing how prosecutions for serious vilification can be commenced

The Bill provides that only Victoria Police and the Director of Public Prosecutions (DPP) will be able to commence prosecutions for these offences. This will mean that private citizens are not able to commence prosecutions. This ensures there is a level of experienced prosecutorial oversight before a matter progresses to court, involving a consideration of whether there is sufficient evidence to support a conviction. It will not prevent any person from making a complaint to police when they think they have experienced or witnessed serious vilification.

Further, the Bill requires Victoria Police to obtain the DPP's consent to charge an accused who is under 18 years of age with serious vilification. Consistent with the approach to the Nazi symbol and Nazi salute offences, this safeguard ensures children's unique characteristics and vulnerabilities are considered before deciding to proceed with a prosecution.

Modifying the civil incitement-based protection

The Bill amends the civil incitement-based protection, to reflect how the courts interpret this protection, and to apply it to the expanded protected attributes.

The current incitement-based protection makes it unlawful for a person to engage in public conduct that incites hatred of another person or group because of their protected attribute. The Bill modifies this, to prohibit public conduct that is '*likely to*' incite hatred, serious contempt for, revulsion or severe ridicule of another person or group based on a protected attribute.

Amending the protection to capture conduct that is 'likely to incite' reflects how the courts already interpret this protection and provides this clarity in the legislation.

Introducing a new civil harm-based protection

Importantly, consistently with recommendation 9 of the Inquiry, the Bill introduces a new civil harm-based protection to restrict hateful public conduct that is directed at a person or group because of their protected attribute. This protection ensures that the harm caused by vilifying conduct is considered from the perspective of the targeted person or group.

The Bill makes it unlawful for a person to engage in public conduct (because of a protected attribute of another person or group) that would, in all the circumstances, be reasonably likely to be considered by a reasonable person with the relevant attribute to be hateful, seriously contemptuous, reviling or severely ridiculing of the other person or group.

Whether the conduct meets the threshold for vilification requires an objective assessment from the perspective of a reasonable person with that same attribute and whether they would consider that conduct hateful, seriously contemptuous, reviling or severely ridiculing. This is an important safeguard to ensure that conduct is assessed objectively.

Additionally, whether conduct would 'in all the circumstances' be reasonably likely to be hateful will be considered in the context the conduct occurred, for example, the social, cultural, historical and other circumstances of the person or the people in the group. It will also be irrelevant whether a person knew their conduct was hateful, or was wrong about a targeted person or group's protected attribute.

A person will be able to bring a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Victorian Civil and Administrative Tribunal (VCAT) for a contravention of the harm-based protection if the person has the relevant protected attribute and they were part of the audience of the conduct. This will help to ensure that only people directly affected or targeted by the conduct, and not third parties, can bring a complaint.

Continuing to only capture public conduct for the civil protections

The Bill defines public conduct, to provide greater clarity about the conduct that can be captured by the civil incitement-based and harm-based protections. Currently, the law does not define what public conduct is.

The Bill clarifies that public conduct can be:

- any form of communication to the public, for example, public speaking, writing, displaying notices, playing recorded material, communicating through social media
- actions or gestures that are observable by the public, including the wearing or display of clothing, signs, flags, emblems and insignia, and
- the distribution or dissemination of any matter to the public.

The inclusion of a definition is not intended to change the law but provide much needed clarity. The civil protections only apply to public conduct, not private. Conduct that genuinely occurs in private, such as private conversations, will continue to not be captured by the civil anti-vilification laws.

Continuing to provide civil exceptions to protect legitimate conduct

The Bill retains the current civil anti-vilification exceptions to ensure legitimate activities are not against the law.

Exceptions apply to conduct or discussion that is engaged in, reasonably and in good faith, in:

- the performance, exhibition or distribution of artistic work
- the course of any statement, publication, discussion or debate for any genuine academic, artistic, public interest, religious or scientific purpose, and

- making or publishing a fair and accurate report of any event or matter of public interest.

The Bill modifies two of these exceptions: the religious purpose exception and the public interest exception.

The Bill modernises the definition of 'religious purpose' to align it with the wording of the right to freedom of religion and belief under the Charter, with additional modifications. It defines a religious purpose as including, but not limited to, worship, observance, practice, teaching, preaching and proselytising. This amendment is not intended to limit the right to freedom of religion and belief.

The Bill modifies the public interest exception to protect conduct or discussion engaged in for any 'genuine' public interest purpose. This provides consistency with the exceptions for conduct or discussion engaged in for any genuine academic, artistic, religious or scientific purpose.

Extending VEOHRC's existing powers to respond to vilification

The Bill extends VEOHRC's existing powers under the Equal Opportunity Act to vilification.

Currently, VEOHRC can provide public education on vilification and report to the Attorney-General on the performance of this function. VEOHRC also provides voluntary dispute resolution services to resolve vilification complaints.

To better respond to vilification, including systemic vilification, VEOHRC will be able to:

- initiate investigations into systemic vilification in the community
- conduct voluntary dispute resolution, investigations, research and reviews of organisations' programs and practices
- provide advice to organisations about preparing voluntary action plans
- issue practice guidelines
- provide information and public education, and
- intervene and provide information in court and tribunal vilification proceedings.

Enabling a representative body to bring an anonymous complaint to VEOHRC

The Bill enables a representative body, such as a religious or community organisation, to bring a vilification complaint to VEOHRC without naming the person they are representing.

Currently, a representative body can only bring a vilification complaint to VEOHRC on behalf of named people. This may deter some people from making a complaint because they are concerned about negative consequences for themselves or their broader community.

The Bill requires that before accepting a representative complaint on behalf of an unnamed person, VEOHRC must be satisfied that the person is entitled to bring a dispute, the person has consented to the dispute being brought on their behalf, and the representative body has a sufficient interest in the dispute. This will enable organisations to continue to support people through the voluntary dispute resolution process.

Clarifying that civil remedies could include an apology or financial compensation

The Bill clarifies the existing civil remedies available at VCAT for vilification complaints by providing legislative examples of the types of remedies that are available. This includes orders requiring a person to publish an apology or retraction, develop or implement a program, policy or training, or order the removal of material from an online publication.

Reviewing how these laws operate in practice

The Bill imposes a statutory review of the reforms to occur no later than five years after commencement of all the reforms, with a report tabled in Parliament.

This provides an important opportunity to monitor how these changes to the law operate in practice and consider further changes required to better address and respond to vilification.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:37): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Regulatory Legislation Amendment (Reform) Bill 2025

Introduction and first reading

The ACTING PRESIDENT (John Berger) (17:37): I have received the following message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Adoption Act 1984**, the **Births, Deaths and Marriages Registration Act 1996**, the **Children, Youth and Families Act 2005**, the **Circular Economy (Waste Reduction and Recycling) Act 2021**, the **Commissioner for Environmental Sustainability Act 2003**, the **Domestic Animals Act 1994**, the **Electricity Industry Act 2000**, the **Environment Protection Act 2017**, the **Essential Services Commission Act 2001**, the **Housing Act 1983**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Mineral Resources (Sustainable Development) Amendment Act 2023**, the **Service Victoria Act 2018**, the **Subdivision Act 1988**, the **Transfer of Land Act 1958** and the **Water Act 1989** and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (17:38): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (17:38): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, I table a statement of compatibility for the Regulatory Legislation Amendment (Reform) Bill 2025.
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The Bill amends laws across a range of ministerial portfolios to:
>
> - support efficient and effective regulation
> - promote consistency with other legislation and existing policies
> - reduce the administrative burden of regulation, and
> - address technical errors and make minor updates.
>
> The proposals contained in the Bill are summarised below:
>
> 1. The Bill seeks to amend the following Acts to **support effective and efficient regulation**:
>   a. *Essential Services Commission Act 2001* to explicitly provide a limitation period of 6 years from the date on which a contravention occurred for the Essential Services Commission (ESC) to begin civil penalty proceedings.
>   b. *Domestic Animals Act 1994* to:
>   i. re-instate some penalty provisions to allow local council officers to issue fines (infringement notices) for offences relating to seized dogs or cats, and
>   ii. require owners of dangerous, menacing or restricted dog breeds to notify their local council if the dog has moved residence, or died.
>   c. *Children Youth and Families Act 2005* to allow for an authorisation to be made in relation to a class of non-Aboriginal children and to clarify that non-Aboriginal siblings may form part

of the same class of children along with their Aboriginal siblings pursuant to an authorisation by the Secretary under section 18 of that Act thereby enabling the principal officer of an Aboriginal agency to exercise the authorised powers and functions of the Secretary

d. *Mineral Resources (Sustainable Development) Act Amendment 1990* to ensure confidentiality of commercially sensitive information in work plans or work plan variations registered immediately before the commencement of the new duty based regime as introduced by that Amendment Act is maintained

e. *Adoption Act 1984* to allow the Secretary:

i. to refuse to disclose certain information, where they reasonably believe it may jeopardise someone's life, physical safety, or place them at risk of harm, and

ii. discretion not to notify or seek a person's agreement to disclosure of information, where the disclosure or notification may increase the risk of harm to a person.

f. *Environment Protection Act 2017* to:

i. require that notices that a registration for a certain prescribed authority has been revoked clearly provide the date from which the revocation takes effect

ii. allow the Environment Protection Authority (EPA) to charge a business/business owner, where a vehicle registered to that business has been used to illegally dump waste, and

iii. clarify that a notice or order applies to the officer of a body corporate at the time that it was issued, and not persons who became officers after the notice/order was issued.

2. The Bill seeks to amend the following Acts to **promote consistency with other legislation and existing policies**:

a. *Service Victoria Act 2018* to allow Service Victoria to charge fees for its services

b. *Transfer of Land Act 1958* to:

i. remove an outdated reference to paper-based conveyancing transactions and other redundant provisions

ii. permit the collection of fees without being limited to cost recovery in line with Victoria's *Pricing for value* guidelines

iii. clarify that the forfeiture of fees applies in all cases when an instrument is subsequently withdrawn, refused or rejected after lodgement

iv. remove the ability to pay a half fee (or claim a refund on a full fee) for instruments that have been relodged following withdrawal, refusal or rejection

v. ensure that the list of matters on which the Registrar can determine requirements for conveyancing transactions is not limited and that regulations made under the *Transfer of Land Act 1958* may apply, adopt or incorporate third party documents, and

vi. clarify the application of provisions relating to assurance contributions.

c. *Subdivision Act 1988* permitting fees in line with *Pricing for Value* guidelines, consistent with changes proposed to the *Transfer of Land Act 1958*

d. *Adoption Act 1984* to:

i. enable the Secretary to comply with a court order to produce documents in litigation, or notice from a Royal Commission to produce documents

ii. enable the Secretary to access certain adoption-related records from Births, Deaths and Marriages (BDM), and

iii. allow natural relatives, such as siblings, to access identifying information about the adopted person to enable them to identify or connect with them.

e. *Mineral Resources (Sustainable Development) Amendment Act 2023* to include an additional ground for cancelling an extractive industry work authority (EIWA), consistent with grounds for cancelling a minerals licence, and

f. *Commissioner for Environmental Sustainability Act 2003* to allow the Commissioner for Environmental Sustainability to undertake paid duties outside their role as Commissioner, with the approval of the Minister.

3. The Bill will **streamline processes and reduce the administrative burden** for businesses, departments, agencies and regulators by amending the following Acts:

   a. *Housing Act 1983* by removing the requirement for registered agencies to provide all bank account details to the Housing Registrar

   b. *Electricity Industry Act 2000* by improving the timing of ESC feed-in tariff decisions and removing reporting requirements for licenced electricity sellers and the Minister

   c. *Mineral Resources (Sustainable Development) Amendment Act 2023* to remove an unnecessary regulatory requirement for the Department Head to notify the Secretary of the Department of Energy, Environment and Climate Action of activity that is not a leviable event under the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*

   d. *Domestic Animals Act 1994* to:

      i. allow for certain organisations to have their registrations and approval removed at their request, and

      ii. to require declared bird organisations to apply for a renewal of application 60 days prior to the end date of any active approval to allow sufficient time for consideration of the renewal application before the active renewal lapses

   e. *Environment Protection Act 2017* to:

      i. simplify the process for the EPA to release a financial assurance (similar to a security deposit) to the duty holder, where the financial assurance will be returned in full, and

      ii. simplify procedures of the EPA's board, and provide greater flexibility in appointments to the EPA's board.

   f. *Water Act 1989* to:

      i. allow the Minister to set a date by which the Victorian Environmental Water Holder must submit a Corporate Plan, providing necessary flexibility in reporting dates, and

      ii. allow water corporations to serve notice of a board meeting by electronic means.

4. The Bill will correct **technical errors and make minor updates** to legislation, by amending the:

   a. *Mineral Resources (Sustainable Development) Act 1990* ('the MRSDA') to:

      i. remove references to repealed provisions

      ii. remove references to the 'mining registrar' to clarify who is responsible for establishing and maintaining the mining register.

   b. *Mineral Resources (Sustainable Development) Amendment Act 1990* ('the MRSDAA') to correct an error specifying when the new duty-based regime commences

   c. *Domestic Animals Act 1994* to remove references to section 45A, which has been repealed

   d. *Environment Protection Act 2017* to:

      i. clarify that the EPA can consider both actual and potential costs of any remediation or clean-up when considering whether to release a financial assurance, and

      ii. replace the current two term limit for EPA board members with a cumulative limit of ten years, and

   e. *Circular Economy (Waste Reduction and Recycling) Act 2021* to update the list of provisions for which a civil penalty order can be made by the court, to reflect new provisions introduced by the *Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022* which are already in force.

Human rights issues

Some of the proposed amendments will engage one or more of the following human rights under the Charter:

- recognition and equality before the law (section 8);
- right to life (section 9);

- freedom of movement (section 12);
- privacy and reputation (section 13);
- freedom of expression (section 15);
- taking part in public life (section 18);
- protection of families and children (section 17);
- right to liberty and security of person (section 21);
- fair hearing (section 24); and
- rights in criminal proceedings (section 25).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, to the extent that any rights are limited, those limitations are reasonable and demonstrably justified in a free and democratic society having regard to the factors in section 7(2) of the Charter.

Right to life

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life. This right is engaged by the following proposed amendments.

Part 6 of the bill proposes the expansion of circumstances requiring council notification under the *Domestic Animals Act 1994* to include the death or change of address of a 'dangerous dog', 'menacing dog' or 'restricted breed dog'. Currently, councils are not informed if a dog under one of these categories dies, and therefore are not aware of how many are living in a municipality at any one time. Furthermore, some owners of dangerous, menacing or restricted breed dogs are refusing to provide new addresses when they move, as they are only required to notify that they have moved, and councils are unable to ensure that appropriate keeping requirements are followed at the new address. While it is a rare occurrence, fatalities can result from dog attacks, and therefore the introduction of this amendment would promote the right to life as it supports local government's ability to ensure appropriate precautions are taken for keeping dangerous, menacing or restricted breed dogs to minimise safety risks.

The other proposal which engages section 9 is the amendment to provide discretion for the Secretary under the *Adoptions Act 1984* to refuse disclosure where disclosure would, or would be reasonably likely to, endanger any person's life and physical safety, or put them at risk of harm (including family violence). This amendment may promote the right to life, and to not be arbitrarily deprived of life, as it allows the Secretary to refuse to provide information when this may endanger a person's life, for instance where there is a family history of abuse, and prevent potentially dangerous persons gaining access to an adopted individual.

Accordingly, this bill is consistent with the right to life.

Freedom of movement

Section 12 of the Charter provides that every person who is lawfully within Victoria has the right to move freely within Victoria and has the freedom to choose where to live. As an extension to this right, an individual should not be subject to restrictions or procedures when moving throughout Victoria.

The proposed amendment to require council notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed could be construed as restricting certain individuals' right to freedom of movement. Part 6 of this bill would require owners of these dogs to notify the council of their new location, which engages section 12 of the Charter.

This limitation on the freedom of movement is reasonable and proportionate to the safety risks involved in keeping a dangerous, menacing or restricted dog breed. The proposed measure will enable local governments to ensure that appropriate keeping measures are taken by the owners of dangerous, menacing or restricted dogs to prevent such dogs from escaping and from harming persons in the surrounding areas. This protects the right to life and the right to security of person.

As such, the potential restrictions to freedom of movement are reasonable and proportionate.

Accordingly, the Bill is consistent with the right to freedom of movement.

Privacy and reputation

Section 13 of the Charter provides that a person has the right to not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This includes the collection of personal information by public authorities and applies to extended family and other family arrangements such as foster care or legal guardianships.

The Bill's proposed measure in Part 6 to require council notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed may limit the right to privacy

due to the collection of personal information, in this case the dog owner's current address, by councils. However, it is necessary and justified to impose this minor limitation. Not doing so will impinge on the rights of others with regards to the safety of persons in the community, and this information is not proposed to be made public. It is an appropriate measure as it serves the purpose of enabling local governments to ensure proper precautions have been taken by the owners of dangerous, menacing or restricted dogs, promoting the rights to life and security of persons in the community.

Part 2 of the Bill proposes to amend the *Adoption Act 1984* to give the Secretary access to certain adoption-related records held by Births, Deaths and Marriages (BDM) where access enables the Secretary to carry out their functions under the Act. The Secretary is responsible for providing access to information about past historical adoptions but the Act limits adoption information available to the Secretary unless the Secretary makes an application under Part VI of the Act. This is problematic for applications with incomplete or inaccurate information, as happens frequently in Stolen Generations adoptions. This requires two departments to email repeatedly to identify the correct entry in the Register of Adoptions. The proposal would enable the Registrar to share copies of the Register of Adoptions and related indexes prior to 2019, all Adoption Orders prior to 2019, and court records of adoption orders in the Registrar's possession. This amendment would potentially limit the right to privacy as it reduces barriers for Adoption Services Victoria to accessing adoption information.

This limitation is reasonable and justified in the circumstances. The proposed measure facilitates the information sharing that is already occurring between Victorian Government agencies, which is consistent with Information Privacy Principles – this will mean sharing between agencies is less cumbersome, not on a piecemeal basis and reduce delays for families waiting for information. This is important given the distress caused by Stolen Generations adoptions and is consistent with cultural rights by facilitating kinship connections.

Part 2 of the Bill would allow natural relatives (e.g. siblings, aunts, uncles, grandparents) to access identifying information under the *Adoption Act 1984* about the adopted person to enable them to identify or connect with the adopted person or family (adopted name, DOB, names of natural parents, and adoption date). This would pose a potential limitation on the right to privacy, as the government would be making certain personal information belonging to adopted persons available to others.

This restriction on the right to privacy is reasonable and proportionate as it promotes cultural rights in enabling individuals to enjoy their identity and community and maintain their kinship ties. This also relieves the current discretionary system of providing information, which is a considerable burden on the resources of the Department of Justice and Community Safety. Furthermore, Part 2 of this bill will ensure that the Secretary retains the discretion to refuse disclosure where there is reasonable likelihood that it would endanger a person's life, physical safety, or place them at risk of harm.

As such, the potential limitations are reasonable, necessary, justified and proportionate in the circumstances.

Accordingly, the Bill is consistent with the right to privacy and reputation.

Freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information of all kinds. Therefore, this imposes a responsibility on the government to provide such information sought by a person unless there are reasonable grounds for limiting this right. The following parts of the Bill engage freedom of expression.

Part 12 of the Bill proposes to introduce power for Service Victoria to charge fees for its services under the *Service Victoria Act 2018*. As with existing fees, any new fees for specific services would be set in regulations which will be consulted on. Depending on the fees and charges that are prescribed, this has the potential to restrict persons' right to freedom of expression as it may stand as a barrier to seeking and receiving government services provided by Service Victoria, particularly in instances where a person is experiencing financial hardship. However, this limitation is a justified one. It would align the *Service Victoria Act 2018* with Victoria's *Pricing for value* guidelines, which are aimed at improving government efficiency, equity, and fiscal sustainability.

Furthermore, this proposed measure allows for flexibility to reduce or waive fees in specific circumstances such as financial hardship, and provide differential fees or charges based on concession entitlements. With these allowances, the use of fees is not intended to prevent individuals experiencing financial hardship from receiving information provided through Service Victoria's services.

Potential impacts of new fees on individuals will be considered in the development of future fee-setting regulations, which will be subject to consultation and a Regulatory Impact Statement process. This proposal will ensure the sustainability of Service Victoria's service offerings, and support equitable expanded services, which ultimately seek to improve citizen engagement with government, businesses and other entities.

Parts 13 and 14 of the Bill propose to amend section 120(2)(b) and (c) of the *Transfer of Land Act 1958* and section 43 of the *Subdivision Act 1998* to permit the collection of fees without being limited to cost recovery. This may pose a limitation to the right to freedom to seek and receive information, as it increases the cost barrier to exchanging information critical to land transactions and development. This limitation is justifiable in aligning the Act with Victoria's *Pricing for value* guidelines, which are intended to improve equitable access, government efficiency, and sustainable funding.

The flexibility to charge fees enables fees to reflect the value to customers of the service provided (that is, the value of accessing Victoria's secure and reliable Torrens system of title by registration, which has undergone multiple enhancements in recent years to improve user experience and security). Victoria's *Pricing for value* guidelines recognise that fees may go beyond just cost recovery to allow government agencies to innovate and better serve the community – and from a human rights perspective, this can promote public trust and confidence in exchanging information using the Torrens system. These principles also support the charging of fees below cost recover if there are good policy reasons. The Registrar, in setting fees (and exemptions or reductions) as part of future fees regulations will be taking these considerations into account.

As such, the potential limitations are reasonable, necessary, justified and proportionate in the circumstances.

Accordingly, the Bill is consistent with the right to freedom of expression.

Protection of families and children

Section 17 of the Charter recognises the family unit as a fundamental part of our society. It also recognises that children may need particular protection, to ensure the way they are treated is in their best interests.

Part 3 of the Bill seeks to correct the drafting of section 18 of the *Children, Youth and Families Act 2005*, to allow principal officers of Aboriginal agencies to undertake various powers and functions for the Secretary as a protective intervener or in relation to a protection order or relevant order where required. This engages the right to protection of families and children and will promote this right as it enables care for Aboriginal children to remain with Aboriginal agencies. This is a consideration which promotes taking into account an individual child's best interests, particularly with regard to the importance of extended family and kinship ties.

For the reasons above, the Bill is consistent with the protection of families and children.

Taking part in public life

Section 18(2)(b) of the Charter provides that every person has the right, and is to have, without discrimination, the opportunity to access the public services provided by the Victorian government on general terms of equality. This right is engaged by the following proposals in the Bill.

Part 12 of the Bill proposes to introduce a power for Service Victoria to charge fees for its services under the *Service Victoria Act 2018*. As with existing fees, any new fees for specific services would be set in regulations. Depending on the fees and charges that are prescribed, this is a potential limitation on the right to taking part in public life, as the introduction of fees introduces a barrier which may discourage persons accessing services offered by Service Victoria. However, this limitation is a justified one. It would bring Service Victoria into alignment with Victoria's *Pricing for value* guidelines , and the benefit of government efficiency, equity, and fiscal sustainability.

Furthermore, this proposed measure would allow for flexibility to reduce or waive fees in specific circumstances such as financial hardship, and provide differential fees or charges based on concession entitlements. With these allowances, the introduction of fees is not an insurmountable barrier to individuals experiencing financial hardship accessing government services. The appropriate fees, concessions and exemptions will be consulted on as part of the development of future fee-setting regulations.

The Bill, in Parts 13 and 14, includes proposals to amend section 120(2)(b) and (c) of the *Transfer of Land Act 1958* and section 43 of the *Subdivision Act 1998* to permit the collection of fees without being limited to cost recovery. This has the potential to limit the right of persons to access public services provided by the government, as ability to increase fees beyond costs may present a barrier to individuals experiencing financial hardship. This potential limitation on the right to access is necessary to align with Victoria's *Pricing for value* guidelines, which promotes equitable access to services, efficiency and financial sustainability. The principles of this pricing guide also support the charging of fees below the amount for cost recovery if there are good policy reasons to do so, for instance to enhance access for low-income groups.

As such, the potential restrictions to the right to take part in public life and access public services are necessary, justifiable, reasonable and proportionate.

Accordingly, the Bill is consistent with the right to taking part in public life.

Cultural rights

Section 19 of the Charter provides for the protection of cultural rights, meaning that persons of a particular cultural, linguistic, religious or racial background must not be denied the right to practice their culture, religion and languages in community with others of the same background. Section 19(2) also recognises the distinct cultural rights of Aboriginal persons, who must not be denied the ability to enjoy their identity and culture, maintain their languages and kinship ties, and maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. This right is engaged by the following amendments.

Part 3 of the Bill proposes to correct the drafting of section 18 of the *Children, Youth and Families Act 2005*. This is intended to allow principal officers of Aboriginal agencies to undertake various powers and functions for the Secretary as a protective intervener and in relation to protection order or relevant order powers and functions where required by making it clear that these functions can be undertaken with respect to an entire sibling group where Aboriginal children are in a family with non-Aboriginal siblings. This amendment avoids delays to protective intervention that would result from separate authorisations, and promotes cultural rights by enabling Aboriginal children, where the government intervenes, to be in the care of First Nations agencies, maintaining the children's ties to their siblings, cultural heritage and communities.

The proposed measure in Part 2 of the Bill would give the Secretary access to certain adoption-related records held by Births, Deaths and Marriages (BDM) where access enables the Secretary to carry out their functions under the Act, particularly with regard to applications for information on historical adoptions where there is missing or incomplete information, which occurs frequently with the Stolen Generations adoptions. This proposal would promote cultural rights, particularly for Aboriginal persons, by enabling the process through which individuals may re-establish their cultural identity and kinship ties which they were denied as part of or descendants of the Stolen Generations.

Part 2 of the Bill would allow natural relatives (e.g. siblings, aunts, uncles, grandparents) to access identifying information under the *Adoption Act 1984* about the adopted person to enable them to identify or connect with the adopted person or family (adopted name, DOB, names of natural parents, and adoption date). This amendment has the potential to promote the cultural rights of adopted persons and their relatives, enabling their access to their cultural background, and in the case of Aboriginal persons, the ability to reassert kinship ties.

Accordingly, the Bill is consistent with the right to protection of cultural rights under section 19, and with the distinct cultural rights of Aboriginal persons under section 19(2).

Right to liberty and security of person

Section 21 of the Charter provides for the right to liberty and security of person, meaning the government must provide reasonable measures to protect a person's physical security. Certain parts of the Bill engage this right.

Part 6 of the Bill proposes an amendment requiring individuals to give councils notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed or the death of a dog which falls under one of these categories. This amendment would promote the right to security of person as it enables local government to ensure that the appropriate measures have been taken to minimise the safety risks to the security of individuals posed by an escaped dangerous, menacing or restricted breed dog.

The proposed measure in Part 2 of the Bill to provide discretion for the Secretary under the *Adoption Act 1984* to refuse disclosure where disclosure would, or would be reasonably likely to, endanger any person's life or physical safety. This has the potential to promote the right to security of person as it empowers the Secretary to take measures to prevent threats to the safety of individuals which might arise from disclosure of their information to others. Accordingly, the Bill is consistent with the right to liberty and security of person.

Right to a fair hearing and rights in criminal proceedings

Section 24 of the Charter provides that a defendant charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Section 25 of the Charter provides for a variety of rights of persons in criminal proceedings ensuring minimum guarantees for matters of due process and treatment of individuals by the judicial system and government.

Part 9 of the Bill proposes amending the *Essential Services Commission Act 2001* (ESC Act) to explicitly provide a six-year period during which a civil proceeding in relation to the contravention of a civil penalty requirement may be commenced, regardless of whether the contravention occurred before or after the commencement of these amendments. This is to remove any doubt as to the application of the two-year time period provided for in section 5(5) of the *Limitation of Actions Act 1958* to the ESC Act.

This proposal to provide an explicit time frame is consistent with the time frame provided for in legislation administered by other regulators who enforce civil penalty regimes. The Essential Services Commission's timeframe may impact a person's implied right to a reasonably expeditious hearing, and therefore may impact their right to a fair trial. Although the effect of Part 9 places an additional burden on respondents in civil proceedings by extending the time the Essential Services Commission may have to prepare its claim, I consider the limitation reasonable and justified as the extension is only for four years. While there is a transitional impact that may reduce certainty for regulated parties about the likely prospect of a legal proceeding against them for proceedings that occurred up to two years before commencement, the proposal does not change what behaviour is contrary to law, and is necessary to ensure that the Essential Services Commission can properly conclude investigations already underway.

Any impact on this right to a fair trial is balanced by the underlying intention of the amendment to ensure the Essential Services Commission has sufficient time to conduct investigations, or for possible contraventions to come to light, before commencing proceedings. A six-year limitation period would ensure the Essential Services Commission's investigations and civil proceedings are viable, which may lead to positive outcomes for regulated entities and consumers as the Essential Services Commission could effectively regulate certain markets and entities. A six-year time period is also appropriate and consistent with other regulators enforcing civil penalty provisions. Accordingly, the Bill is compatible with the right to a fair hearing under section 24 of the Charter.

Part 2 of the Bill proposes to amend the *Adoption Act 1984* to enable the Secretary to comply withs a court order to produce documents in litigation or notice from a Royal Commission to produce documents – Part VI of the Adoption Act establishes a strict regime for access to adoption records which restricts the Secretary from disclosing adoption information even with a court order or subpoena. This proposed amendment would indirectly promote the right to a fair hearing as it removes a potential impediment to the administration of justice and allows a party to a proceeding to have relevant information be included in the considerations of a hearing.

Part 8 of the Bill is a proposal to amend the *Environment Protection Act 2017* to enable the EPA to utilise its discretion to charge a business and/or the business owner where the EPA believes that the business should be held responsible for larger scale deposit of waste, even where the driver is able to be charged. Currently, section 116(5) provides that a court must not find a registered owner or authorised user guilty of an offence for depositing waste from a vehicle unless it is not possible to charge the driver for the offence. The current provision is appropriate for small-scale littering from a vehicle but not larger-scale deposit of waste where the business and/or the business owner is typically the registered owner or authorised user of company vehicles.

It is not the policy intent that both the driver and the business owner be charged, and the requirement to not find multiple people guilty of an offence remains. To the extent that this proposal indirectly engages the right to a fair hearing or rights in criminal proceedings, it is consistent with the underlying intentions of these rights and the rule of law by ensuring that the business, rather than the individual (the driver), is pursued where that is more appropriate and where the offending conduct should be attributed to the business.

Part 8 of the Bill proposes a measure in the *Environment Protection Act 2017* regarding the assignment of obligations to officers of an entity which received an environmental action notice or site management order, so as to apply to officers at the time the notice/order was issued. This is to ensure that officers cannot avoid their obligations by winding up companies. To the extent that this proposal indirectly engages the right to a fair hearing or rights in criminal proceedings, it promotes these rights and is consistent with the underlying intention of these rights and the rule of law by ensuring that legal obligations are only imposed on the relevant party.

Accordingly, the Bill is consistent with the right to a fair hearing and with rights in criminal proceedings.

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

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (17:39): I move:

That the bill be now read a second time.

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

The Regulatory Legislation Amendment (Reform) Bill 2025 (the Bill) before the House today demonstrates the Victorian Government's commitment to improving the lives of Victorians by undertaking the difficult, unglamorous, but ultimately vital work of ongoing regulatory reform. Regulatory reform contributes to increased economic productivity, makes it easier to do business in Victoria, and protects consumers, community health and safety and the environment.

Annual regulatory omnibus bills help ensure that Victoria has a modern, adaptive and fit-for-purpose regulatory system. This particular Bill, following on from the Regulatory Legislation Amendment (Reform) Act 2023 (and a similar 2022 Act), is an example of collaborative efforts across government to identify and make incremental improvements to the current Victorian regulatory system. This Bill includes almost forty proposals across 14 different Acts – and ten ministerial portfolios. The Bill has many more benefits which can be found across the four main objectives of the Bill.

Firstly, the Bill **will support effective and efficient regulation**.

Currently, under the *Essential Services Commission Act 2001* (the ESC Act) there is no explicit limitation period for commencing civil penalty proceedings. The Bill sets a six-year period for the Essential Services Commission (ESC) to commence civil penalty proceedings. This will ensure that the ESC can undertake investigations and commence civil proceedings that are necessary to promote the long-term interests of Victorian consumers and properly oversee regulated industries in Victoria. This is consistent with the legislative framework of other regulators who have an enforcement of commencing and conducting proceedings in relation to civil penalty provisions.

Local governments will be able to better manage the potential risks posed by dangerous, menacing and restricted breeds of dogs. Amendments to the *Domestic Animals Act 1994* requiring the owners to notify local governments if the dog dies or is relocated will ensure that local councils have accurate, current details to inform compliance and enforcement activities.

The Bill will clarify the ability of the Secretary of the Department of Families, Fairness and Housing to authorise a principal officer of an Aboriginal agency to exercise their various powers in relation to protective intervention and protection order or relevant orders, with respect to Aboriginal children as well as any of their non-Aboriginal siblings. This clarifies the intent of previous amendments made to the *Children, Youth and Families Act 2005*, which authorised an Aboriginal agency to exercise certain powers and functions with respect to Aboriginal children and their non-Aboriginal siblings by deeming them to be a 'class of children'. These changes are necessary given the diversity of families, and avoids delays to child protection investigations that would result from individual authorisations.

The Bill will amend the *Mineral Resources (Sustainable Development) Amendment Act 2023* to allow the Minister to redact confidential or commercially sensitive information when responding to requests from anyone who has paid the prescribed fee for a copy of a work plan or work plan variation that was registered immediately before the commencement of the new duty-based regime as introduced by that Amendment Act. This ensures transparency and accountability, while also protecting legitimate commercial interests.

Public officials will be empowered to better protect members of the community, with amendments to the *Adoption Act 1984* allowing the Secretary of the Department of Justice and Community Safety to not disclose certain adoption information where they believe it may increase the risk of harm to another person, including family violence. Further amendments will allow the Secretary to not notify or seek consent from a party, thereby 'alerting' a person, in certain cases where a request for adoption information is received, and where the Secretary believes this action would increase a risk of harm.

The Environment Protection Authority (EPA) will be better able to target its regulatory and enforcement activities due to changes to the *Environment Protection Act 2017*. Firstly, amendments will allow the EPA to pursue a business or business owner, where a vehicle owned by that business has been used to illegally dump waste. Currently, the EPA can pursue the owner of a vehicle only when it is unable to identify the driver of a vehicle. This means the EPA is unable to pursue companies that are deliberately and systemically dumping waste as a business practice, often in large quantities. Secondly, amendments will mean that environmental action notices and site management orders will apply to officers of bodies corporate at the time the notice or order was issued, meaning that officers cannot avoid their obligations by winding up companies. Lastly, notices relating to the revocation or surrender of registrations will be required to contain the date from which the revocation takes effect.

The second objective of the Bill is to **promote consistency with other legislation and existing government policies**.

The Bill will amend the *Service Victoria Act 2018* to address a gap in legislative coverage in Service Victoria's ability to charge fees for the services it provides. Service Victoria currently charges customer fees where

required through existing legislation, such as applying for a working with children check, getting a recreational fishing licence, or paying car registration. The amendments will ensure Service Victoria has the flexibility to deliver new value-added services to customers under the Service Victoria Act, backed by appropriate charging in line with Victoria's *Pricing for value* guidelines. The amendments will not affect fees for any existing customer services. Before any fee can be set, there will be mandatory public consultation as part of the regulation-making process. The amendments also allow scope for any concessional rates and exemptions to be determined with consultation.

Through amendments to the *Transfer of Land Act 1958* (the TLA), the Registrar of Titles will be able to collect fees on a value-for-money basis, in line with Victoria's *Pricing for value* guidelines and fees in other Australian states and territories, without being limited to cost recovery. This represents an important opportunity to enhance user experience of Victoria's accurate and secure Torrens system of title by registration, which Victorians count on every day to buy and sell real property and obtain and discharge mortgages. Amendments to the *Subdivision Act 1988* will ensure that changes made to the TLA with respect to fees and charges are reflected in this Act as well.

Other amendments to the TLA will remove the ability to pay a half fee, or seek a refund for a half fee, where instruments have been relodged. This reflects that the effort and cost of examining a relodged instrument is the same as that of the original instrument. It also reflects that most instruments today are lodged electronically by a financial institution or professionals (typically a conveyancer or lawyer who is paid for their professional advice), and the Registrar provides pre-lodgement validations for electronic instruments to improve the quality of instruments lodged. This amendment streamlines administrative processes and disincentivises professionals from lodging instruments that are not capable of registration or recording. Similarly, additional amendments will clarify that the forfeiture of fees applies in all cases where instruments are refused, rejected or withdrawn after lodgement.

Minor amendments to the TLA will also remove references to 'paper conveyancing transactions', when referring to requirements that may be determined by the Registrar for conveyancing transactions to ensure that the list of matters on which the Registrar can determine requirements is not limited. This reflects that the vast majority of instruments are now lodged electronically. A minor amendment will also be made to ensure that regulations made under the TLA may apply, adopt or incorporate third party documents, which is a standard provision across many Victorian Acts. Lastly, amendments to the TLA will clarify provisions relating to the Registrar's ability to seek assurance contributions, which are applied at the Registrar's discretion in the case of higher risk transactions. The amendments make it clear that this discretion applies to the recording or registering of any instrument, and the registration of a Crown grant. The amendments will also remove several provisions relating to assurance contributions that are no longer necessary, ensuring that the TLA remains up to date.

The Bill will amend the *Adoption Act 1984* in line with recommendations from various inquiries and reviews. Firstly, amendments will ensure that the Secretary of the Department of Justice and Community Safety is able to disclose adoption information in response to a court order, subpoena, or request from a Royal Commission. Furthermore, the Bill will give the Secretary access to adoption information held by Births, Deaths and Marriages implementing a number of recommendations from the 2021 Legislative Assembly Legal and Social Committee's Inquiry into responses to historical forced adoption in Victoria. The Secretary can already request access on a case-by-case basis but this creates unnecessary delays. Amendments will also allow natural relatives of adopted persons to access identifying information about the adopted person, allowing them to contact family from whom they have been separated by adoption. This is consistent with government policy to assist in reuniting families and address shame and stigma around the Stolen Generations and other forced adoptions.

Grounds for cancellation of an extractive work authority issued under the *Mineral Resources (Sustainable Development) Amendment Act 2023* will be brought into line with the grounds for the cancellation of a minerals licence. Under the amendments, the Department Head can cancel an authority where the holder has not substantially complied with the new duty to eliminate or minimise the risk of certain harms.

Government will be able to attract and retain quality candidates for the role of Commissioner for Environmental Sustainability under amendments to the *Commissioner for Environmental Sustainability Act 2003*. These allow the Commissioner to undertake other paid duties, subject to Ministerial approval, as is the case with many other government executive and board positions.

The third objective of the Bill is to **streamline processes and reduce administrative burdens for government, businesses and individuals** by making simple and uncontroversial changes to legislation.

The Bill will save registered housing agencies from needing to provide bank account details to the Housing Registrar for inclusion in the Register of Housing Agencies. These details are generally unnecessary and holding them poses unnecessary information security risks to both the Registrar and the registered agencies.

Where the Housing Registrar does need access to these details, alternative means to request them already exist. These improvements will be made through amendments to the *Housing Act 1983*.

Through amendments to the *Electricity Industry Act 2000* (EI Act), the Bill will enable the ESC to make determinations later in the year, using more current data and so that determinations can be made closer to the start of the financial year to which it applies. Amendments to the EI Act, will also remove the requirement of licensees who are authorised to sell electricity to report on how many small renewable energy generation facilities sold electricity to them and how much electricity the licensee bought. This reduces unnecessary administrative burden on businesses, noting that much of this data is publicly available through other sources. Amendments in the Bill will also remove the requirement for the Department of Energy, Environment and Climate Action to report on this annually.

The Bill will remove unnecessary processes through amendments to *Mineral Resources (Sustainable Development) Amendment Act 2023*. At present, the Department Head is required to notify the Secretary to the Department of Energy, Environment and Climate Action within seven days of approving a variation of a rehabilitation plan involving extractive work carried out on land wholly or partly within the Melbourne Strategic Assessment levy area, despite a change in rehabilitation not being a leviable event. The Bill will remove this notification requirement.

Amendments to the *Domestic Animals Act 1994* will simplify processes for various individuals and organisations required to register with the Minister for Agriculture, such as bird clubs, commercial dog breeders and dog obedience training schools. Dog trainers, dog breeders and the like will be able to request that their registration be revoked (and thus no longer be required to pay an annual fee), addressing an oversight that means their registration can currently be revoked only in cases of non-compliance.

Other amendments to that Act will require declared bird organisations to submit their application at least 60 days before the expiration of their current declaration, to ensure that applications are processed before the end date. Otherwise, organisations may cease to be declared bird organisations until the declaration is remade, preventing organisations during that time from validly holding bird sales at locations other than a private residence or registered pet shop.

Amendments to the *Environment Protection Act 2017* will make it easier for businesses and individuals that have provided a financial assurance to the Environment Protection Authority (EPA) to reclaim their funds, in cases where there are no issues with their conduct and the EPA intends to refund the assurance in full. Currently, the depositor must submit additional information to the EPA in support of the release of the assurance, even when the EPA has already made a decision to release it in full, creating unnecessary work for both parties. Amendments to that Act will also provide for more flexible operations of the EPA's board, granting the Governor-in-Council more discretion around appointments and allowing board members to undertake acting roles in certain circumstances.

Through amendments to the *Water Act 1989*, the Victorian Environmental Water Holder (VEWH) will be able to submit its annual Corporate Plan by an alternative date specified by the Minister for Water, for example in circumstances where key information is not yet available. This will save the VEWH from having to seek a variation of its plan as new information becomes available. Further amendments to that Act will allow notices of special meetings for water corporation boards to be provided by electronic means, where currently they must be provided in hard copy and delivered in person or by post. This new process will be faster, cheaper and more streamlined.

Lastly, the Bill seeks to **make a number of minor updates and corrections to existing legislation**.

The Bill will remove several minor technical errors, and references to superseded terminology and provisions contained in the *Mineral Resources (Sustainable Development) Act 1990* and the *Mineral Resources (Sustainable Development) Amendment Act 2023*. Similarly, the *Domestic Animals Act 1994* will be amended, to remove references to a section that has already been revoked.

The Bill will update the *Environment Protection Act 2017*, to clarify that the Environment Protection Authority (EPA) considers both actual and potential costs of any remediation or clean-up required, before making a decision regarding the release of a financial assurance. Updates will also change the maximum period of service of EPA board members from the current limit of two terms (with the maximum duration of a term fixed at five years) to a total cumulative period of service of 10 years.

Finally, the Bill will update the *Circular Economy (Waste Reduction and Recycling) Act 2021* to update the list of provisions for which a civil penalty order can be made by the coassurt, to reflect new provisions introduced by the *Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022* which are already in force.

As you can see, this Bill addresses a wide range of matters, ranging from the registration of community bird clubs to helping reunite families separated by forced adoptions. However, in all the initiatives I have described

for you today, there is a single common thread, which is the commitment of this Government to bettering the lives of Victorians by making simple, straightforward improvements to legislation. The bill provides important benefits – such as clearer, fairer, more modern laws and regulations, and strengthened regulatory tools for agencies like the EPA and the ESC, which do such important work to protect our environment and community.

I commend the Bill to the House.

Evan MULHOLLAND (Northern Metropolitan) (17:39): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (17:39): I move:

That the house do now adjourn.

Remembrance Parks Central Victoria

Wendy LOVELL (Northern Victoria) (17:39): (1436) My adjournment matter is for the Minister for Health, and the action that I seek is for the minister to appoint a new person as chairperson to the board of Remembrance Parks Central Victoria trust and to rule out reappointing the current chairperson. The current chairperson of Remembrance Parks Central Victoria was appointed in September 2020, and her term ends on 28 February 2025. During her tenure the chair has presided over a series of governance failures that are clearly disqualifying, and the government should not reappoint her after the current term ends. Since taking the chair, the trust has lurched from scandal to scandal, demonstrated financial incompetence and failed to meet the reporting requirements for a public entity. It is a statutory obligation set down in section 18H of the Cemeteries and Crematoria Act 2003 that a class A cemetery trust must hold an annual meeting before 30 December in each calendar year and must make the cemetery trust's most recent annual report available. But RPCV has failed in these two basic obligations. The last annual report lodged by the trust was for the 2021–22 year, and no annual report for the trust has been released for the 2022–23 or 2023–24 years. That is two years without annual reports being released and without annual general meetings being held on time or held at all.

Missing annual general meetings means the board has completely avoided public scrutiny and accountability at the very time that its cemeteries have been involved in a series of operational scandals. In 2022 RPCV attempted to implement an exorbitant increase in the cost of burials. In 2023 came the adornments scandal, when cherished family mementos were removed from graves without permission, then 2024 started with two controversial incidents in which graves were recklessly disturbed by maintenance crews. The most recent controversy was to propose a dramatic increase to the cost of a plot and burial to make up for years of financial irresponsibility in which the trust posted operating deficits in the hundreds of thousands of dollars. Under the Public Administration Act 2004 the minister is responsible to Parliament for the public entity exercising its functions, and yet Minister for Health Mary-Anne Thomas has failed to take responsibility, has failed to provide answers for the ongoing governance failures and has failed to take action to remove the board chair. The minister must not reappoint the current chair. It is essential that she appoints someone who can establish good governance at this cemetery trust.

Cat management

Georgie PURCELL (Northern Victoria) (17:42): (1437) My adjournment matter is for the Minister for Agriculture, and the action that I seek is for the minister to implement a trap, neuter, return trial for stray cats here in Victoria. The minister recently released the cat management strategy for the next decade. I applaud the minister for her informed and compassionate approach to cat management. It is very clear that she loves her cats. It was refreshing to read that the government will be focusing

on promoting and supporting responsible cat ownership. I would like to propose to the minister that a TNR trial be conducted here in Victoria alongside the strategy. In fact many of the community cat populations that a TNR trial would help and benefit are in the minister's very own electorate. This would fulfil one of the aims of the cat management strategy of population control.

TNR programs present an alternative to the cruelty of killing. It works by capturing groups of unowned or semi-owned cats, which are those that are partly cared for by the community, desexing them and returning them to their original location. Suitable cats or kittens can also be identified through this process to be adopted or rehomed. This prevents any further breeding, which is critical. It reduces shelter intake and leads to more manageable populations. The government's 2021 report from the Taskforce on Rehoming Pets revealed that there was strong support for implementing TNR cat programs here in Victoria.

We have killing programs for every unwanted species in Victoria, but the problems continue to persist. The last analysed data in 2016 showed that 48 per cent of cats taken in by councils were euthanised, with most councils euthanising between 67 to 98 per cent of cats. Killing often leads to population booms and does nothing at all to address the long-term population trend of the species, as removing cats from the area allows for new cats to move in and breed, and the process starts all over again. For this reason, killing does nothing to protect native bird species as they claim. It is time to look at sustainable and long-term solutions that actually work. TNR programs offer exactly that, and they are already being used in New South Wales and Queensland, the United States, Canada, the United Kingdom and Italy. The Australian Pet Welfare Foundation in Queensland has had great success. As of April 2024 they had desexed over 2000 cats in Ipswich and achieved a 30 per cent reduction in cat intake and 50 per cent less euthanasia of cats. With a new management strategy it is now the perfect opportunity to trial at TNR program here in Victoria with ongoing data collection and dedicated management of the cats treated. I would love to work with the minister together on this and establish a trial here in Victoria.

Country Fire Authority Werribee brigades

Sheena WATT (Northern Metropolitan) (17:45): (1438) My adjournment matter today is for the Minister for Emergency Services. The action I seek is for the minister to commit to visiting the incredible CFA volunteers in Werribee to recognise the essential work they do for their community. The Allan Labor government and the minister have consistently backed our CFA brigades. That is why the 2024–25 budget invested nearly $20 million in upgrading the state's CFA pumper fleet. In Werribee specifically we have supported the Little River CFA with a funding top-up of $24,000 via the volunteer emergency services equipment program grant scheme.

CFA volunteers selflessly sacrifice time with family and friends to prioritise the safety and wellbeing of their communities. Their efforts extend beyond firefighting as they play a crucial role in community preparedness, emergency response and recovery. The dedication of CFA volunteers ensures that local residents have the support they need during times of crisis, often, it must be said, at great personal cost to themselves and their families. That is why our government will always back volunteers from the CFA and our other emergency services organisations.

One such volunteer is Werribee CFA's John Lister. Like all CFA volunteers, John is deeply committed to his community. Beyond his work with the CFA he also serves as a dedicated high school teacher at Wyndham Central College. He has spent years prioritising the safety of his local community in both roles. Recently John has further demonstrated his commitment to the people of Werribee by stepping up as their newly elected representative in the other place. What an exciting privilege that is for him. Let me express my congratulations to him on receiving this great privilege from his local community. I know that his deep understanding of community needs, gained through years of frontline service and living in the community, will equip him to serve Werribee well.

The action I seek is for the minister to commit to visiting a CFA brigade in John's community of Werribee to recognise the essential work they do for their community. Their service is invaluable, and their dedication deserves not only our gratitude but also our continued support.

Kindergarten funding

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:47): (1439) My adjournment is to the Minister for Education. The action I seek, Minister, is for you to fast-track the free kinder program for three- and four-year-old children who would be using both standalone sessional services and long day care and childcare services, which the government continues to promote but which many, particularly in the City of Casey, are missing out on altogether.

I have been contacted by concerned constituents, parents in my electorate, with distressing stories of children who have missed out on getting their three- and four-year-old children into kindergartens. The numbers that are missing out are estimated to be 400 in just the City of Casey alone, so I am concerned for other parts of the south-east and throughout Victoria. If you are watching this and you are one of my constituents, please contact me. If you live in my region, share your stories and your concerns. Apparently some kinders have been forced to make space for three-year-old kinder enrolments, which now means there are not enough opportunities for four-year-olds to be able to get into kinder – so no kinder before they go to school.

We have heard a lot of hot air in this chamber from this Labor government, but when you actually visit their website you will find that it is by 2036 that all children in Victoria will have access to 1800 hours of funded kindergarten before school, including 600 hours of three-year-old kindergarten and 1200 hours of pre-prep. I have families crying out today because they have missed out. This government continues to spout both here and in the media that families will have easy access to all these extra hours. But looking at the actual data on the vic.gov.au website, this aspirational $14 billion – no-one knows where it is going to come from since they have no money and a broken budget – to give children the best start in life is not going to be there for many children within the government timeframe. By the time some of these programs are even rolled out and are in effect, today's four-year-olds are going to be about 16 years old. Our three- and four-year-olds will be teenagers. They will have missed out on all the benefits that other children in their own areas may have had. How is this equitable?

My concerns about accessing three- and four-year-old kindergarten are (1) the limited availability of spaces due to demand, particularly in the City of Casey, (2) how long children are going to be on waitlists and how they are assessed if eligible, (3) the accessibility statewide and for smaller communities, (4) consistency of programs across the state, (5) the huge financial barriers for families who miss out, (6) concerns for parents whose children miss out and how they will cope down the track and (7) the transitioning from a home-based learning environment to a group setting, particularly for vulnerable children who may require additional support through programs like the access to early learning. So the government is again misleading people with its hot-air promises that advertise free kinder for three- and four-year-old children, and the actual crunch is going to be that they cannot provide what they are talking about.

Duck hunting

Katherine COPSEY (Southern Metropolitan) (17:51): (1440) My adjournment this evening is to the Minister for Outdoor Recreation, and the action I seek is to cancel the 2025 duck-shooting season. This is because of comprehensive evidence of biosecurity risks from the avian influenza outbreak, declining duck population numbers and decreasing wetland habitat. It seems obvious that Labor is once again cravenly pandering to the shooting lobby and the small number of Victorians they represent, rather than protecting the health and welfare of waterbirds and regional communities.

In the words of Dr Carmen Lawrence, the then Premier of Western Australia when that Labor government banned shooting:

> Our community has reached a stage of enlightenment where it can no longer accept the institutionalised killing of native birds for recreation.

And that was back in 1990. On 8 February 2025 Agriculture Victoria confirmed that a new outbreak of high-pathogenicity avian influenza – HPAI – was present in Victoria and that lab tests showed that this was a different strain than was reported in Victoria in 2024. Agriculture Victoria provided a further update on 17 February this year outlining that affected townships included Euroa, Violet Town, Longwood, Ruffy, Avenel and Strathbogie. I have asked the minister separately about what biosecurity advice had been received from the federal government with regard to cancelling or reducing the 2025 duck-shooting season in Victoria, given that HPAI can be spread by both wild and domestic birds and that the death, injury and disruption that shooting causes to bird populations are likely virus-spreading activities.

The minister's decision to continue with the 2025 duck-shooting season also appears to ignore completely findings from the 2024 Eastern Australian Waterbird Aerial Survey, which is a joint effort initiative across Victoria, New South Wales and Queensland. Conducted annually since 1983, it is one of the great Australian datasets, and it monitors changes in the distribution and abundance of waterbirds and their breeding, as well as change in the extent of wetland habitat over time, tracking trends in more than 70 species of waterbirds. The 2024 survey was released just four months ago and found that:

> All game species of ducks had abundances below their long-term averages …

Specifically that breeding abundance had decreased steeply compared to the previous year, falling by:

> … an order of magnitude for the second successive year to well below the long-term average and one of the lowest on record.

Another key finding:

> Wetland area decreased considerably from the previous year, to well below the long-term average …
>
> …
>
> Availability of wetland habitat is a major driver of water bird abundance, breeding and diversity. Reductions in habitat area and persistence due to climate change, river regulation and water extraction have resulted in ongoing declines …

across many duck species. Minister, given these conditions, I implore you: cancel the 2025 duck-shooting season.

Manufacturing sector apprenticeships

Renee HEATH (Eastern Victoria) (17:54): (1441) Our manufacturing industry is the backbone of Australia's supply chains. Without a steady pipeline of skilled workers producing essential building components, sovereign manufacturing capability becomes nothing more than a hollow promise. Instead we leave ourselves vulnerable to global supply chain disruptions and ever-rising input costs. According to the Victorian Chamber of Commerce and Industry, Victoria currently has approximately 85,000 apprentices, yet unsurprisingly the number of new apprentices continues to decline. Worse still, the Victorian apprenticeships taskforce report, which was released in March last year, confirms that Victoria lags behind the rest of the country in apprenticeship completion rates. The state average for those who start apprenticeships and complete them is 52.3 per cent – a number so dismal that it begs serious reflection, not self-congratulation. The more pressing question remains: why are people starting apprenticeships yet failing to complete them? This is not just a statistic. It is a fundamental problem that policymakers need to identify, understand and resolve urgently. Meanwhile federal Labor's latest $10,000 bonus scheme for housing industry apprentices is being paraded as a

game-changing solution. In reality it is another short-sighted pre-election bandaid fix from a government in crisis, both in Canberra and here on Spring Street.

If there is going to be any meaningful progress, the multisector approach is essential, and one that prioritises manufacturing rather than just politically convenient industries. Therefore my adjournment matter is directed to the Minister for Skills and TAFE. The action that I seek is for the minister to join me in a meeting with boards of key manufacturing peak bodies such as the Geelong Manufacturing Council, South East Melbourne Manufacturers Alliance and NORTH Link and listen to industry and what their solutions are, working towards real, practical strategies to increase the number of manufacturing apprentices. On that note, the Local Jobs First commissioner, who has held the role for three years now, might wish to clarify something: how many times has she engaged with these manufacturing peak bodies on this issue, or is manufacturing once again just being conveniently sidelined?

Social housing

Anasina GRAY-BARBERIO (Northern Metropolitan) (17:57): (1442) My adjournment matter is for the Minister for Ageing, and the action I seek is to increase asset limits for social housing to better support older Victorians facing housing insecurity. Victoria's population is ageing, with this trend set to continue. Currently 16 per cent of Northern Metro's population is aged 60 or over. This growing cohort faces unique challenges, particularly in housing affordability and security. Ageing is also a gendered issue. There are more women than men in the older population, and older women are more likely to experience financial hardship due to lower lifetime earnings, time taken out of the workforce for caregiving responsibilities and longer life expectancy. Sadly, women over 55 are the fastest growing cohort facing homelessness. Between 2013 and 2018 homelessness among women in Victoria increased by 48.3 per cent. Addressing this requires targeted and gender-responsive policies.

Across Victoria 27 per cent of people aged 60-plus come from non-English-speaking backgrounds. Northern Metro, one of Victoria's most diverse regions, reflects this trend. Language barriers, cultural differences and lack of culturally appropriate housing services further isolate older people, making it harder for them to find stable accommodation. Housing affordability is a pressing issue in northern metro Melbourne. This region has proportionally lower rates of home ownership compared to the state average, meaning more older people are reliant on the rental market. Many people face rising rents and financial insecurity, with some paying high mortgage repayments well into their retirement years.

Recently I met with Fiona from Housing for the Aged Action Group, an organisation dedicated to supporting older tenants in Victoria, including LGBTQI+ communities. Their advocacy and programs such as Home at Last provide crucial support for those at risk of homelessness. I acknowledge the team at Housing for the Aged Action Group for their understanding, empathy and practical support for the ageing community.

Currently individuals with over $37,212 in savings are disqualified from many housing support services. This threshold is one of the lowest in the country and unrealistic in today's economic climate. Older people who have worked hard to save for their retirement should not be penalised and excluded from essential services when they are at risk of losing their homes. Homes Victoria sets income limits for affordable social housing at $73,530 for singles and $110,300 for couples. However, developers have little incentive to build homes for those on the lowest incomes, including many older people.

Minister, it is important that asset limits for housing support services reflect the realities of an ageing population in a challenging housing market. Older Victorians deserve to age with dignity and security, and we must take action to ensure that they are not left behind.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (18:00): (1443) My adjournment matter is for the Minister for the Suburban Rail Loop. We learned in the Victorian Auditor-General's Office report

yesterday, the VAGO report, that the Suburban Rail Loop project costs have been in review since June last year. We also learned that the minister receives detailed monthly reports on project scope, risks, costs and progress. You have repeatedly made statements to this house and in writing that the SRL project is on schedule and on budget. But this is a concerning scenario, because we have learned in the report that the budget has already gone over by over $300 million and digging has not even started. It is a concerning scenario, all of this, and there are some clear gaps in reporting and transparency. There are clearly questions about the true cost of the project, because this seven-month review either has not been completed or has been completed but not published and incorporated into funding models.

Where are the updated costs? It raises another series of doubts and questions that need answering. When will the updated costs be released? Will any extra funding required be incorporated into the May budget, or will it be off books as a Treasurer's advance or a direct loan from the Treasury Corporation of Victoria? If the costs are greater than the current pseudo budget of $34 billion, then how will that excess be funded? There is already a $20 billion shortfall. Why have you not alerted the Victorian public to the cost blowout you must surely know of given the monthly reporting you receive? What are you going to do about costing the remediation of numerous contaminated sites along the route of the SRL? Do you even know how much they will add to the cost? You could go a long way to addressing these serious questions and doubts by a simple action. The action I seek from the minister is to release the updated costings for the SRL that the Auditor-General identified were in progress. The obvious corollary to that request is: if the updated cost review is not complete, advise when it will be complete.

Arts Wellbeing Collective

Aiv PUGLIELLI (North-Eastern Metropolitan) (18:02): (1444) My adjournment matter tonight is to the Minister for Creative Industries, and the action I seek is that he commit to providing essential funding to support and protect much-needed mental health and wellbeing services in the arts sector. Mental health challenges for artists and arts workers are disproportionately high, with 63 per cent of creatives reporting experiencing anxiety compared to just 15 per cent of the general population. Financial stress caused by irregular work, long hours and workforce casualisation are huge contributors to artists' mental health struggles. Unfortunately, exposure does not pay the rent. For many the Arts Wellbeing Collective was an essential lifeline that helped to provide tailored mental health support, resources and training, but just before Christmas last year it was forced to close its doors due to a decision made by the arts centre. Though there is no clear information about why it was closed, suggestions have been made that the decision was due to a lack of funding from the Victorian government. The outcry from the arts community has been swift and clear. People in the arts need targeted mental health support delivered with understanding of what it is actually like to be an artist. They are often first to be asked to do a free gig when times are bad and last to be given the protections they deserve as workers. Minister, fix this.

Angliss Hospital

Georgie CROZIER (Southern Metropolitan) (18:03): (1445) My adjournment matter is for the attention of the Minister for Health, and it is in relation to the Angliss Hospital, where it was reported some weeks ago that the ICU was to close for works. I have spoken to a number of people at the Angliss who are very concerned about the closure. I have been subsequently told this afternoon that there is going to be a delay to these works of up to five weeks and the planned closure of 3 March will now happen sometime in April. What is concerning to those clinicians working in this area is what it will do to patient outcomes, with travel times of up to 40 minutes to get a patient to the Box Hill ICU, and how it will impact on the Angliss Hospital emergency department. What has been raised with me is that the emergency department at Angliss Hospital is already understaffed and under huge stress. There has been a huge amount of uncertainty about staff that work in the ICU department. Some are going to have to be redeployed to Box Hill and other areas to cater for when this closure occurs. But the uncertainty really is around whether it will actually reopen. It services a huge area, it provides great

care to that community, and the concern from clinicians that are working at the Angliss Hospital is that they do not have confidence in the government that it will actually reopen.

Given those delays with the redevelopment – it was to commence in just a few days time – and given the delays in what is going to happen with the ICU when it is closed to undertake those works, the action I seek is for the minister to guarantee that that intensive care unit will actually reopen, whenever those works start and are completed, because there seems to be a huge amount of uncertainty about anything that is going on at the Angliss Hospital at the moment.

Ballarat-Carngham Road

Joe McCRACKEN (Western Victoria) (18:06): (1446) My adjournment matter is for the Minister for Roads and Road Safety. It concerns safety along the Ballarat-Carngham Road. On Thursday 6 February a 10-year-old was flown to the Royal Children's Hospital in Melbourne after being struck on the road at around 8 am. The area, which in recent years has been built up by the suburb Winter Valley, has experienced a marked increase in traffic in line with the expansion of the population in the area. Rachel, a local who spoke to the Ballarat *Courier*, said that:

> I'm surprised that they haven't actually done anything about [Ballarat-Carngham Road] sooner …

In the past the area was primarily a farming route, and many businesses in the area are still involved in agriculture. However, this is no longer just a farming route to the western farms of Ballarat. It is now a key transport link for growth zone residents driving to school and work in Ballarat. A new Coles shopping centre is proposed to open by the end of 2026, which is adjacent to Ballarat-Carngham Road. But according to news reports, much-needed upgrades to the road remain in funding limbo because the Department of Transport and Planning cannot agree with the City of Ballarat, and that disagreement revolves around whether there should be traffic lights or a roundabout.

Wendouree MP Juliana Addison said it was a top priority and that the works to duplicate the Ballarat-Carngham Road would cost around about $80 million. This is despite only $6.6 million put into the 2022 state budget for planning and service works to duplicate the road. Nothing has happened since. Ms Addison has said she has been working so hard to try and get funding for the Ballarat-Carngham Road duplication. Apparently her work has been ignored, if we actually look at the results. She said:

> We all need to be talking about it, to make sure that we are really going to deliver what these growing communities need.

The real concern is that we cannot just keep talking about it; we actually have to take action. So the action that I seek from the roads minister is: will the minister commit to funding the duplication of the Ballarat-Carngham Road in the next state budget, or has the government purely run out of money?

Assyrian Church of the East

Evan MULHOLLAND (Northern Metropolitan) (18:09): (1447) My adjournment is to the Minister for Planning, and the action I seek, once again, is to end the farce and call in the application by the Assyrian Church of the East to build their new school in Yuroke. We have heard about VCAT again this week. Last time I updated this chamber they had to adjourn their case and come back after a few months because of a certain type of tree. You can think of all the reasons possible why you do not want to have a Christian school in your electorate. It was a certain type of tree. Before that it was traffic. We know they had issues with the traffic it would cause and the intersection, even though they rushed an 8000-home development across the road without council approval and without community support. That will not cause traffic, but it is the school that will cause traffic.

We found out this week that it was not a certain type of tree – in fact the issue at play was not actually the tree. The tree was actually on government land, and they made the church pay for a report to inform them about the tree to assist them with a future upgrade of Mickleham Road that is probably not even coming.

The issues they had this week went to construction schedules, documentation, what bathrooms they are going to look at building, waste management – I mean, seriously. The VCAT member took on board the issues but did not make a decision. The decision has been pushed back to March. Traffic engineers actually conceded to the church points about traffic, but as the VCAT member pointed out, the minister's representative did not even request this information that they had previously asked for.

The government has put this in the too-hard basket. They have made the church pay hundreds of thousands of dollars in legal fees. We brought a petition debate to this chamber, where members across the aisle, ministers, gave supportive statements that of course they support them building a school. I assumed that this situation was a bureaucratic overreach, but now I am coming to the view, like many in the community, that this government just does not want a Christian school in Yuroke, a Christian school in the northern suburbs.

It is an absolute disgrace. It is costing hundreds of thousands in legal fees. This school would be such a blessing for the community and preserve a UNESCO-listed, endangered language – the Assyrian language, the original language of Jesus Christ himself. This school would bring the community together. What does the government have against Christian schools? I seek the action of the minister: call this in and approve it for this community.

Rural and regional roads

Gaelle BROAD (Northern Victoria) (18:12): (1448) My adjournment is to the Minister for Roads and Road Safety, following the closure of the Calder Freeway on Tuesday. The freeway and surrounding roads became the set of an action movie starring Liam Neeson and were closed until 10 pm. What is interesting to note is that the potholes were fixed ahead of the closure to ensure that the film crew had a smooth surface. It is disappointing that it takes an international movie star filming an action movie to get the government to take action fixing our roads.

The Leader of the Nationals Danny O'Brien recently launched the potholes for all seasons calendar. and if the minister has misplaced her copy, it can be downloaded for free at www.potholepics.com/download. Roads in regional Victoria are vitally important, as they connect our state and they are the conduit for the transport of goods and services across the region, but I have received photos from across the region from residents who see the condition of our roads – and they are falling apart.

This year Victoria recorded 33 road deaths in the first 30 days of the year, and regional deaths have outpaced metropolitan fatalities every single year over the past decade. According to research undertaken by ACM, accounting for population, Victoria's country roads are arguably deadlier than those of New South Wales, despite New South Wales having nearly double the regional population. I quote an article from the *Bendigo Advertiser* of 5 February. It reported that ACM have done some recent analysis about the factors that make regional Victorian roads so much deadlier than Melbourne's, with higher speed limits, longer distances and poorer road surfaces contributing. Last year the government's road maintenance budget was 16 per cent less than it was four years ago.

It is not just Hollywood stars that need smooth surfaces to drive on. It is mums and dads. It is learner drivers. It is those on their P-plates. It is our farmers transporting produce. It is truck drivers transporting freight. It is individuals travelling to work. It is the bus driver on the school route. Road funding will be in the spotlight at this year's state budget, and the action I seek is for the government to take action to fix regional roads.

Land tax

Nick McGOWAN (North-Eastern Metropolitan) (18:14): (1449) It is the end of another parliamentary week, and I thought I would do something a little bit different today and let the government in on a little secret. It is disappointing that there is just one minister here and none of her

colleagues. Perhaps they have gone to bed or they are having an afternoon nap. I know it is that term of government when governments –

Gayle Tierney interjected.

Nick McGOWAN: Where are they, sorry, Minister? They are in meetings? Well, if they are in meetings, I will give them a shout. Let us give them the benefit of the doubt; let us say they are in meetings. I am glad they are in meetings, and perhaps I will get the video later on and send it to them just in case, because I have got a secret to share with them. I have got a beautiful little secret. It comes from the genesis of Prahran and Werribee, and I just hope it is not too late to save your good colleagues, because I know there are some good colleagues among them.

The secret is this: that having ratcheted up land tax – and I know it sounds boring immediately, because it is pretty dry subject matter, but I am going to go there anyway. It is a Thursday afternoon. It is dry subject matter, but nonetheless, land tax is quite an insidious tax. It is sort of like walking down the street and demanding from a stranger their wallet, because the reality is while you take the wallet and take the money, you are not giving anything in return. They have already paid tax to buy the property in the first place. They have lived their entire life having paid their taxes through their wages, paid their taxes through the GST and paid their taxes in all other manner of speaking. However, the government has time and again ratcheted land tax up, and this government has taken it to a perfect form.

It got me wondering: where does this land tax come from? What is the history of this? Well, you need look no further than the mother country. Mrs McArthur, I do not mean to offend you here tonight, but I will probably go close to the line. In the mother country, once upon a time, there was a British window tax. In a funny sort of way this is a tomb, or perhaps a sarcophagus, it feels like at times, but nonetheless, this is a place that stands as a testament to that window tax, because back in the 1600s – from 1696 to around 1851, about the time this building was built, actually – they had a window tax. The irony of the window tax was that it was a tax created – for those of you who have a memory long enough to recall this, I do not pretend to have been there. I did read this. I was not there. I am not that old. I am getting older, but I am not that old. It was a tax created to cover the revenue lost by clipping coinage. This was the original predecessor to the modern property tax. Isn't it somewhat ironic that we have gone from that situation to this. Even back then, even in the 1600s, it was called a progressive tax. Well, still today this Labor government call the land tax a progressive tax. For one of my constituents, their land tax has gone up from $115 in 2019–20; to 2020–21, up by $143; to 2021–22, no change; to 2022–23, $370; and to 2023–24, wait for it, $2865. This is absolutely killing Victorians. Minister, the action I seek is that you get rid of this highway robbery.

Short-stay accommodation

Trung LUU (Western Metropolitan) (18:18): (1450) My adjournment matter this evening is for the Treasurer, regarding the concerning report that women and families fleeing domestic violence are being subject to the Allan Labor government's harsh tax on short-stay accommodation, including Airbnb. The action I seek is for the new Treasurer to immediately revisit this poorly constructed tax to ensure that it is not being imposed on those women and families fleeing domestic violence situations and choosing temporary accommodation at Airbnbs. Many on this side of the chamber raised our concerns with the government when the short-stay levy legislation was introduced last year about the need for the tax to be waived in these circumstances. Unbelievably, those opposite voted against the reasoned amendment. Exceptions for Labor's crude tax only apply to those non-profit organisations that currently receive some homelessness support funding from the government. I request that the Treasurer urgently address these eligibility requirements and amend them to ensure this oversight by the government is rectified.

We have heard reports from right across Victoria, including in my region, that homeless and domestic violence services are utilising Airbnb to house vulnerable women, yet they are being subject to the new 7.5 per cent Labor tax hike that came into effect last month. The Liberals have already committed to abolishing this unfair and crude tax – one of the 55 new tax increases since Labor came to

government – if we are offered the opportunity in November 2026. This tax is manifestly unjust, and I would urge the government to reconsider the way they are collecting it. If they must have this tax in place, the Allan Labor government must ensure they are not subjecting our vulnerable Victorians to paying more at a time when they cannot afford it and when they need as much support as possible. We need to provide safeguards for women who make the tough but right decision to leave a violent situation in their home. Therefore I ask the Treasurer to seek to have the short-stay levy legislation amended to waive all tax from being paid by those women and families fleeing domestic violence and to put victims in our community first.

Residential planning zones

David DAVIS (Southern Metropolitan) (18:20): (1451) My matter for the adjournment is for the Minister for Planning, and it concerns the state government's announcement late last year on tram and train activity centres. There were 25 that were named and apparently there are another 25 to come, and that is on top of 10 large centres with massive zones around them. These 25 will have an 800-metre zone around a station or village, and they will see huge density, with up to 20 storeys, and potentially 20 storeys as of right, as the government strips away the powers of local communities and councils to regulate and control what is built in their own areas.

These are important areas, and 18 of these 25 are in my electorate of Southern Metro: Darling, Gardiner, Glen Iris, Tooronga, Auburn, Hawthorn, Glenferrie, Toorak, Armadale, Malvern, Carnegie, Murrumbeena, Hughesdale, Oakleigh, North Brighton, Middle Brighton, Hampton, Sandringham, Toorak Village and Prahran. For these examples, massive development will occur without the control or input of local communities. To date no-one has seen the plans for these. The minister has kept this secret to herself and her department, and I say it is time the community saw the truth of the matter and saw what the minister is proposing. She is going to take away local powers, local democracy and local appeal rights. This is a travesty, it is undemocratic and it is actually going to see heritage areas of our suburbs destroyed by high-density, high-rise development – unrequested high-density, high-rise development that is being forced or foisted on local areas.

It is time the minister came clean. It is time the minister told us the truth. It is time the minister brought forward the draft plans that she and her department have concocted without talking to the community and without working with local councils. We need to see those plans. The community needs to see those plans. I can tell you what: many in the community are very angry about these plans and many in the community have had enough. They say, 'We don't need these developments forced upon us.'

We all see the need for balanced development, and there are opportunities. Many in these communities are able to find ways to see increased height and increased density without stripping away the community's rights and their local democracy. It is time for the minister to come clean, it is time for the community to see these plans and it is time for local democracy to be reinjected.

Bushfire preparedness

Bev McARTHUR (Western Victoria) (18:23): (1452) My adjournment matter is for the Minister for Environment and concerns a disturbing new development in the lawfare campaigns waged by environmental activist groups against state agencies. I have spoken here in the past about the dodgy nexus of professional activists, charities and academics. These grifters form a symbiotic coalition which exploits the mass of no doubt genuine, well-meaning and largely uncritical environmentally minded members of the public. Campaigns are run, funds raised, activists employed and academics financed to produce helpful – that is, deeply slanted and biased – research. Legal cases are taken against the state based on this work, which in turn raise publicity and then become the foundation of further fundraising. The whole vicious cycle engulfs and destroys legitimate industry.

We saw this with forestry. VicForests were completely unable to perform their lawful business. At one point, shockingly, the minister told VicForests to stop legal action to recover $2 million in taxpayer funds owed by anti-logging group MyEnvironment, and the consequence of this was that the

activists won: native timber harvesting was banned and VicForests has been disbanded. The whole activist industry notched up a victory, despite the fact that the net result of this ban will be more environmental damage, not less – not to mention the devastating economic loss.

Tonight, however, I want to highlight a new danger. The native timber ban and the pulping of VicForests is not the end of the story. This week in the Federal Court Justice Horan largely ruled against an application by Warburton Environment seeking to further restrict the Department of Energy, Environment and Climate Action's ability to conduct planned burns in Victorian forests. Planned burns are the new target; already the campaign is in motion. Facebook sites are raising money for the continuation of the court case, and Australian National University academic Professor David Lindenmayer has produced research saying prescribed burning can make bushfires worse. The Victorian Forest Alliance's Facebook page has swung into action, picturing the 'apocalyptic scene of a planned burn' which allegedly shows 'how dangerous and ineffective … planned burning regimes actually are'.

Professor Lindenmayer says:

> We've understood for a long time now that logging can make bushfires worse, but it's only in the last few years that evidence is showing that prescribed burning could be doing the same thing.

The action I seek from the minister is an assurance that she and her department will shut down this nonsense before it develops any further momentum. Victorians are already endangered by this government's poor record of fuel load reduction. The creation of a new coalition launching lawfare efforts against it could be the final straw, and when deadly bushfires result lives could well be lost.

Wilsons Promontory National Park

Melina BATH (Eastern Victoria) (18:26): (1453) My adjournment debate this evening is for the Minister for Environment, and it relates to a place that is very near and dear to my heart and to so many thousands of other Victorians as well – Wilsons Promontory. Labor announced a review into Parks Victoria in November 2024, saying the review was needed to meet community expectations. Victorians are paying taxes to this state government to manage our environment, control our weeds and pests, protect biodiversity and our native flora and fauna and actively manage our national parks. The minister inherited this down the line and inherited some shocking decisions made by former environment minister Lily D'Ambrosio. However, Victorian national parks are being mismanaged by the Allan Labor government and are falling victim to green ideology and budget cuts, which we have seen in recent times with a $95 million budget cut from Parks Victoria and the hundred frontline jobs, and indeed services, services, services are being cut. You only have to go down to Wilsons Promontory to see that there is tired, old infrastructure there; in fact the toilet near the Prom shop is about as old as I am, and the disabled toilet is locked. The Tidal River footbridge that links campers and all-day visitors to Pillar Point and Tidal Overlook has been shut, and Sealers Cove walk has been shut for 3½ years and is still on the list to be opened up. Victorians are paying the price for higher taxes, and yet Parks Victoria is receiving less.

I and my constituents were both astounded to see Parks Victoria and the People and Parks Foundation have actually been appealing for donations to establish the Prom Sanctuary under the guise of a charity listed by the Australian Charities and Not-for-profits Commission. Eight hundred thousand dollars has been raised to date in a one-to-one scheme with the state government. Parks Victoria is a state government owned agency, as we know, and is charging taxpayers to manage the Prom. We do not mind that, but we do not want money being drained away to fill black holes in coffers in the CBD of Melbourne and surrounds when it should be out actually managing our parks properly. Research shows that Parks Victoria is also a founding partner of the People and Parks Foundation and the principal project manager of the Prom foundation. The Prom foundation for months has been appealing for donations to pay for core land and wildlife conservation activities, activities that the state is responsible for. Minister, the action I seek is for you to explain why you are using a charity to solicit

donations to raise revenue for core responsibilities including weed, pest control, habitat management and species protection. We love the Prom, but you should be funding it.

Responses

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:29): There were 18 matters that were raised by members tonight for a variety of ministers. There was one that was directed to me, and it was in relation to apprentices. Although it is unfortunate that Dr Heath is not with us, I feel it necessary to respond to the points that she made. Firstly, it was only in question time today that I made a ministers statement on National Apprenticeship Week, which was only last week, and that contained a number of initiatives that this government has undertaken in relation to the apprenticeship system. We also talked about how there had been a more than 22 per cent increase in apprentices in 2023 compared to 2019–2020. I also talked about the new help desk and the new free apprenticeship employee assistance program. I also mentioned that over 70 per cent of all apprentices are taught in our public TAFE system, and of course we are very proud that we reintroduced the trade certificate. It was absolutely withdrawn by the previous state Liberal coalition when they were in power, and I made its reintroduction into the Victorian training and skills system absolutely necessary. Those certificates, once an apprentice has completed their apprenticeship, are free, so we are pretty excited about that. We are trying to encourage apprentices to actually frame those apprenticeship papers, as you would if you were getting a university degree, and put them in a frame in their family home for display to ensure that there are conversations and talk about their achievements, not to mention reassessing that cultural change that needs to take place, so that TAFE and apprenticeships are an equal first choice with universities.

The other thing is of course that I found it quite interesting that Dr Heath came in here trying to tell me about the manufacturing industry when indeed I spent at least 16 years –16 fairly forceful years – in manufacturing here in Victoria and in particular in the car industry, the truck industry and the component supply industry. So I think I know a little bit about manufacturing, and I think after 8½ years as skills and training minister I might know something about the skills and training system in this state as well.

The other thing that I would like to raise with Dr Heath is that there is also Minister Brooks. Minister Brooks is Minister for Industry and Advanced Manufacturing. In addition to that, I should also let Dr Heath know that in terms of conversations that I have, they are frequent with industry. Even in the last 10 days or so I have met with the Australian Industry Group, the Housing Industry Association, the Victorian Chamber of Commerce and Industry and a range of others, and I do so on a regular basis to find out what their membership is saying to them and as a finger on the pulse of what is happening in respect to a range of industries.

I also remind Dr Heath that as minister I established the Victorian Skills Authority, and I know that the skills authority has a lot of engagement with industry. There are industry advisory groups – I think there are something like 10 – and on top of that there are round tables. I also know that they have been meeting with a whole range of different manufacturing industry organisations, and so they should and that should continue. I am sure that that offer of assistance and discussion will continue with the Victorian Skills Authority. Also, since I have been minister I have established Apprenticeships Victoria, and fairly recently we established offices of Apprenticeships Victoria in Morwell and in Geelong.

In addition to that, I still was not happy with the way that the apprenticeship system was operating, and so the former Treasurer Tim Pallas and I established the apprenticeships taskforce. There were 16 recommendations, and many of those have been adopted by this government. We made an announcement of $9 million to assist and support apprentices. We have established apprenticeship support officers to assist not only apprentices but also employers, parents and prospective students. That is not to say there are not still issues there, but part and parcel of the offering from the current federal Labor government is an increase to the apprenticeship rate. I think that would be applauded, because we did find through that taskforce that money is a barrier in terms of young apprentices, so I

think that that has been well received. The other thing is the issue in terms of workplace behaviour, and this will continue to be closely monitored. This was raised in the taskforce, and there is work that is underway. Commitments have been provided by the government in respect to the arrangements that need to be modified in respect to the regulators.

All in all, this government is very proud of the way that it has grappled with the issues confronting the apprenticeship system. We work with all stakeholders – apprentices, industry and unions – to ensure that the best outcomes are there for our apprentices and trainees. We connect the dots to ensure a safe and supportive workplace, combined with great training that delivers for apprentices. When apprentices are thriving, businesses thrive and local communities benefit. We understand the importance of working together to support Victorians to embark on a successful career that works for them and that of course works for the Victorian economy.

I thank Dr Heath for raising this issue tonight. It has given me an opportunity on top of my ministers statement in question time today to touch on a few more points with respect to what this government has done, the interventions that it has made and the importance of the apprenticeship system here in Victoria. I am proud to say that in many respects we have been a leader compared to other jurisdictions. They have followed suit in terms of making sure that there is due attention given to the apprenticeship system in this country.

The PRESIDENT: The house stands adjourned.

House adjourned 6:37 pm.