



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 23 February 2023

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Matthew Bach

Member	Region	Party	Member	Region	Party
Bach, Matthew	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nicholas	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaëlle	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	Western Metropolitan	Lib	Ratnam, Samantha	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David	South-Eastern Metropolitan	LDP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

Party abbreviations

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

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Thursday 23 February 2023

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

Petitions

Health Legislation Amendment (Information Sharing) Bill 2023

David LIMBRICK (South-Eastern Metropolitan) presented a petition bearing 10,790 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the significant privacy concerns with the proposed Health Legislation (Information Sharing) Bill 2023.

The Bill would require participating health services to upload all relevant health information to a central Government-run database accessible to health workers. Patient consent is not required and there is no ability to opt out or chose to restrict access to health information that might be sensitive in nature. There are many reasons people might not want to disclose certain sensitive information to different doctors or clinicians.

The Australian Charter of Healthcare Rights identifies privacy as one of the seven key pillars. This proposed legislation fundamentally undermines this right and several organisations raised concerns when similar legislation was proposed in 2021, including Liberty Victoria, the Law Institute of Victoria, the Victorian Healthcare Association, the Health Issues Centre and the Australian Privacy Foundation.

The Federal Government's My Health Record database manages privacy much more carefully, allowing patients visibility on who accesses their information and allows them to choose which records and documents are accessible.

The petitioners therefore request that the Legislative Council call on the Government to amend the Health Legislation Amendment (Information Sharing) Bill 2023 to ensure that patient consent and privacy is maintained in line with the Australian Charter of Healthcare Rights.

David LIMBRICK: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of next sitting week.

The PRESIDENT: The petition will be listed on the notice paper for debate during petitions qualifying for debate.

Papers

Papers

Tabled by Clerk:

Auditor-General – Results of 2021–22 Audits: Local Government, February 2023 (*Ordered to be published*).

Cladding Safety Victoria – Report, 2021–22.

Environment Protection Authority – Report, 2021–22.

Family Violence Protection Act 2008 – Report on the implementation of the Family Violence Risk Assessment and Management Framework, 2021–22.

Portland District Health – Report, 2021–22.

Subordinate Legislation Act 1994 – Documents under section 15 in respect of Statutory Rule No. 11.

Business of the house

Notices

Notice of motion given.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (09:37): I move:

That the Council, at its rising, adjourn until Tuesday 7 March 2023.

Motion agreed to.

Motions**Member conduct**

David DAVIS (Southern Metropolitan) (09:38): I seek leave to debate a motion about Minister Pearson urgently – immediately.

Leave refused.

Members statements**Jennifer Macaulay**

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:38): Recently the Governor-General announced that Jennifer Macaulay of Portarlington was one of two people to be awarded the honorary medal in the general division of the Order of Australia. Jenny is a long-term resident of Portarlington. She has shown great leadership within her community and has played a founding role in so many important community programs, including the Portarlington Mussel Festival, Portarlington Neighbourhood House and the Northern Bellarine International Women's Day program. Many of Jenny's contributions to the community are framed around her two passions: art and education. She has brought her considerable energy to the Port Arts Network, which has been the launching pad for many local art, literary and musical and drama events. She established the Portarlington Art and Garden Trail and the haiku trail at Point Richards. Over many years Jenny has also facilitated drawing and painting classes and writing groups. Her volunteer contributions have enriched so many people's lives. Back to School for Seniors is a good example of a much-loved, always-oversubscribed program which covers poetry, writing, literature and much more. I know that Jenny would want to acknowledge that she has worked side by side in much of this work with her partner Lorraine Stokes OAM. Together they have made an outstanding contribution to our local community.

Australian Vietnamese Women's Association

Trung LUU (Western Metropolitan) (09:40): I attended the 40th anniversary of the Australian Vietnamese Women's Association last Friday on behalf of the Leader of the Opposition, John Pesutto. This event celebrated the 40 years that the Australian Vietnamese Women's Association has been operating and providing a service. The service itself includes youth activities, social supports, nationally recognised training courses, prisoner support, alcohol and drug counselling, gambling counselling and prevention, family violence prevention, NDIS job advocacy and carer support as well as cultural support. The AVWA was founded in 1983 to serve the Vietnamese community by Ms Cam Nguyen and 17 other women. It began to struggle to attract members and had a decrease in funding; it became a huge problem. However, despite this struggle, over the decades it ran it reached over the \$1 million mark in 2004 and continues to grow in size. To emphasise this, it now has over 300 employees. In 2019 it reached \$12.5 million in revenue, demonstrating the demand and need for such an organisation in this Vietnamese community. I was delighted to attend this great organisation's celebration, and I support their critical work in the community and champion their success.

Midsumma Festival

Rachel PAYNE (South-Eastern Metropolitan) (09:41): It was such a pleasure to attend Victoria's Pride block party on Sunday 12 February. A one-day street party held in Melbourne's iconic Gertrude

Street and Smith Street precinct as part of Melbourne's Midsumma Festival. With multiple live music stages and performances from local musicians and artists, this celebration of Victoria's diverse LGBTIQ+ communities was inclusive, accessible and a lot of fun. Some of the highlights of the event were performances by cabaret superstar Reuben Kaye and Grumble Boogie, hosted by the formidable Betty Grumble. Betty's enthusiastic approach to moving your body through dance, movement and play set the scene for an afternoon of celebration and connection. Midsumma Festival does so much to make the many diverse queer communities of Victoria more visible and provides a platform for creative voices and stories that are often not heard or otherwise seen in the broader community. It is a festival that intrinsically creates safe and inclusive places for communities with diversity at its very core. I congratulate Midsumma on hosting such a spectacular event.

Yarra City Council

Evan MULHOLLAND (Northern Metropolitan) (09:42): I was pleased to join last night up to 100 Yarra residents in Fitzroy on Napier Street, who were all there to protest a new bin charge, a bin tax, by Yarra City Council. I want to pay tribute to Cr Bridgid O'Brien, Cr Stephen Jolly and Cr Michael Glynatsis for their efforts in organising community meetings in every single suburb within the City of Yarra. At every single meeting there has been so far there have been over 100 residents, all angry at Yarra City Council – the Greens-dominated Yarra City Council – for putting on yet another bin tax. At their next meeting, on 13 or 14 March I believe it is, they are bringing in yet another bin tax. They tried this last time; the community had an uproar. They did not take it to the local government election. They decided to sneak it in now with a council majority. So I was pleased to lend my support to that community, and I encourage residents of Yarra to go online, look up 'Yarra bin tax petition', sign the petition, get involved and let the Greens and the Greens-dominated Yarra council know that my constituents who are facing a cost-of-living crisis will not face another bin tax.

South-Eastern Metropolitan Region schools

Lee TARLAMIS (South-Eastern Metropolitan) (09:44): Yesterday the top 20 highest performing schools in NAPLAN were announced, and I am thrilled to advise the house that three schools across my electorate featured in the top 10, with a further six more in the top 20. Excitingly, Dandenong North Primary School topped out the list as the highest performing school across Victoria, an incredible achievement and one that is richly deserved. Principal Paul Hilton and former principal Kevin Mackay have provided exceptional leadership with tutoring programs and intervention and extension programs, guiding students to perform well academically in literacy and numeracy. The community of students that attend Dandenong North Primary School is a very multicultural and multilingual one, with a majority of students coming from non-English speaking backgrounds. As I have said in this place many times, my community's cultural diversity is one of our greatest strengths and something that we are all very proud of.

Also in the top 10 were Killester College in Springvale and Wellington Secondary College in Mulgrave. Finishing in the top 20 best performing schools in NAPLAN from my electorate were Strathaird Primary School in Narre Warren South, Keysborough Secondary College, Haileybury college in Keysborough, Lighthouse Christian College in Cranbourne, Lyndale Greens Primary School in Dandenong North and finally Brandon Park Primary School in Wheelers Hill. These results fill me with great optimism and excitement for the future, and the outstanding achievements are a testament to the Victorian public education system, the quality of the teaching at these schools and the earnestness of these students to learn. I want to take this opportunity to congratulate all the dedicated and hardworking students as well as their principals, teachers, support staff and parents who have supported them in achieving these amazing and impressive results. Keep up the great work.

Community Health First

Sarah MANSFIELD (Western Victoria) (09:45): This afternoon it will be my pleasure to be sponsoring the launch of the Community Health First campaign here at Parliament House, and I would be delighted for other members to join us if they are able. We will have special guest Dr Norman Swan

hosting the event. The campaign brings together 24 Victorian registered independent community health services. They have a plan to help fix the health system crisis by investing more in community health services and using that model of care as a blueprint for the future. Each year community health organisations provide services for more than half a million Victorians across metropolitan, rural and regional areas. These services deliver responsive, high-quality care in their local communities. The evidence is clear that community health centres are by far more cost-effective than the standard model. They save money for the government by taking a burden off our hospital system as well as reducing out-of-pocket costs for patients. If we are serious about fixing the health system crisis, we should be investing more in community health and leveraging their expertise, so I am honoured to be sponsoring the launch of the Community Health First campaign and look forward to either seeing you this afternoon or updating members on the campaign in the future.

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (09:47): President, three years ago I was sworn in in this place as a member for the Eastern Metropolitan Region, a region that you proudly represented. It is great to have Mr McGowan here as well in the chamber presently. However, as the result of a recent distribution, we now represent new communities – amazing communities – in the lower house electorates of Bundoora and also Mill Park. I want to put on record my commitment – I am sure it is shared by other members representing these communities – to now embrace these fabulous communities that stretch from Wollert to Watsonia. There is much natural beauty in this part of the world that is sometimes misunderstood – for example, the beautiful Plenty Gorge parklands and the Nangak Tamboree Wildlife Sanctuary. Previously in some of my other capacities I have had the opportunity to build good relationships with La Trobe University, a fantastic educational institution and a massive employer in this broader region. We were just hearing about the diversity of the fabulous schools Mr Tarlamis was giving a shout-out to, quite rightly. Well, across Bundoora and Mill Park there is amazing diversity. Sixty per cent of residents in Bundoora have a parent who was born overseas, as I do. In Mill Park 70 per cent of people have a parent who was born overseas and 45 per cent of people speak a language other than English at home. There are huge Italian communities of people who have come here from Italy, as Mr Mulholland's family did, and people who have come here from Greece, as my family did. I am immensely proud, as other members are, to represent these communities anew.

Frankston community awards

Michael GALEA (South-Eastern Metropolitan) (09:48): Last month I attended the 2023 Frankston community awards. I am delighted to acknowledge Frankston Citizen of the Year for 2023, centenarian Warwick Exton, who has contributed remarkably to the Frankston community. His efforts have been dedicated to preserving Sweetwater Creek, successfully advocating for its protection by working with Frankston council to reclaim it as a nature reserve. Congratulations also to other worthy award winners I had the pleasure of meeting, including Young Citizen of the Year Jack Lyons, who supported Blessing Bags, and Jodie Belyea, founder of the Women's Spirit Project.

Casey community awards

Michael GALEA (South-Eastern Metropolitan) (09:49): On another matter, I would like to congratulate the winners of the Casey community awards, which I had the pleasure of attending on the 25 January. I would like to congratulate the Citizen of the Year Jo Ann Fitzgerald for her dedication to Neighbourhood Watch Casey. I extend this to other award winners Peter Cahill, Tanisha Dooley, Liesel Kippen, Melanie Bramble and the organisations Bandok Tati, the Food Pantry and the Afghan Australian Philanthropic Association.

Friends of Refugees

Michael GALEA (South-Eastern Metropolitan) (09:49): On a final matter, recently I had the pleasure of attending a Friends of Refugees Dandenong function. Friends of Refugees have served

4600 meals, provided 40,000 hours of support and provided a staggering 1480 tonnes of food to the local community. They were awarded the 2023 Greater Dandenong Community Group of the Year Award for their support for the local refugee community. I was glad to see that in 2022 they received a grant from Minister Blandthorn, in her previous role, to help them create a wonderful community food garden. Thank you to Roz Blades and Sri Samy for inviting me and all the members and volunteers for their commitment and for their dedication.

Northern Victoria Region renewable energy

Rikkie TYRRELL (Northern Victoria) (09:50): While out in the Northern Region engaging with various members of my constituency it has become apparent that a newly founded Australian branch of an international company has initiated community engagement in at least two separate areas of interest. The individuals who have invited me over to their properties have stressed their concerns about the Italian company FERA that specialises in the development and operation of wind farms. They are concerned about their own livelihoods, the natural environment of which they consider themselves custodians and their own families' potential for negative mental and physical health impacts. These two known areas of interest sit within the local areas of Strathbogie and Campaspe shire councils. After reaching out I can now confirm that at least one of these councils is not even aware of this occurring. It seems that not only this one but all of these so-called green energy companies, without the need for any prior council submissions, have carte blanche to engage the community with the intention of utilising private property for their own gain, supplementing the landowner with paltry remuneration, dividing communities and creating government dissent.

South-Eastern Metropolitan Region citizenship ceremonies

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:51): The South-Eastern Metropolitan Region is home to people of diverse backgrounds, and recently I have attended several of the citizens ceremonies in Dandenong, Greater Dandenong and the City of Casey. I have enjoyed speaking with the new Australians, and in fact in my short time in office I have personally welcomed more than 700 people who have become new citizens in the south-east. I wish to personally welcome all new Australians and those who are waiting to become Australians in the South-Eastern Region.

Pongal festival

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:52): I had the privilege of attending the Pongal Tamil event recently, and this is a harvest festival that marks the beginning of Tamil month of Thai. It gives thanks to nature for its bountiful harvests. I joined Tamil Festival Australia in the South-Eastern Region with my dad, who was born in Sri Lanka, and joined in the dancing and festivals. I want to thank Siva and all the organisers for their kind invitation and inclusiveness. Today we will be honouring and welcoming the people of the south-east and the Tamil community as we celebrate the Tamil festival in Parliament in a bipartisan event during our lunch break. I wish to thank John Pesutto, our Shadow Minister for Multicultural Affairs, for supporting me in this role, and I also want to thank Dr Samantha Ratnam and Mr Lee Tarlamis for their joint roles in organising and leading the bipartisan event together with me.

Country Fire Authority Casterton station

Jacinta ERMACORA (Western Victoria) (09:53): Over the weekend it was a great honour to open a new Casterton fire station on behalf of Minister for Emergency Services Jaclyn Symes. The huge turnout of people to the celebration was extraordinary, with representation from all over the state and even nationally. This facility enables the Casterton brigade to respond to emergencies with up-to-date equipment and facilities. Key features of the new station include four generously sized engine bays, enhanced kitchen facilities, a dedicated training space, security gates, male and female turnout rooms and breathing apparatus cleaning facilities. Importantly, this new facility shows respect to the role a town like Casterton plays in Western Victoria. The Casterton brigade also did a marvellous job to acknowledge the hard work of the original building committee and early advocates of the project. I

congratulate brigade captain Lee Condon and former captain of 40 years Peter White, who provided a fascinating story of the redevelopment from its inception. I want to acknowledge all Casterton fire brigade volunteers and the families of the brigade members, who play such a vital role in the success and resilience of the Casterton community.

John Croft

Nicholas McGOWAN (North-Eastern Metropolitan) (09:54): I rise today to honour a great man who lived a full life and was loved by so many. John Edward Croft was born in Parkville on 22 January 1931 to Eileen and John Croft. His father was a veteran of Gallipoli. His mother ran a pub, the Pastoral Hotel in Echuca. John had an older sister called Dot – Dorothy. John himself was schooled at St Patrick's boys college in Ballarat from the age of nine, where he was a boarder until he was 16. John, throughout his life, travelled extensively. He met the love of his life Joan, and together they had and were blessed with four children, John Jr, Suzanne, Janette and Robert.

John was also a proud member of the Liberal Party. John was renowned for finding sites and erecting corflute signs all over Melbourne. He would climb fences and trees even at 90 years old. He did the groundwork. His daughter Suzanne shared with me that John loved the fact that he lived on a corner block as it meant he could have twice the number of corflutes at elections – until the last campaign, when he received a letter from his local council advising him he had to take some down. John throughout his time in the party worked with many members and for them, helping them to be elected – Heidi Victoria, Gladys Liu, Josh Frydenberg, Michael Sukkar and others.

John and Joan have left us an amazing legacy that lives well beyond their own children to their 10 grandchildren, Danielle, Melissa, Benjamin, Christopher, Sarah – who sadly passed away – Paige, Kahala, Chelsea, Madeline and James; and four great-grandchildren, Maximus, Charlie, Joshua and Lily. John Edward Croft passed away on 28 January 2023 at 6 pm, comforted and by the side of his daughter Suzanne McIntosh, who he loved, and his family. We thank them. They have left our state and our nation better for their lives.

Freedom of speech

Renee HEATH (Eastern Victoria) (09:56): The bedrock of democracy is freedom – freedom of speech, religion, press and assembly and the right to petition the government. Just because you hate what somebody is saying does not make them guilty of hate speech. We must remember this in the political sphere. Politics should not be about dictating the lifestyle, belief systems and choices of Victorians. Politics should not be driven by fear. Politics is the contest of ideas, and we need to debate them respectfully. We should not be afraid to face the very subjects that offend us. We either value freedom or we do not. The sign of a crumbling society is the erosion of these rights. True equality is not lopsided. Freedom guarantees that everybody has the right to debate their ideas without any fear of retaliation or censorship. It is the same right that allows you to march in a Mardi Gras or worship freely. This government's job is not to dictate the views of some citizens and censor the views of others. I implore this chamber to raise the standard of respect regardless of our personal beliefs. I implore this chamber to not shy away from facts, even if it is going to hurt our personal feelings. No argument should be off the table, because we are not fighting for ourselves, we are fighting for the future and the freedom of Victorians. If we undermine freedom –

The PRESIDENT: Sorry, your time has expired. I really appreciate Mr McGowan approaching me about his members statement. I said before, I will not pull people up on time when they are doing a condolence, because I think it is an ordinary thing for me to do. But it is not just Mr McGowan, it has been others that have gone way over time. So if we can keep our members statements to 90 seconds, I would very much appreciate it.

Asbestos Council of Victoria

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (09:59): I want to give a shout-

out today to the Gippsland Asbestos Related Diseases Support group and to the tireless work of people who have been part of that organisation in raising and advocating for greater awareness of the risks of asbestos and the challenges faced by people who have been diagnosed with mesothelioma over the years. We have come a long way in our scientific and medical understanding of the impacts of exposure to asbestos. We have seen all too tragically the outcomes of exposure and failures to provide adequate and safe systems of work. It was people like Bernie Banton who fought tirelessly for recognition of the impact of asbestos, even while he was dying with mesothelioma. It is therefore important that we recognise the work that is happening on the ground within our communities.

When I think about the work of GARDS and of the Asbestos Council of Victoria, I note that in recent discussion about silicosis the work needs to continue. Manufactured stone and exposure to manufactured stone dust whilst being processed, particularly in a booming DIY and housing and new build development, is something that we need to continue to be aware of and to work on. We need to learn the lessons of mesothelioma, the lessons taught by people like the late, great Bernie Banton and others, and make sure that the efforts of organisations such as ACV and GARDS continue to be supported.

Simon Ward

Joe McCracken (Western Victoria) (10:00): I would like to acknowledge Mr Simon Ward of Ballarat for his tremendous work in raising awareness of bowel cancer. Simon has raised \$11,300 for the Fiona Elsey Cancer Research Institute along with his wife Sam, who has raised \$1500, and this was reported just in the last week in the Ballarat *Courier*. Simon did this through his efforts in cycling in the lead-up to the Ballarat Cycle Classic, which was just held this previous weekend. I worked with Simon early in my career and I know him to be a kind, generous and community-minded person. I pay tribute to Simon because I know that he himself is also going through treatment for bowel cancer, and I wish him all the very best in this.

Lizzie Blandthorn: On a point of order, President, I would ask that you review Mr Davis's notice of motion asking for Minister Pearson to give a statement in the Assembly. In *Rulings from the Chair*, whilst it is not exactly the same, I know that the same principle could indeed apply where it says that notices of motion asking Legislative Assembly members to provide an explanation to the Council are not admissible. As such, a request is not within the Council's capacity to enforce, and I would argue that this is similar and I would ask that you review it, please.

David Davis: On the point of order, President, the point of my motion was that the Council would communicate via the Clerk that we think Mr Pearson ought to give such a statement. And in that sense it is not asking him to do it, it is communicating the view of the chamber.

The PRESIDENT: Mr Davis, I think you are debating the point of order. I would never discourage anyone from doing any notice of motion or any part of the standing orders in an immediate fashion, but there has been a practice – which we appreciate – that notices of motion do most of the time go through the Clerk so we can check if they are allowable via the standing orders. I had a conversation with the Clerk, Minister Blandthorn, after Mr Davis did his notice of motion, and my concern aligns with your concern as in your point of order, so I was going to review it anyway and alert Mr Davis if we cannot put it onto the notice paper as it stands. So he might get another go at something next sitting week.

*Business of the house***Notices of motion and orders of the day**

Lee TARLAMIS (South-Eastern Metropolitan) (10:03): I move:

That the consideration of order of the day, 1, for the resumption of debate on the motion for the address-in-reply to the Governor's speech and notices of motion, government business, 2 to 7, be postponed until later this day.

Motion agreed to.

*Bills***Building and Planning Legislation Amendment Bill 2022***Second reading***Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (10:04): I am pleased to rise and make a contribution to the Building and Planning Legislation Amendment Bill 2022 and to indicate that the opposition will not oppose this bill. There are some matters in this bill that we strongly support and there are other matters that we have some concerns with, but I note that the government has, in discussion with Mr Hodgett and also in discussion with a number of stakeholders, indicated that a number of steps will be taken which assuage some of our concerns. But let me just step through this bill. It is designed to deliver a number of different changes, and it is perhaps important for the chamber to know that there was a similar bill in the last Parliament which lapsed.

It lapsed because the government became gun-shy of a number of draconian and unfortunate provisions that had been incorporated into that earlier act last year. I can indicate, for example, that the changes that were proposed to the Architects Registration Board of Victoria in that act have been removed from this bill, and that is a step that we support, because those changes were wrong and unconscionable. I know, for example, that I surveyed architects across the state and had more than 4000 responses in fact overwhelmingly pointing to the foolishness of the government's attempt to nobble the architecture profession – to strip architects from the architects registration board – and this was clearly an attempt to assert greater departmental and other dominance over the architecture profession. I for one see the strong value in that profession and see the need for that profession to be as far as possible a strong, self-governing profession that is able to protect the community as its primary aim and ensure that standards are high. I am just not sure that stripping architects from the architects registration board, as the government was proposing to do, was the best way to guarantee quality architecture and a strong profession in this state. So we strongly oppose those matters, and as I say, the response was overwhelming as I began surveying the profession, first in my area and then much more widely, to see the huge number of people who had strong views about this matter – architects but others as well had very strong views on the matter. So we welcome the removal of that matter.

But the bill itself, as I say, contains a number of different provisions, and it is important to note that it amends a number of different acts. The Building Act 1993, the Architects Act 1991, the Surveying Act 2004 and the Planning and Environment Act 1987 are all amended by this bill, and I will have something to say about those bits of the bill as we go forward. The amendments to the Building Act relate to automatic mutual recognition of building practitioners, building employees and plumbers who are registered or licensed in other jurisdictions and make a number of other small amendments. The Architects Act 1991 is amended in relation to the automatic mutual recognition of architects who are registered or licensed in other jurisdictions and a number of other miscellaneous acts. The Surveying Act is amended in terms of the automatic and mutual recognition of surveyors who are licensed or registered in other jurisdictions. It also amends the Planning and Environment Act, and this is in relation particularly to the protection of green wedges and distinctive area landscapes.

It is perhaps worth me just stepping through these aspects of the bill. As I said, the previous bill has gone. The offensive provisions to the architects bill have gone, but there are still a number of other matters that the architects wanted to engage on, and the government has given certain commitments to the architects, which I will put on the record in a moment. One important aspect of the bill – but it is an overstated aspect – is the alleged further protection of the metropolitan green wedge land by introducing objectives for green wedge land and a requirement for councils to prepare and review green wedge management plans. This is the sort of mechanism that is associated in the act. It seeks to streamline the process for endorsing a statement of planning policy for a distinctive area and landscape. These are important steps, and we support the distinctive landscape concept and the need to lay out certain areas of the state as distinctive landscapes that deserve protection, with proper recognition of the uniqueness of some of those zones along the Great Ocean Road. We have been very keen to see greater recognition in the Dandenongs and the Macedon Ranges and so forth and led the way on each of those areas. Indeed it was a series of amendments to a planning bill in this chamber in the last term that actually led the way with some of the matters around distinctive areas and significant landscapes. So these amendments that were put in this chamber, which were opposed by the government, certainly signalled very clearly our view that there needed to be a proper regime for these distinctive landscapes.

In terms of the green wedge issues, I want to just be very clear with the chamber today. There is a history to this, and these green wedges were originally declared under the Hamer government. They have strongly been supported by this side of politics for many, many decades, and we have worked hard to try and keep the green wedges protected. So this tiny little accretion of process that has been added here is not opposed in any way, but we do not think that this actually adds terribly much in actual fact. Ms Deeming has been in contact with many of her local councils, including Hume in particular, and has become very concerned that inside green wedge areas the government seeks to dump toxic spoil. These steps are far from adequate, and although again this small change is not opposed in any way, we should not overstate what it actually does.

So the government whilst talking the talk of green wedge protection actually dumps toxic spoil in green wedge land and actually is in the process – for example, in the green wedge in the south-east – of removing the longstanding work on developing the chain of parks in the City of Kingston. This is something that goes back to 1994 under the Kennett government and the work that was done then by Rob Maclellan as the Minister for Planning and the implementation in effect of long-term green wedge plans, with a big chain of parks, with recreational areas, with tree planting, with the reservation of land over the long haul. The City of Kingston was very committed to that, and the government allegedly was very committed to that prior to its announcements on the Suburban Rail Loop. Then out of the blue with the Suburban Rail Loop came a set of announcements that said, ‘Oh no, the area that was set aside for the chain of parks, the area that was set aside for new recreational facilities for the south-east’ – a big and welcome development where there is a shortage of parks and ovals and related fixtures – ‘suddenly that is all to be turned on its head.’ Thirty years of planning policy, 30 years of work by the council, the state government and the community, sporting groups and others was just turned on its head in one day by Jacinta Allan.

They came forward. It is important for the chamber to understand actually what happened here. The announcement came forward: ‘We’re going to build a train stabling and maintenance yard in the middle of the green wedge land.’ There was no proper consultation and no agreement from the local community. I went down there the day this was announced and actually stood with a lot of the local people to try and defend them and to say actually this is their area, this is their green wedge, this is their chain of parks, this is for the south-east, this is protection for a long period into the future but being tipped on its head. I see Mr Tarlamis listening carefully here. He knows the story of this, and I would welcome him and other members of the Labor Party from the south-east coming with me to visit the Move the Train Yard Group and actually sit down with them around the kitchen table to thrash out some issues and some alternatives.

This process was so bad that the minimal consultation with the City of Kingston has been controlled by a gag order. They said to Kingston, 'Look, we'll talk to you a little bit, but you are not to consult with your community. You sign the gag order or we will not discuss anything at all with you.' The council signed the gag order, councillors signed the gag order and officials at the council signed the gag order, which then prevented them discussing the proposal with their local community and actually putting out the maps and showing what was actually proposed. The community has slowly worked its way through this and become increasingly agitated about what the government intends to do: tear up the green wedge and build a stabling yard there. In a way it is an industrial activity that is going to be put in there – let us be clear what is going on – and it is completely and utterly unsuitable for a green wedge zone. This is not a legacy industry in a green wedge zone, this is a new one being put in there by council.

I should say we have FOIs on this, and the City of Kingston – Labor lackeys to the last – have fought that all the way. There will be further hearings on certain documents relating to consultation. But the City of Kingston has not done what it should have done on these matters. It actually should have fought for its community rather than rolling over and having its tummy tickled by Jacinta Allan and her lackeys in the Suburban Rail Loop Authority.

The idea that consultation is to be blocked by these gag orders is something that I think most people think is wrong and most councillors know to be wrong, but the government is using these everywhere. Whether it is on level crossings, the Suburban Rail Loop or major rail projects, they are using these gag orders everywhere to cut down the consultation and to cut the community out of these discussions. So when the government talks positively about green wedges, we say, 'Good.' But actually we think they should be judged by their actions not by their words on this, and their actions are very much to crimp and destroy, to wind back the green wedge lands and to leave less green wedge heritage than was there before, with new industrial-scale activities in the green wedge lands.

That is actually what Labor is doing. That is what they should be judged by. That is how the community should see the soft words that are in this bill. They should see it in the light of the actions of the government in damaging the green wedges, destroying the chain of parklands and destroying the integrity of the chain of parklands. They are going to take a bite out of the middle of it. This is pretty bad stuff that we are seeing from this government, and I think history will judge them quite harshly on these matters. If you want to build a suburban rail loop, there are ways to do it. There are alternative sites for stabling. There are alternative sites for the maintenance and steps that need to be undertaken, and the government should have investigated those. The community was prepared to put forward alternative sites, and indeed they have been closed down in that process. So on this green wedge aspect I think we should be quite clear what is going on.

The Australian Institute of Architects in relation to this bill was worried about the additional annual fees. The institute identified the risk that architects may be levied a second annual fee that is additional to their annual registration renewal. A second issue relates to the maintaining of information about criminal sanctions on the register and web publications. The institute identified the risk of a disproportionate measure of making publicly available specified information about criminal sanctions and the offending history of an architect for no longer than five years that may not be relevant to the public interest. So if it is a matter that is relevant to their practice as an architect, I think the view is that that is fair enough. But if it is quite a separate matter – a road offence or something of that nature – it is not directly relevant to their practice as an architect, and in that sense I think the architects were raising a reasonable point. I would welcome from the minister assurances that those commitments given to the architecture association, the Royal Australian Institute of Architects, and others will be honoured. So I would welcome some commentary in *Hansard* from the government or from the minister, either in summing up and/or in committee. I do flag that we will take the bill into committee. It is not my intention to amend the bill and it is not my intention to drag out the committee stage, but I simply want to ask a few salient questions relating to the purposes clause when we get to that point.

I also wanted to say something about the issues of the total fill that can be introduced to land in the green wedge zone. Maybe the government in committee will be prepared to give some indication about the total volume of toxic spoil that it proposes to dump in green wedge land. I think the community would want to see some proper indication on this. Many land uses in the green wedge area, including agricultural uses, are dependent on the clean, green aspect. That is incompatible, I would put to the government, with the presence of a dumping program for toxic spoil – at the moment from the West Gate Tunnel, but in the future from other projects. Potentially the Suburban Rail Loop is also a source of toxic spoil, particularly from the south-east, where some areas are former industrial areas. There is at least a significant probability that some of this spoil removed from tunnels will have a level of toxicity that would concern many people.

On the distinctive areas matter, I think it is probably important to put on the record that the Planning Institute of Australia (PIA) has stated:

... there is nothing in the bill that we believe to be insupportable or concerning.

And we would agree with that, now that those architecture matters are dealt with.

The changes are minor, and their affect will facilitate the approval of the SPPs – Statement of Planning Policies in Distinctive Areas and Landscape.

The PIA also supported the requirement to prepare green wedge management plans. As I said, we are happy with these minor changes, but we think the government is talking out of the side of its mouth in the sense that whilst it is talking warmly about the green wedges it is dumping toxic spoil and proposing to tear up the long-established chain of parks in the City of Kingston. I still shudder and find that very, very concerning.

The communication to the opposition through the Shadow Minister for Planning David Hodgett, who has done a very good job on this bill, looks at the costs for insurance checks. It is probably just worth putting on the record some of the points here that were provided to the opposition by AIA and the Association of Consulting Architects Australia.

Costs incurred by regulators to conduct annual insurance checks for Victorian registered practitioners are covered by existing fees, for example annual renewal fees. If a fee for the examination of required insurance is introduced, it will be set at cost recovery levels and a commensurate reduction ... made to the existing fee recovering costs ... This ... will ensure registered Victorian practitioners are not paying twice for the inspection of insurance.

We welcome that commitment. Another commitment was made relating to the criminal sanctions provision:

Under the mutual recognition act, if requested by a relevant regulator in another state, ARBV is required to share information relating to any civil, criminal or disciplinary action taken against a Victorian architect who wishes to work under ADR elsewhere. Additionally, a person who is subject to criminal, civil, or disciplinary proceedings in relation to an occupation that covers the activity in any state is excluded from ADR and it is up to the ARBV to ensure interstate architects working in Victoria under ADR are not subject to these proceedings. Creating a power to record details about criminal sanctions, and include them in the Register of Architects, is necessary to enable the ARBV to acquit both these responsibilities. The Bill provides discretion to the ARBV about which criminal or disciplinary sanctions against an architect it records in the register. As a result, the Bill does not require ... these requirements on regulators, the Mutual Recognition Act does not define criminal action or criminal proceedings. Regulators have been working with their counterparts across jurisdictions to understand their obligations under the Act, including arriving at common understandings on the meaning of criminal action and proceedings. Due to these ambiguities arising from Commonwealth legislation, the Bill provides the ARBV with flexibility and discretion to interpret what constitutes a criminal sanction and whether it chooses to record it on the Register of Architects. Given the context in which these amendments are made, it is expected that criminal sanctions will only relate to crimes connected to a person's work as an architect. It is intended, for example, that any criminal conviction or finding of guilt in a criminal proceeding for an offence against the Architects Act would form part of the meaning of 'criminal sanction' in ... the bill. These amendments are not related to the publication of information on the register.

That is from the office of Sonya Kilkenny, so we would welcome a conclusion of those matters by the minister, as I said, in the chamber later. I think the points made here by the Victorian chapter of the Australian Institute of Architects and David Wagner in particular are very reasonable to the opposition. We see the logic in what they have said, and we are pleased that the government has given some additional commitments.

When it comes to the Planning and Environment Act, my concerns are now well on the record in this chamber that in fact there are real concerns about the operation of the act. I think the Operation Clara report, which was released yesterday by IBAC, points to real weaknesses in the act and in the conflict-of-interest matters surrounding the act. It is worth just putting on the record in the context of the Planning and Environment Act a number of the concerns and what the investigation found:

IBAC's investigation found Mr Theophanous:

- Lobbied ministers and departmental officers in favour of AEC's proposed East Werribee project and failed to:
 - declare a conflict of interest in relation to these activities when matters concerning AEC were discussed at VPA board meetings (even after AEC commenced litigation against the state of Victoria and the VPA in relation to the East Werribee project) ...

It also found he failed to:

- register AEC as a client on the lobbyists register.

It found he:

- Endeavoured to use his position as a VPA director –

a Victorian Planning Authority director –

to:

- obtain an invitation for an AEC representative to attend an official VPA function, and
- advance his private lobbying business by indicating to clients he had access to staff and information within the VPA that would assist with their matters.
- Sought payments from the AEC or associated entities
- In lieu of direct payment for his lobbying activities, obtained other benefits from the AEC and a special adviser to the AEC, namely donations (including in-kind support) to his daughter's 2018 campaign for the State electorate of Northcote.

This is pretty wild stuff. You have actually got a former minister of the Crown appointed by the government to authorities – and I see he stepped aside from State Trustees in the recent days too. But his work at the VPA, feathering his own nest, scooping out money for his daughter's campaign – perhaps, it would seem, unknown to her, but still undertaking some of these matters – I think is very concerning. The report goes on at page 13:

These lobbying activities also conflicted with Mr Theophanous' duties as a VPA director. For instance, on 28 February 2018, the day of the planned dinner meeting with the Minister for Finance, Mr Theophanous attended a VPA Risk and Audit Committee ... where it was noted that the CEO of the VPA would provide an update to the board on what actions the VPA should take if the government decided not to proceed with the East Werribee sale proposal. Minutes of the 28 February 2018 meeting indicate that Mr Theophanous was in attendance and did not declare a conflict. The update was provided to the board at its meeting on 14 March 2018, which was also attended by Mr Theophanous (who again, did not declare a conflict of interest).

Again, this is very, very concerning stuff.

... Mr Theophanous sent a text message to AEC representatives A and B stating 'I have had the most important conversation with the Treasurer'. When asked about this comment in examinations, Mr Theophanous stated:

[The] Treasurer ... is a very close friend ... I try to give him advice ... as a friend ... in the case of this particular proposal ... it's difficult for me to recall the exact nature of our conversations, but let's

assume that there were conversations around this question in the West ... [and] how the West of Melbourne could be developed further.

So he has dumped the Treasurer right in this. The Treasurer has got a significant role on some of these cabinet committees that are making the decisions, and yet he is lobbying him. He also met with the Minister for Priority Precincts and the Treasurer:

... this week and another Minister that may be able to help. Will keep you informed ...

says Theo when he is sending a text message to AEC representatives. These are again very, very concerning matters. He goes on to talk to the Minister for Jobs, Innovation and Trade:

I really think that the decision to terminate AEC will have serious consequences for the Govt our relationship with China and Tim. If there is any way to stall it to allow some serious but limited negotiation we should do so.

I mean, this is direct intervention into government decision-making in an extraordinary way. Leaving aside the merits or otherwise of the proposal itself, these are deeply concerning. The Australian Education City proposal in the west – I mean, that whole East Werribee precinct has been left high and dry by the government's decisions. These are just very, very concerning points. The Operation Clara report goes on about lobbying on public boards:

... directors can help prevent conflicts of interest similar to those observed in Operation Clara; Mr Theophanous was able to serve as a director on the VPA board while representing the interests of a number of private developers, which can increase the risk of conflicts of interest (both real and perceived), which can in turn undermine the integrity of the board.

...

IBAC considers that for the duration of their appointment, public entity board directors should not engage in lobbying activities – paid or unpaid – in relation to any matter that relates to the functions of the public entity, and that this requirement should be reiterated in the codes of conduct for both lobbyists and public entity board directors.

I actually compliment IBAC on this extraordinary report and on the work that they have done. I see the extraordinary appendix A: 'Theo Theophanous natural justice response', which takes from page 32 to page 58 of the report. He has put a counsel opinion in there, which is sort of fanciful reading too. I read that closely, but I do not necessarily want to go through the legal principles of that just now.

I think the Planning and Environment Act is a very important foundational act. It is one that this bill amends, and it is one that has got to be strengthened to stop this sort of activity happening. The government's poor planning process as outlined with respect to green wedges, for example, in the south-east, is a case study in how to get poor planning outcomes – a case study in bad process that leads to poor planning outcomes. You do not protect the green wedge by leaving the Planning and Environment Act open to corrupt lobbyists and crooked shysters of every type who are pushing their own barrow for money or for other matters. So we on this side of the chamber certainly believe that those points have got to be cleaned up. I think the Clara matter is an important one. As I said, we do not oppose this bill, but we do seek some assurances in committee.

Tom McINTOSH (Eastern Victoria) (10:34): I rise to contribute to the debate on the Building and Planning Legislation Amendment Bill 2022. This bill is an important step forward in the government's environmental stewardship by strengthening legislative protection for Melbourne's green wedges. It was great to see so many young Victorians up in the gallery before, because I hope this bill will benefit them and future generations of Victorians to come. Green wedges are the non-urban areas of metropolitan Melbourne that lie outside the urban growth boundary. There are 12 designated green wedges that touch 17 local government areas which form a ring around the city of Melbourne. These wedges form the boundary of our city and ensure that we protect cultural heritage, the natural environment and agriculture from urban development. Each green wedge area is unique, and that is why each needs its own management plan.

In my electorate alone the landscape ranges from the Mornington Peninsula coastline to the fertile, flat land surrounding Western Port Bay and to the highly scenic countryside of the Yarra Valley. About one-third of the total green wedge area is public land, including national parks, other parks, reserves and closed, protected water catchments. The government is committed to protecting Melbourne's green wedges for current and future generations. This bill articulates the government's objectives for green wedge land and introduces a legislative requirement for municipal councils to prepare and review green wedge management plans. The bill will also enable the Minister for Planning to issue directions in relation to the preparation and content of green wedge management plans, which will provide improved guidance to councils on the structure, form and content of green wedge management plans.

In my contribution to this discussion I want to focus on one of the most unique areas in Victoria, the Mornington Peninsula, and the importance of the green wedge to the local environment, economy and community. I also want to highlight the importance of other initiatives this government is undertaking to protect the environment. Protecting the green wedges is essential, but we also need to ensure that there are other wildlife sanctuaries and corridors of habitat between these areas so that wildlife can safely move around to increase their resilience; ensure there is access to green spaces for physical activity, which protects our mental health; control the products we use so that green wedges and the environment in general are not polluted, specifically by single-use plastics; improve recycling; reduce our emissions; and ensure sustainable development, including through excellent public transport provision. In my electorate of Eastern Victoria green wedges are an important planning, agricultural, tourism and environmental issue. The Mornington Peninsula is a designated green wedge, and I know that this is of vital importance to both the local council and the community. Outside of the coastal development on both the Port Phillip Bay side and the Western Port Bay side the majority of the centre of the Mornington Peninsula is a designated green wedge. In terms of the economy, within the green wedge there is hundreds of millions of dollars worth of agricultural production and further hundreds of millions of dollars worth of tourist attractions.

But there are also important community activities. I want to highlight just a couple of the special visits I have made to this area and the types of activities that protecting the green wedge supports. I visited the Mount Martha wildlife sanctuary, known as the Briars, where there has been so much work done to protect our native mammals and their habitat from foxes, cats and rabbits. We are investing an additional \$1.5 million to deliver 40 more hectares of sanctuary, with kilometres of connecting pathways and boardwalks for visitors to explore. A big thanks to Mornington Peninsula Shire Council's mayor Steve Holland, deputy mayor Debra Mar, CEO John Baker and manager of community facilities and precincts Rebecca Levy for showing me around. This investment not only ensures a beautiful, natural space for all of us to share and enjoy but we have a bigger protected area that sees the return of our bandicoots, bettongs and potoroos. The Briars is also home to the Food for Change Mornington Peninsula farm, which opened in 2021 and grows fresh food for those in need locally. The project will be a huge boost to local tourism, which in turn will benefit the local economy, with construction expected to be finished in 2024.

I also want to talk about Sages Cottage farm in Baxter. Wallara provides life and work pathways to 70 people with intellectual disabilities on a beautiful historic site set on 38 acres, with a heritage homestead that is an incredible building to walk through. I would like to acknowledge all the hard work that Phil, Zara and the team have done to create this unique space, which offers such innovative opportunities for members of our community. Those I met have access to supported employment, further education via accredited courses and hands-on training to become incredible cooks – whose food I can tell you is delicious – baristas and gardeners. Wallara also offers retail training with the Wallara shop, media production and a whole range of other activities for those who are engaged. I met Maddy, Chris and Terry, and they told me about how much they love their jobs – and the smiles on their faces were testament to that. Wallara's vision with Sages Cottage to normalise disability and set a new benchmark for inclusive tourism on the Mornington Peninsula, and to create paid jobs for people on and off the farm with its growing list of supporters, is truly fantastic. I look forward to my next visit

and continue to support their great work there – another great example of what can be done in our wedges.

It takes a village to raise a child, and that is the motto of a local children's service, Tyabb Village Children's Centre. Tyabb Village is family-run and operates a fantastic childcare centre and supports local families. The village offers long day care – well, soon to be three- and four-year-old kinder – home-cooked meals and a focus on outdoor education and getting the kids out into their community. Lavinia and Richard have a big plan to start a farm kinder program to extend their outdoor education passion and philosophy. It is about getting all those local kids out there, getting dirty hands amongst animals, in the puddles, in the mud, in the grass and all these things, which is what this bill is doing, to ensure that these families are enjoying not only a connected community but their local natural spaces. The 2.7-acre site will host a barn-style learning centre as well as a working farm, which is the perfect backdrop for building skills and connecting kids to animals, nature and themselves.

The children at Tyabb village are already environmentally aware and some are even activists. The flow-on effects of this are that the kids go home and advocate for changes in the home, like setting up compost, using less plastic and soft plastic recycling. The same applies to food. Richard cooks delicious, nutritious meals, and the kids try lots of different foods and learn about healthy eating, including learning valuable life skills by cooking with their peers. All this knowledge goes home with the kids at the end of the day. With the farm kinder, kids will know where the food comes from and how it can be produced sustainably.

More families have smaller or even no backyards, and children have less access to the outdoors than in past generations. Already the kids go down to the paddock classroom every Wednesday, and when they come back they are relaxed, happy and calm. There is nothing like watching kids in gumboots with mud on their hands splash and play in a puddle. I visited the site, and this is exactly the kind of holistic early education that will build connected, resilient kids for the future. I could not be a bigger supporter of the work they are doing, and I have been working closely with Lavinia and Richard to advocate for funding for these amazing plans. These are just some of the amazing activities taking place in the green wedge, and while they are small, grassroots examples, it is clear that legislation like this protects the natural environment around our suburbs and supports this activity.

Spending time in green spaces is a key protective factor for our mental health. In fact this was the finding of the landmark Royal Commission into Victoria's Mental Health System. Physical activity and access to green space is listed as a proven protective factor that keeps us well and prevents mental illness for children, for teenagers and for adults. If we want to continue to improve the mental health and resilience of our kids and our communities, we need to continue to provide them this access close to home. This is what protecting green wedges does. But the green wedge legislation is only one of many steps this government is taking to protect the environment. Just this month we banned the use of several single-use plastic items. It is one thing to set aside the land for green space and it is another to transform our economy and our way of thinking about sustainability to protect the land and the water that flows through it. This ban saw the end of single-use plastic drinking straws, cutlery, plates, drink stirrers, cotton bud sticks and expanded polystyrene food and drink containers in Victoria. The ban means cleaner streets and towns, cleaner land to support our produce and cleaner rivers for our drinking water and recreation, including in the green wedge. It means less emissions and more jobs in recycling, and I will come back to the importance of recycling.

Of course the environment is about connection. It is not enough to have one fabulous corner of the state set aside for a national park and concrete the rest of it. The environment needs diversity, both geographically and in terms of vegetation and climate, to be resilient to our future challenges. This means that green wedges provide important areas in addition to the wildlife sanctuaries we continue to improve across the state. We need to continue to protect these areas and the corridors for wildlife between them, along rivers and roads and across private land so that birds and mammals can make the journey from one habitat area to another, and of course continuing to green our suburbs will help with this as well.

A current initiative is the huge investment in protecting Wilsons Prom, which is also in my electorate of Eastern Victoria. The Andrews Labor government is improving the visitor experience at the much-loved Wilsons Promontory National Park, including upgrades to the Telegraph Saddle trail to connect Tidal River and Mount Oberon. Consultants are now being sought to design, develop and investigate the \$23 million upgrade, including a revamp of the visitor and education centre at Tidal River. The on-ground works are expected to be completed by the end of 2024. The local community and visitors to the area will have an opportunity to provide feedback on the project later this year. In addition, the Labor government is delivering new accommodation options and amenities and upgrades to the popular Tidal River campground, and these are also being funded thanks to the \$105.6 million Victoria's Great Outdoors program. Another tender process was recently opened for a 10-kilometre predator-proof fence that will create a biodiversity sanctuary that will keep destructive species out of the park and support the recovery and re-establishment of native plants, animals and habitats.

The upgrade and improvement works will be informed by consultation with the traditional owners, ensuring the area's Aboriginal cultural heritage and environmental values are protected. Protecting green wedges adds to the work we are doing to protect the environment in other areas of the state and further adds to the resilience of our native vegetation and wildlife. To protect the environment it is of course also vital that we decarbonise our economy. The government has world-beating renewable energy and emission reduction targets. We have committed to a 95 per cent renewable energy target by 2035, net zero emissions by 2045, and 75 to 80 per cent emission reductions by 2035, and we have put in place a whole range of policies to get there.

I am excited by the jobs this clean energy revolution will bring to regional areas, including the Mornington Peninsula. I rose in this chamber just two days ago to give an update on the exciting work happening in offshore wind in Eastern Victoria, a development that will lower emissions, power millions of homes with clean energy and provide thousands of jobs. This government is supporting project proponents and working with the federal government on getting this important industry going in Australia, and of course there is a massive and exciting public investment in renewable energy coming through the State Electricity Commission, better known as the SEC, a policy that was extremely popular with the public in November. The government is showing leadership on this energy transition by stepping in and investing directly in generation to give power back to the public in the energy space to ensure reliability, lower prices and jobs.

The transition to renewable energy also provides huge opportunities to move further towards a circular economy. Also in the electorate of Eastern Victoria last year I visited a groundbreaking new business setting up in Kilmany in the Wellington shire. Elecsome are building a solar panel upcycling plant. The Victorian government is contributing \$500,000 towards Elecsome's \$3 million-plus investment in a new plant to upcycle solar panels. Rather than the current practice of burying panels as waste or storing them in warehouses, the site will soon employ 30 people to convert glass to concrete, recycle silver, copper, metal, silicon and much more. Research from Melbourne Uni and RMIT has enabled this technology leap. Wellington shire deserve a big shout-out for their support on the practical location of this groundbreaking project. I cannot wait to return to see Elecsome's incredible processing centre in full operation. This is just one local example of the huge opportunities that exist in our transition to a more sustainable economy. All of these policies are connected through their commitment to protecting Victoria's environment, and we know that making meaningful steps towards a circular and sustainable economy are very important to the community.

Another crucial factor in sustainable development is the transport sector. This is because of emissions but also because of how public transport determines the layouts of our cities and suburbs. This government is making huge investments in public transport that will allow for a higher density of development in the right places rather than overdevelopment of our green wedges. There is the Metro Tunnel so people can easily travel around our cities. There is the Suburban Rail Loop so people can easily travel around our middle suburbs, which will totally transform suburban development in Melbourne.

David Davis: Is this a transport bill suddenly?

Tom McINTOSH: It is looking at our community as a whole – environment, circular economy, sustainable –

David Davis interjected.

Tom McINTOSH: Excellent. The bill is an important step forward in the government's environmental stewardship by strengthening legislative protection for Melbourne's green wedges. Green wedges are the non-urban areas of metropolitan Melbourne that lie outside the urban growth boundary. There are 12 designated green wedges that touch 17 local government areas which form the ring around the city. I focus on the importance of the green wedge to the economy and the community of the Mornington Peninsula in highlighting how this work connects to the whole range of environmental stewardship that the government is undertaking. These policies are accelerating our move to a sustainable and circular economy.

Jacinta ERMACORA (Western Victoria) (10:49): The Building and Planning Legislation Amendment Bill 2022 improves the operation of the building and planning systems and delivers the government's 2018 election commitment to strengthen legislative protection of Melbourne's green wedges. The bill strengthens legislative protection of Melbourne's green wedges, streamlines the endorsement process for distinctive area and landscape, supports the implementation of automatic mutual recognition in Victoria and clarifies the power to issue restricted plumbing work licences for private plumbing work.

In relation to green wedges, Melbourne's 12 green wedges cover the areas just outside Melbourne's urban growth boundary and provide an essential break between the intensive urban development along the growth corridors. This land is critical to our economy and Melbourne's food production, contributing around \$5.79 billion in economic activity and supporting roughly 16,500 jobs. But it is also home to some of the world's best wine destinations, parks and wetlands, and our green wedges ensure that the character and landscape of communities along the urban growth boundary are protected as Melbourne's population inevitably grows. This bill strengthens protections for green wedge land by enshrining the government's objectives for this land in legislation, acquitting a 2018 election commitment. It also introduces a legislative requirement for municipal councils to prepare and review green wedge management plans. The Minister for Planning will be able to issue directions in relation to the preparation and content of green wedge management plans, providing improved guidance to councils on their structure, form and content. This will better protect Melbourne's green wedges against inappropriate development.

Labor is committed to protecting the outstanding environmental, cultural and economic significance of the Macedon Ranges, Bass Coast, Surf Coast and Bellarine Peninsula, and that is exactly what we are doing. These areas have been declared to be distinctive areas and landscapes requiring the development of a statement of planning policy, a 50-year plan for protecting the unique features and providing certainty for housing, tourism and infrastructure investment. These requirements are incredibly useful in anticipating the long-term needs of communities. It is certainly something that is required and commonly undertaken in the water industry, where 50-year supply demand strategies for water supply are developed and renewed on a regular basis. These urban water strategies, as they are called, anticipate population growth, take into account climate change and look at the needs and aspirations of the community. In doing so, they position every community very clearly and factually support them in the area of water supply. These 50-year plans for protecting unique features in this area will do the same.

The state planning policies have already come into effect for Macedon Ranges and Surf Coast, and Bellarine and Bass Coast are currently going through the process. The state planning policy requires the endorsement of public entities like water corporations, but at the moment there is no set time frame in which they have to provide endorsement. This is definitely a very good thing, because it is a very

good thing to have integrated planning that takes account of all the different perspectives that need to be taken into account, including community, but it is not good if these inputs take a very long time. This experience has repeatedly shown that it is difficult to prepare, consult on and obtain the endorsement and approval of a statement of planning policy within the time frame specified in the Planning and Environment Act 1987. The bill streamlines the process for endorsement by responsible entities for a statement of planning policy for a distinctive area and landscape, requiring endorsement within 28 days. Streamlining the state planning policy endorsement process will remove barriers to finalising the state planning policy, ensuring that we have clear plans in place that protect the features and the landscapes of Victoria's distinctive areas.

This bill also addresses automatic mutual recognition. Victoria has adopted automatic mutual recognition, enabling individuals registered or licensed for an occupation in an Australian state or territory to work in another participating state or territory using their home state registration or licence. This bill introduces a drivers licence mutual recognition model. The bill makes changes to the Building Act 1993, Architects Act 1991 and Surveying Act 2004 to strengthen consumer protections under automatic mutual recognition by ensuring practitioners have insurance required under the Victorian building laws and by making the registration details of practitioners working under the AMR available to the public. The AMR program allows individuals who hold registration or licences in an Australian state or territory to perform those same permitted activities in another part of Australia subject to the same exceptions. This is known as automatic deemed registration. Building and plumbing practitioners who wish to operate in Victoria under the ADR must complete the required automatic deemed notification form and supply it to the Victorian Building Authority (VBA) prior to commencing any work in Victoria, so you can see that a drivers licence approach is going to be more efficient.

This bill also addresses restricted plumbing licences. The VBA issues restricted plumbing licences that limit the holder to undertaking work on the plumber's own home or that of a family member for no monetary fee or other consideration. This allows registered plumbers or those who are otherwise eligible for registration to undertake work that requires a compliance certificate on the family home without needing to be a full licensed plumber. This practice has been going on for at least 20 years. The bill clarifies the VBA's ability to issue restricted plumbing licences, providing greater certainty for plumbers.

The bill will improve the operation of the building and planning systems including strengthening protections for consumers as we implement automatic mutual recognition and enshrining protections for Melbourne's cherished green wedge in legislation. It builds on the Andrews Labor government's record in planning for Victoria: managing the growth of our state, while ensuring that Victoria's best features are protected and enhanced. In metropolitan Melbourne we are guided by our planning blueprint *Plan Melbourne 2017–2050*. We are supporting jobs, housing and transport and building on Melbourne's legacy of distinctiveness, livability and sustainability. Our nine regional partnerships are ensuring that local communities are front and centre in planning for the future of our region. As a previous board member of the Great South Coast regional partnership, I can attest to that. The Great South Coast regional partnership links regional leaders together to identify and promote priorities for each region and elevates those priorities to a strategic approach to regional advocacy. Regional partnerships look to the future, providing planning and anticipating future needs, particularly in the areas of economic development, education, health and community needs.

We have protected and enhanced Victoria's best features with stronger protections for heritage buildings and new protections against overdevelopment across Melbourne, including important landscapes on the Surf Coast, Bellarine, Bass Coast and the Macedon Ranges. We are also streamlining the planning process, cutting unnecessary red tape, increasing Victoria's housing supply and creating thousands of jobs.

The economic value of such interventions is significant in the planning space alone. Planning made a significant contribution to the Victorian economy in 2022, with \$3.6 billion worth of projects

recommended through the development facilitation program, which streamlines the assessment and determination of projects that inject investment into the Victorian economy and keep people in jobs; approvals of over 1000 homes as part of the Big Housing Build program; \$90 billion worth of Big Build project approvals; \$5.6 billion in construction activity approvals; and the powering of nearly a million additional homes through our renewable energy permits.

Residential development has also been stimulated. Victoria leads the nation in the supply of new homes. The latest statistics published by the Australian Bureau of Statistics show that in 2022 about 62,000 new homes were approved for construction in Victoria. During the same period New South Wales saw only 53,000 approvals and Queensland 35,000 approvals.

In short, this legislation tidies up a range of areas that will provide streamlining and greater efficiency, strengthens the protection of Melbourne's green wedges, streamlines the endorsement process for distinctive area landscapes, supports the implementation of automatic mutual recognition in Victoria and clarifies the power to issue restricted plumbing licences for plumbing work in Victoria.

Michael GALEA (South-Eastern Metropolitan) (11:04): I also rise to speak in favour of the Building and Planning Legislation Amendment Bill 2022. This bill implements a range of minor yet very important changes that will significantly improve the efficiency, the clarity as well as the operation of our building and planning systems. Passage of this bill is going to deliver various changes that were initially introduced in the now lapsed bill from the previous term, the Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill 2022. These changes will do a raft of things. They will firstly enable greater protection for our green wedge land. They will also streamline the process for endorsing a statement of planning policy for a distinctive area and landscape, further to which they will support the implementation of the national automatic mutual recognition scheme in Victoria, better known as the AMR scheme. This will provide a great deal of further certainty regarding the Victorian Building Authority's continuing power to issue restricted plumbing licences for private plumbing work, which will improve the effectiveness and the efficiency in that sector.

Another change that this bill will effect is to streamline the process of endorsing a statement of planning policy for a distinctive area and landscape. This will actually make it easier for planners and architects to work together to create sustainable and attractive built environments that reflect the unique character of our state. The reforms of the bill will ensure much more effective management and protection of our green wedge spaces, which are important spaces that provide considerable benefit to all Victorians. The fact is that green wedges support local economies. They reduce the carbon footprint associated with needing to import food from further afield in other regions, other states or even overseas. They provide valuable ecosystem services and supports as well by protecting water quality and reducing the risk of flooding, and they also do this to preserve biodiversity.

In addition to these environmental benefits, of course, green wedges offer a tremendous amount of recreational and cultural opportunities for our communities. Providing space for outdoor activities such as hiking, cycling and even horseriding offers a peaceful escape from the hustle and bustle of city and – dare I say it as well – suburban life. Our green wedges are really vital, not only for the health of our environment but also for the mental and physical wellbeing of our community. If I may quote a literary staple, *The Lorax*, by Dr Seuss, who says:

... the days when the grass was still green
and the pond was still wet
and the clouds were still clean ...

What an apt description of what our green wedges are to our city and to our state. Our green wedges are a thing to treasure.

This bill introduces a number of objectives for green wedge land and also includes a new requirement for councils and local authorities to implement and review their green wedge management plans. Now,

I see him leaving the chamber, but yesterday my colleague Mr Limbrick told us how he was excited about tax policy. I can tell the house that I am very excited about the implementation of green wedge management plans. Let me explain why, because that probably does sound a little bit odd.

If I can give some context, the south-east of Melbourne takes in four green wedges, those being the Western Port green wedge, the south-east green wedge, the Yarra Valley and Yarra and Dandenong Ranges green wedge, and the southern ranges green wedge, the latter of which has a great deal of overlap with my electorate of the South-Eastern Metropolitan Region. Both the Yarra Valley and Yarra and Dandenong Ranges green wedge and the southern ranges green wedge, however, actually do not have a current green wedge management plan. It was never implemented, and I have had numerous conversations and discussions with community members and stakeholders in this region regarding the problems that the lack of a management plan poses, including the challenges, the uncertainty, the costs and other issues because of this. It affects local communities, businesses and the environment.

Like many in this chamber, prior to coming into this place I was involved in many different local community groups and organisations. One such organisation was a great local group that covers much of my region, that being the Eastern Dandenong Ranges Association for business and tourism, better known as EDRA. I had the pleasure of serving with them and supporting them on their campaigns and efforts to support small businesses, tourism and other providers in the outer suburban areas of Melbourne for the previous few years. Of all the issues that the group dealt with and came across, large and small, there was one underlying theme that kept coming up, and that was that there was no green wedge management plan for the southern ranges green wedge or indeed the Yarra Valley and Yarra and Dandenong Ranges green wedge either, which presented significant problems for the community. It presented issues around development and land use, particularly for those tourism regions such as the outer south-east, the Dandenong Ranges and the Mornington Peninsula, as my colleague Mr McIntosh referred to earlier. Not having a plan has a significant effect on actually being able to provide investment and on whether investors can provide their new tourism venue, their new business, their new microfarm – whatever it might be. Without a consistent approach in these green wedges, we have the risk of some ad hoc planning between different local government areas, which can ultimately potentially lead to worse outcomes for our communities.

It can also drive investment away from these areas, so I know how much of an issue the lack of green wedge management plans has been for these areas, as I said, including the southern ranges green wedge, which covers a large chunk of my South-Eastern Metropolitan Region. This legislation will address that. This will require all local authorities to implement their green wedge management plans, which is going to be the underlying basis for further sustainable appropriate development and growth in these regions, which will support our communities, increase their resilience and reduce the negative impacts of urban sprawl into these very special areas. This alone is something that gets me very excited about this legislation and I am very keen to see that in particular come through, because I can see the real-world differences this will make for communities such as Upper Beaconsfield in my electorate, such as Harkaway and such as Lysterfield. It will make a huge difference.

Evan Mulholland interjected.

Michael GALEA: Harkaway is a great place. Thank you. Yes, Mr Mulholland. I would like to acknowledge the potential as well that some stakeholders may criticise the government for progressing with minor amendments from the Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill from the previous term rather than wider building system reforms. But I would like to emphasise that these amendments are very important and necessary, and they represent progress towards achieving the government's 2018 election commitment to strengthen the legislative protection of Melbourne's green wedges.

There are of course other aspects of this bill which I would also like to talk about. This bill proposes several important amendments to a number of acts, including the Building Act 1993, the Architects

Act 1991 and the Surveying Act 2004, to support the implementation of the national automatic mutual recognition scheme, AMR scheme, in Victoria. The AMR scheme was a game changer – in fact is a game changer – for tradespeople and professionals who work across state borders. It allows workers who are registered or licensed in one Australian state or territory to transfer their skills and work in another Australian state or territory whilst using their existing registration or licence. It basically means that they do not have to go through all the repetitive bureaucratic red tape in every single state and every single territory every time they wish to work outside of their home state. This bill will streamline mutual recognition processes and it will reduce the costs for interstate workers. The key features of the AMR scheme will include automatic deemed registration, or ADR, and public protection requirements, as well as providing compliance with local laws in each jurisdiction.

Victoria has introduced several changes to licensing and registration requirements for plumbers in particular. These changes aim to increase public safety by ensuring that all licensed plumbers meet the same exacting high standards. Once approved by other states and territories these changes will allow licensed plumbers from Victoria to benefit from the AMR scheme. The AMR scheme will basically mean that plumbers may work in other states and territories without needing to reapply each time for registration or licensing. It will save time, it will reduce costs and it will increase flexibility for licensed plumbers who want to work across borders – and obviously the immediate example of that would be those in some regional areas such as Wodonga or in my colleague Ms Ermacora's region in the south-west as well. There are many border communities there where plumbers will benefit, or perhaps some enterprising tradies may wish to spend their winters in Port Douglas, and good luck to them if they can get work up there for those winters as well. The AMR scheme is an important step forward for tradespeople and professionals in Australia. This scheme will benefit workers, businesses and the public by streamlining that mutual recognition process, reducing costs and ensuring compliance with those local laws. Having Victorian plumbers participating in the AMR scheme is a win for the plumbing industry in Victoria and indeed for the wider Victorian and Australian economies.

This bill also makes minor amendments to the restricted licensing provisions in the Building Act which will allow the Victorian Building Authority to continue to issue these licences in multiple work classes, minimising the potential for unlawful plumbing work. The restricted plumbing licences issued by the VBA allow skilled and registered workers to undertake work that requires a compliance certificate without needing to be a fully licensed plumber, ensuring that the work is safe and up to standard. These commonsense changes will allow our building sector to function more effectively and efficiently well into the future. The VBA plays of course a crucial role in ensuring that the building industry operates fairly and transparently, protects consumers and upholds the highest standards of quality and safety. Any reforms that continue to improve the function and effectiveness of the VBA are a benefit to Victoria.

I spoke yesterday in another debate of the importance of our reforms for first home buyers, and in particular first home builders, and there are a number of schemes with which we are providing support to them including, as I referred to, the stamp duty concession on houses of up to \$600,000 and reduced rates of concession on houses of up to \$750,000. These reforms will continue to ensure that those first home buyers, who are taking that big step into their first home, will be supported and will not have as many risks to deal with.

In addition to that of course as well as the private sector there are a number of public builds going on at the moment, which makes the VBA even more important than ever. There are a number of projects of course, including the Big Build, that have already delivered benefits to Victoria and will continue to do so. They include delivering 100 new schools in the state, providing better education to students across Victoria, including the magnificent new Quarters Primary School in Cranbourne West, which opened just a few weeks ago; and the transformative Metro rail tunnel, delivering five new underground rail stations in the city by the year 2025. The Metro Tunnel will benefit my constituents in particular, as the Pakenham-Cranbourne line will be routed through it on the way out to Sunbury and the airport.

We are also removing 110 level crossings across the train network, a large number of them in the South-Eastern Metropolitan Region, saving lives and reducing congestion, and I have been really excited to engage with our local communities in Narre Warren and Beaconsfield in particular as we work to remove the Webb Street and Station Street level crossings in the coming year. We are also upgrading every regional passenger rail line in Victoria through the Regional Rail Revival program, and we are delivering record investment in health infrastructure. This investment means more hospitals, more beds and better health outcomes across our state, and I can think of no better example of this investment in our state's healthcare system than the Victorian Heart Hospital. This state-of-the-art, specialist cardiac hospital is a first in our nation's history. It is in the south-east suburbs of Melbourne, in Clayton on Blackburn Road. It is a fantastic facility, and I believe it is actually open to patients from today. So whether public or private, the Andrews Labor government is working hard to create a better Victoria. The VBA plays a critical role in making that happen. I commend the continued investment in infrastructure, health, sports, entertainment and other everyday services for all Victorians.

So to conclude, the Building and Planning Legislation Amendment Bill is an essential piece of legislation that will significantly improve the efficiency, clarity and operation of the building and planning systems in Victoria. The amendments proposed in the bill will provide greater protection for green wedge land – something, as I said, I am very excited about – streamline the process for endorsing a statement of planning policy for a distinctive area and landscape, support the implementation of the national automatic mutual recognition scheme in Victoria and provide certainty regarding the Victorian Building Authority's continuing power to issue restricted licences for private plumbing work. These are very important and necessary changes. This bill will help to create a more efficient, transparent and effective building and planning system for our entire state that can adapt to the changing needs of our society. The commonsense reform in this bill provides considerable benefits to our communities, economy and environment. Other amendments will continue to streamline and improve our building and planning sector. For these reasons I commend the bill to the house.

Sheena WATT (Northern Metropolitan) (11:19): I rise to speak on the Building and Planning Legislation Amendment Bill 2022, which among other things will improve the operation of the building and planning systems in our state. In 2018 the Andrews Labor government committed to legislate protection of Melbourne green wedges, which are so important for biodiversity and natural environment. Melbourne's 12 green wedges cover the areas just outside Melbourne's urban growth boundary and provide an essential break between the intensive urban developments among the growth corridors. This land is critical to our economy and Melbourne's food production, contributing around \$5.79 billion in economic activity and supporting roughly 16,500 jobs. But it is also home to some of the world's best wine destinations, parks and wetlands, and our green wedges ensure that the character and landscape of communities along the urban growth boundary are protected as Melbourne's population grows.

Green wedges are so important to our growing city, providing a breath of fresh air amongst the hustle and bustle of suburban life. These lush spaces are the lungs of our city, and it is paramount that we legislate to protect them and preserve them. One of these green wedges is located right in my region of Melbourne's northern suburbs. The Whittlesea green wedge is a thriving area supporting farming activities, scenic rural landscapes, parks – both national, state and local – heritage places, recreation and tourism activities, plant and animal habitats, rivers, creeks and water catchments, settlements and some rural living and much more. I am always so inspired and refreshed whenever I spend time in the beautiful surrounds of Whittlesea's green wedge.

I want to touch on the work of the Darebin Creek Management Committee, who for over 20 years have been working tirelessly to preserve sustainability in local creek catchments and surrounding communities. Our biodiversity is priceless. The Darebin Creek Management Committee are champions for our precious Whittlesea green wedge. As the Parliamentary Secretary for Volunteers, it would be remiss of me to not give a shout-out to the Friends of Darebin Creek for all that they do.

Volunteering is often a thankless task, but together you have been able to preserve, restore and manage the ecosystems associated with Darebin Creek and its tributaries around revegetation, rehabilitation, habitat creation and water health. Perhaps that is the thanks – the many years of future thriving life we will see around the Darebin Creek.

This bill strengthens protection of green wedge land by enshrining the government's objectives for this land in legislation, delivering on a 2018 election commitment. I know how important green space is for our communities. That is why I was so excited when the Andrews Labor government announced the removal of eight level crossings in my community of Brunswick that we would have four entire MCGs worth of new open space. The Level Crossing Removal Project in Brunswick right near my electorate office will transform the community, reducing congestion and improving travel times whilst creating thousands of jobs. I only need to look north of Brunswick to Coburg to see how elevated rail can transform the use of space and open up opportunities for community use and better biodiversity. This bill introduces a legislative requirement for municipal councils to prepare and review green wedge management plans. The Minister for Planning will be able to issue directions in relation to the preparation and content of green wedge management plans, providing improved guidance to councils on their structure, form and content. This will better protect Melbourne's green wedge against inappropriate development, an issue I know the communities of the Northern Metropolitan Region care very deeply about.

I am pleased to note the Whittlesea council already have a green wedge management plan, with 84 actions set out in the *Whittlesea Green Wedge Management Plan 2011–2021*, and every one of them has now commenced. Of these actions, 49 have been completed, five are still underway and 30 are ongoing changes to the way we work, including networking with the local Aboriginal community and rural communities, providing business support to help keep farmers on the land and partnering with community groups to better care for our waterways and environment. Here are just some of the initiatives already championed under the green wedge management plan: the Whittlesea community farm and food collective, a pilot program to demonstrate innovative sustainable farming practices, increase food security and provide an opportunity for residents to learn about local, sustainable food production; wayfinding and interpretive signage for all of the council's 60 conservation reserves to promote the value and significance of ecosystems on council-owned land; and support for farming, including agribusiness and the right to farm, through a submission to the state government's Planning for Melbourne's Green Wedges and Agricultural Land review project.

Further, there is the South Morang Farmers and Makers Market held on the third Saturday of each month, which provides an opportunity for local producers to connect with the community and sell their produce locally. There is support for tourism in Whittlesea township through campaigns such as Dinner's on Us, Shop Local, Choose Your Own Adventure, Christmas on Church and Winter Weekends as well as support for the Whittlesea agricultural show and Table of Plenty events. There is the strengthening of partnerships with traditional owners to contribute to a greater awareness, understanding and appreciation of the relationship between cultural heritage, traditional owner knowledge and Aboriginal community health and wellbeing. Advocacy is included for the proposed Melbourne food and wine innovation export hub, which will support the use of agricultural land in the municipality and provide a meaningful contribution to Victoria's economic growth. There are partnerships with community groups on waterways, waterway health, Landcare and rural education to support our community's own initiatives and new initiatives as a result of the green wedge management plan implementation.

I am pleased to note that this bill fulfils the Andrews Labor government's commitment to protecting the outstanding environmental, cultural and economic significance of the Macedon Ranges, Bass Coast, Surf Coast and Bellarine Peninsula, and that is exactly what we are doing. These areas have been declared to be distinctive areas and landscapes, requiring the development of a statement of planning policy, a 50-year plan for protecting these unique features and providing certainty for housing, tourism and infrastructure investment. SPPs, as they are known, have already come into effect

for the Macedon Ranges and Surf Coast, and Bellarine and Bass Coast are currently going through the process. An SPP requires the endorsement of public entities like water corporations, but at the moment there is not a set time frame in which they have to provide that endorsement. This experience has repeatedly shown that it is difficult to prepare, consult on and obtain the endorsement and approval of a statement of planning policy within the time frame specified in the Planning and Environment Act 1987. The bill streamlines the process for endorsement by responsible entities of a statement of planning policy for a distinctive area and landscape, requiring endorsement within 28 days. Streamlining the SPP endorsement process will remove barriers to finalising the SPP, ensuring we have clear plans in place that protect the features and landscapes of Victoria's distinctive areas.

The bill makes changes to the Building Act 1993, Architects Act 1991 and Surveying Act 2004 to strengthen consumer protections under automatic mutual recognition by ensuring practitioners have insurance required under Victorian building laws and by making the registration details of practitioners working under AMR available to the public.

The Victorian Building Authority issues restricted plumbing licences that limit the holder to undertaking work on their own home or that of a family member for no monetary fee or other consideration. This allows registered plumbers or those who are otherwise eligible for registration to undertake work that requires a compliance certificate on the family home without needing to be a fully licensed plumber. Now, this practice will be known to many and has been spoken about by previous contributors to this bill, and it is worth noting that this practice has been going on for at least 20 years, but this bill clarifies the VBA's ability to issue restricted plumbing licences, providing greater certainty for plumbers and the work that they do.

We have certainly heard criticism – I heard it earlier from those opposite on the government, on this bill – which I find a little amusing. I think we are all quite aware of the record of the opposition when it comes to planning, and I am very happy to provide a mild refresher for those opposite if they are interested or in fact for those of us that are here in the chamber. I cannot look past some of the skyscrapers in our city, and of course Fishermans Bend. I have probably got some words to say about Fishermans Bend, but I do know we have other members here from the Southern Metropolitan Region who probably too would have some very firm views on Fishermans Bend. Time and time again those opposite have put developers over local communities, and they have not learned their lesson. Only a few years ago they were promising to fast-track nearly 300,000 homes – I stumbled there because I could not believe the number – in the already under-pressure outer suburbs. Victorians just cannot trust the coalition when it comes to planning.

The Andrews Labor government has a planning record that we indeed can be proud of. We have been getting on with managing the growth of our state while ensuring that Victoria's best features are protected and enhanced. The bill before us today will improve the operation of the building and planning systems, including strengthening protections for consumers as we implement automatic mutual recognition and enshrining protections for Melbourne's cherished green wedges in legislation.

I have certainly touched on the record of those opposite, but I want to talk about metropolitan Melbourne. Metropolitan Melbourne is guided by our planning blueprint, *Plan Melbourne 2017–2050*, and in that we are supporting jobs, housing and transport and building on Melbourne's legacy of distinctiveness, livability and sustainability. Our nine regional partnerships are ensuring that local communities are front and centre in planning for the future of their region. We have protected and enhanced Victoria's best features with stronger protections for heritage buildings and new protections against overdevelopment across Melbourne, including in important landscape areas such as the Surf Coast, Bellarine, Bass Coast and Macedon Ranges. There is so much that good planning makes in terms of its contribution to our economy.

There are of course also 1000 homes that are being built as part of the Big Housing Build program. The Andrews Labor government's Big Housing Build is the biggest investment in social and affordable housing by any state or territory. Thanks very much to the hard work of my former

colleague in the other place Richard Wynne, the Big Housing Build became a reality. I am working really closely with the current minister Colin Brooks, who I know has a very deep and abiding passion for this and will see this work through. The \$5.3 billion Big Housing Build is the largest investment in social and affordable housing this state has ever seen, creating an average of 10,000 new jobs a year over the first four years of the program, with 10 per cent of the work on major projects to be done by apprentices, cadets and trainees. The Big Housing Build commenced in 2021 and will be completed by financial year 2026–27, generating an estimated \$6.7 billion in economic activity. There are tens of thousands of jobs associated with this, and our investment will deliver greater housing choices and affordability and ensure that more Victorians have the modern, secure and accessible homes that they need.

That is the end of my time. I have so much more that I would love to say, but I will leave my remarks there.

Ryan BATCHELOR (Southern Metropolitan) (11:34): I rise to join my colleagues in making a contribution on the Building and Planning Legislation Amendment Bill 2022. The purpose of the bill is to deliver several legislative changes first proposed during the last term of the Parliament, but unfortunately the Parliament did not get the opportunity to conclude its consideration of these matters prior to the election held in November last year. So I am grateful for the opportunity that the re-presentation of the bill to the Parliament post-election gives me to make a contribution on these matters, which are very important to a lot of Victorians, that I would not have been able to make had these things been dealt with then.

It is important also at the outset to acknowledge that this bill and the amendments contained therein do fulfil a commitment that the government took to the 2018 election, and they take significant steps to improve the clarity and operation of the building and planning systems. The bill will amend the Building Act 1993, the Architects Act 1991, the Surveying Act 2004 and the Planning and Environment Act 1987 to strengthen the legislative protection of Melbourne's green wedges, to streamline the endorsement process for a distinctive area and landscape, to support the implementation of automatic mutual recognition here in Victoria and to make some important clarifications of the powers to issue restricted plumbing licences for private plumbing work in the state of Victoria.

The first matter that I want to delve into in a bit of detail in the discussion of the bill today is the amendments in that part of the bill which go to the protections that the government is introducing for what we know colloquially as green wedges. As I mentioned, there was a commitment that the government made during the 2018 election campaign to strengthen the legislative protection of Melbourne's green wedges, and it is very good to see that that election commitment is being delivered by the government through this legislation here today. In that campaign the government committed to better protect Melbourne's green wedges against overdevelopment and to put up those protections and make sure they were enshrined in legislation, because we know that legislative protections for these sorts of things are very important and we need to make sure that future decisions that are potentially made by planning ministers are being made subject to them.

The bill will introduce provisions in a number of ways. Firstly, there is an amendment to enshrine objectives for green wedge land in part 3AA of the Planning and Environment Act, and these objectives to be included relate to biodiversity, conservation, significant landscapes, traditional owner values and custodianship, open space, waterways, catchments, natural resources and agriculture. I think we can agree that they are all important objectives to be included in the Planning and Environment Act to make sure that those matters are considered, particularly in relation to our green wedge areas, for future decision-making. The amendment will also introduce a legislative requirement, very importantly, for local government authorities to prepare green wedge management plans. They will give the minister the authority to issue directions in relation to the content, preparation and review of green wedge management plans.

Surrounding metropolitan Melbourne there are 12 green wedge areas that are designated in order to protect, enhance and promote non-urban values and non-urban uses that support our city and the environment. I think the preservation, protection and support of these green wedge areas make a considerable contribution to the sustainability, the prosperity and the health and wellbeing of all Victorians. We know that right across Melbourne people travel to take advantage of the wonder that these green wedge areas provide. It is not just for the people who live next door, it is also for people who live right across town that travel to take advantage of the wonderful open green space, its biodiversity and its contribution to nature. These areas also support primary production. They contain areas of precious biodiversity, conservation and associated infrastructure, including a wealth of water resources. I know that is very dear to the heart of one of the ministers sitting here in the chamber.

Harriet Shing: Which one?

Ryan BATCHELOR: That would be you, Minister Shing.

Harriet Shing: Aren't interjections unparliamentary?

Ryan BATCHELOR: Sorry, I will ignore them now. Green wedges will also contribute to important tasks, including energy generation, transmission and storage and are, I think, critical for tourism and recreation which are linked to natural environments.

We need these changes because these green wedges need our protection and support. It is why the government committed to providing this protection and enshrining it in legislation, because when it comes down to it we value the inclusion of this green space and these green wedges in wider metropolitan Melbourne. Part of what makes Melbourne so unique and such a wonderful place to live is that we have urban and non-urban environments that contain so much of our wonderful natural environment for us all to enjoy. Ensuring that that environment is protected for the enjoyment of everyone and not siphoned off for the few is a really important part of the kind of approach that this government clearly takes to these matters. It was also an important element of Melbourne's metropolitan planning strategy, *Plan Melbourne 2017–2050*, and the accompanying five-year implementation plan, which included better protection of these green wedges and the inclusion of this legislative environment, the very thing that we are doing here today, as a priority action.

We know that as our population grows – it is great that more and more people want to call Melbourne and call Victoria home – it is critical as the stressors are placed on our urban fringe that we better protect these green wedges from overdevelopment and keep them as part of the range of infrastructure and support industries that enables our city to work, feed and function. So not only are these green wedge areas that we are protecting here today critical to our enjoyment of living and wellbeing, but they are a critical contributor to the Victorian economy, particularly through food production, and are contributing around \$5.79 billion in economic activity and supporting roughly 16,500 jobs. What you will see from this government very much is the realisation that we can protect the environment, have great places for people to live and do so in a way that supports economic activity, supports economic diversity and supports jobs for all Victorians.

The other element of the legislation before us today is that it requires municipal councils and local government authorities, as the places close to the ground that are involved in planning and management of their spaces, to prepare and review green wedge management plans as a legislative requirement. It empowers the Minister for Planning to issue directions in relation to both the preparation of those plans and their content so that councils have clear guidance from the minister empowered by the Parliament on the structure, format and content of those plans, which we believe is a critical part of adding another layer of protection for Melbourne's green wedges into our broader planning framework. What they will also do of course is help to streamline the process for the endorsement of planning policy for declared distinctive areas and landscapes – because we know in the past that this kind of management and protection of our green wedge areas has been sadly lacking because we have never had such a requirement in the planning law for these management plans to be

put in place, let alone the level of detail, attention and care that the government and the minister will be putting into their preparation. It means that there is a lack of consistency across municipal boundaries, which so often occurs, and we have a situation where not all green wedge values are encompassed in each plan. And there is no existing requirement to update the management plans that may already exist at regular intervals. So the amendments introduced by this bill will help fix that arrangement by ensuring greater consistency and ensuring greater attention is paid to the updating and management of these plans to ensure that these areas are looked after.

We know that there is strong support from a range of sources for the actions the government is taking here today, and they have been the subject of extensive consultation as part of the preparation of this legislation. There was an extensive consultation paper released a couple of years ago and a series of early engagements, so we feel that there has been ample opportunity to talk with those affected by the proposals being put into legislation here today. That sort of consultation in the development of legislation is something the government takes very seriously.

The other things that we are trying to do in this legislation, which I touched upon briefly at the start, include some streamlining of the planning process to cut unnecessary red tape because we know that that can be a barrier to effective and efficient planning outcomes. One of the reasons we are seeking to do that is to increase housing supply here in Victoria. We had I think a very interesting and thoughtful debate in the chamber yesterday on the topic of housing and increasing the supply of affordable housing for Victorians. I know it is something that is close to the heart of many who have spoken in this debate and in prior debates. That is a critical element of what the legislation before us today is also trying to do.

The bill, in addition to the green wedge issues and the streamlining of planning and related amendment issues, supports the implementation of the automatic mutual recognition scheme here in Victoria by ensuring that building practitioners, licensed plumbers, land surveyors and architects working under the automatic mutual recognition arrangements are covered by the insurance that is required under Victorian laws and is about making registration details of practitioners working under the automatic mutual recognition arrangements available to the public. I think it is really important that Victorians know that when we have registered and licensed practitioners, plumbers, surveyors or the like who are operating here in Victoria under licences issued in other jurisdictions – and I think we do live in a nation that has managed to overcome the tyranny of federation eventually – we do have the consumer protections in place so that Victorians know who has been given registration under these regimes.

Lastly, I just want to touch on the bill also introducing some regulations in relation to plumbing and minimising the risk of plumbers undertaking unlawful work on their own family home or a family member's home by providing certainty with relation to the Victorian Building Authority's continuing ability to issue restricted plumbing licences for private plumbing work. I think what we have here today is an example of the government taking a very thorough, comprehensive, consultative approach to introducing important amendments to our planning and building framework. I think it is a sign that the government takes its job of doing this kind of work seriously. I am very happy to speak on the bill here today and look forward to future contributions.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:49): I too rise to make a contribution on this bill, the Building and Planning Legislation Amendment Bill 2022. This is an important bill, and I note that many of my colleagues who have spoken on this bill today have focused their contributions on matters pertaining to the green wedge protections that this bill is going to undertake. But also there are a number of other aspects to this bill which I might focus on for the sake of completeness. I have a green wedge area in my own region, which I know that people in Warrandyte talk to me about frequently, but nevertheless there are other aspects of this bill that I think are worthy of mention.

There are a number of reforms that are being undertaken in this legislation, but for the purpose of my contribution I will talk about the restricted plumbing licences and the automatic mutual recognition (AMR) scheme that is being implemented. In regard to the restricted plumbing licences, the building

industry has for the past 20 years recognised restricted plumbing licences as a path to authorising some practitioners to undertake lawful plumbing work on their homes and the homes of relatives. This bill will clarify amendments of the legislative framework to provide the industry and the Victorian Building Authority with more legal certainty and to ensure the VBA maintains the ability to continue issuing those licences.

As for scheme of automatic mutual recognition, Victoria has adopted this scheme. It enables individuals registered or licensed for an occupation in an Australian state or territory to work in another participating state or territory using their home state registration or licence. In effect it introduces a drivers licence mutual recognition model, which is incredibly helpful. So the bill makes changes to the Building Act 1993 and it makes changes to the Architects Act 1991 and also the Surveying Act 2004 to strengthen consumer protections under the automatic mutual recognition scheme by ensuring practitioners have insurance required under the Victorian building laws and by making the registration details of practitioners working under the scheme available to the public. Again, it is incredibly helpful in making sure that that automatic mutual recognition can operate. It is a helpful thing to do, because obviously you want to make sure if you are going to conduct plumbing works on a premises that you have got a licensed person doing it. But of course if it was your own premises it kind of had these complexities around it for you, so introducing this scheme will make it easy for people who want to do plumbing work on their own premises to in fact do this.

Effectively with the AMR scheme as legislated by the Commonwealth the key features and changes include that if you are an individual registered under the laws of your home state you will be authorised to carry out the same activities in other participating jurisdictions, which would in other words be known as second states, where registration is required to carry out that activity under an automatic deemed registration. The default position of the act is that individuals are able to do this automatically and are not required to pay any registration fees. Each jurisdiction has the discretion to determine that certain conditions are met prior to a person's ADR having effect. Effectively a person is entitled to ADR only after they have submitted a notification form to the relevant second state's local registration authority prior to commencing work for the first time. They also have to have met any relevant public protection requirements – for example, holding insurance; that is pretty important – and of course they then have to satisfy any relevant vulnerable person character test. For example, this requirement may also include undertaking a working with children check.

Workers using the ADR are expected to comply with the second state's laws governing the manner of carrying out activities. However, there is no method to ensure practitioners are familiar with the second state's local laws as the mutual recognition act does not impose an obligation to demonstrate local knowledge. Also, second-state jurisdictions cannot require a person using ADR to attain any further qualifications to those required by their home state registration and second-state jurisdictions cannot apply any conditions on the ADR. As of 1 July 2022 the scheme commenced in Victoria for building practitioners other than building surveyors, architects and land surveyors. All classes of building surveyor, licensed plumber and certain classes of registered plumber are excluded from the scheme until at least 1 July 2023.

So what is the difference between an AMR and an ADR? The AMR, the mutual recognition, refers to automatic mutual recognition systems as established under part 3 of the Mutual Recognition Act 1992 of the Commonwealth, and the automatic deemed registration is a type of registration a person is entitled to if they intend to work under the mutual recognition scheme. A person is only entitled to the automatic deemed registration if their occupation is not excluded from the operation of the ADR in the second state and only after they have satisfied any applicable second state requirements. As I said earlier, for example, the notification requirements or insurance are also required.

In mid-2022 the Victorian government did decide to exempt from the operation of the ADR the following classes of building practitioner and plumber, and the Minister for Planning did so using an exemption power conferred on the minister by the Mutual Recognition Act of the Commonwealth. These occupations were building surveyor, all classes of licensed plumber and registered plumbers in

the following classes: gasfitter, type A appliance conversion, type A appliance servicing, type B gasfitting, type B gasfitting advanced, fire protection, roofing which is related to stormwater and mechanical services. These exemptions are due to expire on 1 July 2023, and a decision on whether to continue them, vary them or end the exemptions will be made prior to 1 July 2023.

I know that sounds a bit technical and dry, but I think that people who want to work in these areas and do these sorts of renovations on their own homes will be really pleased that they can now do this under these new amendments. I know there will be lots of people ready to get going on their little DIY or renovation projects, as we all are, and hopefully they will be very successful and will not need someone else to come and fix that work, which often does happen when we try and do DIY projects on our own. But we are talking about plumbing and the like, and these things can be quite technical.

I know when we bought our house someone had added on a bathroom to our house. All of a sudden the tiles were looking a bit dodgy, and you do not know these things. I mean, I am not a plumber. But obviously you get a plumber out and you get experts to look at what is going on. In the end, we had to gut the whole thing. So you can just see the importance of really strong regulation around plumbing works – it is very important. In our situation, because there was not proper waterproofing done, there was rot in the wood floor underneath the tiles. And if you let those sorts of things go, one day you walk in the bathroom and you put your foot through the floor, and it can be a nasty accident. These are the things that can happen. Obviously we were not covered by any insurance or builders insurance and the like, which was fine, because that had all expired, but nevertheless it was something that we had to do. And it was good because there is no way I could attempt anything like that, nor would I want to. But of course it was good to see that when I did get a plumber in I had absolute confidence in the work that they did. They did a great job, and we have now got a fully functioning bathroom, which is wonderful.

Matthew Bach: It's very important.

Sonja TERPSTRA: It is very important to have a fully functioning bathroom. But when something does go wrong, it is very expensive, and you often cannot see what is going on. The floor starts to move, and you think, 'Maybe something's not right there.' Or there is mould that starts to grow on walls. And you think, 'Oh, my goodness, what's going on?' Then by the time you get someone in and you get a full appraisal of what it is like, it can be a –

Matthew Bach: It'd cost you an arm and a leg.

Sonja TERPSTRA: Well, it did in that case. It absolutely cost an arm and leg. But again, like I was saying, I think we have a high standard of quality assurance. That is why plumbers, gasfitters and those types of trades are regulated and registered – for a very good reason – safety is incredibly important.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Operation Clara

David DAVIS (Southern Metropolitan) (12:00): (49) My question is to the Attorney-General and Leader of the Government. I refer to the Operation Clara report tabled yesterday, by the Independent Broad-based Anti-corruption Commission, a report scathing of former Labor minister Theo Theophanous and pointing directly to his corrupt behaviour. I ask: will the government adopt in full all four recommendations in the Operation Clara report?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:00): Whilst I have no problem with the form of the question that is posed by Mr Davis, I question why he has put it to me as Attorney-General, because I do not consider that it is part of my portfolio responsibilities in that role.

David DAVIS (Southern Metropolitan) (12:01): Well, you are Leader of the Government and you are also – the IBAC report clearly makes recommendations –

Jaclyn Symes: Which recommendations are for the Attorney-General?

David DAVIS: It was to the Leader of the Government and Attorney-General; it was to both, actually. That is what I said. I ask: will the government refer Mr Theophanous's corrupt behaviour to Victoria Police?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:01): Mr Davis, I am not in a position to respond in my role as Attorney-General to that question.

Hemp industry

Rachel PAYNE (South-Eastern Metropolitan) (12:01): (50) My question is for the Minister for Agriculture, Ms Tierney, in relation to hemp. Hemp is a remarkable plant with a multitude of applications, from clothing to construction and many things in between. It should be the future of paper, and it can be. Environmentally, it is an incredible carbon sink. Hemp-based bioplastics are light and strong but also biodegradable and renewable. Hemp has so much potential for Victorian agriculture and the Victorian economy more broadly, so my question for the minister is: will she reconstitute the hemp task force that existed in the last term of Parliament to continue its positive role in building the Victorian hemp industry?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:02): I thank the member for what is a really good question. I remind the house that there has been some fantastic work done in this area by former agriculture ministers and in particular ministers Jaala Pulford and Jac Symes and others, and that was because we understood that there were some serious possibilities in terms of an emerging industry. We have done a number of things to establish the sector, and the advisory committee was established. Going to our history, we were the first state to legalise access to medicinal cannabis for patients in exceptional circumstances, in 2016, and we continue to lead the way and wish to cement our position with the aim of being the medicinal cannabis hub. But in terms of other emerging industries that are related to it, we want to continue to explore that. In terms of the specifics of the question you asked me, I will take that on notice.

Rachel PAYNE (South-Eastern Metropolitan) (12:04): I thank the minister for her response. By way of a supplementary, I ask: what work is your department currently undertaking to advance the recommendations of the task force from the last Parliament?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:04): I thank the member for her question and her keen interest in this area. This is a question that basically pertains to the time since the last Parliament, which is not all that long, and I have got to say that there have been a couple of other things that have preoccupied my time and attention in the agriculture portfolio. But needless to say, it does continue to be an area of real, genuine interest within Agriculture Victoria, and I am more than happy to provide you with that information.

Ministers statements: LGBTIQ+ equality

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:04): Today I rise to speak as the Minister for Equality. Today and every day I am so grateful for the resilience, the respect, the kindness, the wisdom and the courage of everyone across our LGBTIQ+ communities. We are strong, but we should not have to be this strong. We are strong because we have no choice, and sometimes, despite all of our best efforts to love and accept ourselves, tragically we are just not strong enough. There are those in this chamber who are using their positions of power and privilege to wage a war

against some of our most vulnerable Victorians, and there are also a number of people in this chamber who are all too happy to hide behind rainbow flags and placards, hide under –

Georgie Crozier: On a point of order, President, in terms of a ministers statement around government policy, the minister is having a broad-ranging debate here and talking about other members in the chamber. I am just wondering if there is going to be a government initiative related to this statement that the minister is making.

The PRESIDENT: I believe that the minister was talking on government policy.

Harriet SHING: It is funny you should interject there, Ms Crozier, because you are celebrated by Liberal Pride as being one of the allies and leaders joining Liberal Pride –

Georgie Crozier: On a point of order, President, the minister is correct. I have been marching with Liberal Pride for quite some time and –

The PRESIDENT: I think you are debating. Is there a point of order? I think you are debating the point.

Georgie Crozier: She is just reflecting on a number of members on the opposite side of the house. I would just ask her to be courteous about reflecting on members on this side of the house.

The PRESIDENT: I thought she was not being derogative towards you, Ms Crozier, so it is a little bit strange. If she was being derogatory towards you, you could call for her to withdraw. But let me think in the future if that happens.

Harriet SHING: Liberal Pride has been celebrated as including Ms Crozier, Dr Bach, the Leader of the Opposition in the other place Mr Pesutto and the deputy Mr Southwick, and yet when it comes to standing up against transphobic and homophobic views which cause very real damage – damage which we know only too well to peak where we have debate and discussion which is about making us feel less worthy of our identities, our stories and the pain that we face in order to continue a discussion about just being treated equally, having equal rights, having access to medical information and care and having opportunities the same as those people across the chamber who would seek to actually call them into question – I look forward to seeing the Liberals actually stand up for something. I look forward to seeing the Leader of the Opposition appear on questions of equality, because he is missing in action and he is a disgrace. *(Time expired)*

David Davis: On a point of order, President, question time and ministers statements are not a time to spend just attacking the opposition, and that is what the member did and continues to do, and it is against the standing orders.

The PRESIDENT: I will rule on the point of order. Mr Davis, you are correct that question time and ministers statements are not an opportunity to attack the opposition. I will consider whether being able to speak on alternative policies may be in line with a ministers statement, but I think –

Members interjecting.

The PRESIDENT: Order! I think before the next sitting week I will put consideration around these points of order.

Member conduct

David DAVIS (Southern Metropolitan) (12:09): (51) My question is to the Minister for Agriculture. I refer to the decision of Minister Danny Pearson to award a \$31 million contract under the Business Recovery Energy Efficiency Fund, including funding for Bega Cheese, while he had up to \$10,000 in Bega Cheese shares. I ask the minister: given your current responsibilities as Minister for Agriculture, will you immediately review this grant to Bega Cheese and the obvious stench of corruption around it?

The PRESIDENT: I do not think that is a question that relates to the minister's role and the administration of her responsibilities to the executive.

David Davis: On a point of order, President, very clearly I have asked the minister whether she will review the grant, given her current responsibilities. It is given to an agriculture sector body that she has in fact given grants to, and she is responsible –

The PRESIDENT: Mr Davis, once again you are debating your point of order. I am happy to call the minister. She can answer as she sees fit.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:11): I thank the member for the question. Again, I would encourage Mr Davis to read the general order. This is not within my portfolio. It might be in another portfolio, but it is not mine.

David DAVIS (Southern Metropolitan) (12:11): Actually she has given grants to Bega Cheese herself. It is clearly, squarely within the agriculture area, and clearly it is a matter of significance to the sector that the grants have been made in the way they were made. I therefore ask: will you review any other grants made by departments administered by Danny Pearson over the last four years to entities within the agriculture sector to ensure no grants to entities in the agriculture sector were made where a conflict of interest or perceived conflict of interest may have existed.

The PRESIDENT: Mr Davis, I invited the minister to answer that as she saw fit. She answered that it is not within her remit as far as her responsibility to the administration goes, and I am not going to put the supplementary question.

David DAVIS: I move:

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

Motion agreed to.

Maroondah Hospital

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:12): (52) My question is to the minister representing the Premier. Earlier this week one of the co-chairs of the First Peoples' Assembly, Aunty Geraldine Atkinson, called on governments and organisations to use more First Nations names for significant places. Last year the government announced its plans to remove the Aboriginal name of the Maroondah Hospital and replace it with that of our former monarch. This led to tens of thousands of people calling for this decision to be reversed. Following the First Peoples' Assembly's calls for more First Nations names to be used, will the government now reverse its decision on naming a hospital after Queen Elizabeth and instead retain the wonderful name that already exists in Maroondah?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:13): I thank Mr Puglielli. Am I getting closer? I am going to get there. Puglielli?

Aiv Puglielli: Puglielli.

Jaclyn SYMES: Puglielli.

Aiv Puglielli: Yes.

Jaclyn SYMES: Yay! Mr Puglielli, thank you for your question to the Premier. There are a number of portfolio responsibilities that consider naming of significant places – streets, for example – whether its local government or planning. It is something that we are very conscious of, but I will get you a response from the Premier.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:14): I thank the minister for referring the question for an answer. As a follow-up, I ask: in light of the calls from Aunty Geraldine, will the government implement a First Nations naming or dual naming policy across the state?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14): I will pass Mr Puglielli's question on to the Premier for a response.

Ministers statements: youth justice system

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:14): I rise to update the house on the work our government and our partners are doing to provide training and skills to young people to help them turn their lives around. I recently visited the Streat Cafe at Parkville – for those of you that may not know, it is a short walk from the 58 tram – launched by former minister Ben Carroll in the other place. I had the pleasure of meeting Rebecca Scott, one of the co-founders of the organisation. About a third of the trainees at Streat have had contact with the youth justice system. Bec and the whole team at Streat have done an incredible job over the past decade providing skills, opportunities and, most importantly, a sense of belonging to thousands of young people. Some of them have been given a chance by someone for the first time in their lives.

While I was there I met a young man, who I will not name, who is currently at the Parkville youth justice precinct and has been training to work as a barista at the cafe, appropriately supervised of course by dedicated youth justice staff that motivate and support young people so they can participate in such a program and develop vital skills that will help them become more job ready. Over the past five years this government has directly invested over \$125 million in youth justice diversion.

Separately, our investment in free TAFE is just another example of government policy facilitating opportunities for young people in our state to gain the skills and experiences – thank you, Minister Tierney – that allow them to find meaningful employment and put their best foot forward in life. Through these programs and through our investment in jobs and skills through the incredible work of social enterprises such as Streat, young people in Victoria are given the best opportunities to be job ready and turn their lives around. That is something we can all be proud of.

Member conduct

David DAVIS (Southern Metropolitan) (12:16): (53) My question is to the same minister but in her capacity as Minister for Training and Skills, and I refer to the decision of Minister Danny Pearson to award a \$5000 per intern wage subsidy to Computershare under the \$64 million digital jobs program while he held up to \$10,000 in Computershare shares. I ask: Minister, given your current responsibilities as Minister for Training and Skills, will you immediately review this grant to Computershare and the obvious stench of corruption around it?

The PRESIDENT: I was thinking about something else rather than the previous thought I had about your previous question. I think I put a rod to my own back, because I probably should not have let your first question go to the minister. This time I will be consistent and let the minister answer as she sees fit.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:17): Again Mr Davis has got it wrong, and it is because he has not done basic homework. The fact of the matter is that in terms of the skills and training system I am the minister. When it comes to higher education I am the minister. When it comes to agriculture I am the minister. But there are a whole range of ministers in this government that undertake various training and skills development programs. There are a whole range of them, and they come from various funding sources. Indeed, Mr Davis, if you did your homework, you would be able to provide a question that actually could possibly be answered, but again you just fail to understand how skills

and training is delivered in this state and who is responsible for what within their own portfolios. Mr Davis, again another wasted question from the opposition.

The PRESIDENT: Before I call Mr Davis for his supplementary, the reason I paused before was that I am not too sure, Mr Davis, whether in your question you made an accusation of impropriety against a sitting member of this current term of government. I remind Mr Davis that, if that was the fact, you can only do that in a substantive motion.

David DAVIS (Southern Metropolitan) (12:19): The minister might not want to accept that she has got a role for training and skills across the whole of the state and the whole of the government. She has actually got a role to coordinate and make sure training and skills is appropriately implemented. I ask, therefore: will you review any other grants made by departments administered by Danny Pearson over the last four years to entities within the training and skills area to ensure that no grants to entities in the training and skills sector were made where a conflict of interest or perceived conflict of interest may have existed?

The PRESIDENT: So that I do look consistent, I am not going to put that supplementary question, because the minister clearly in her substantive answer said it was not her responsibility. You have gone back to the same topic, and I am not going to put the supplementary question to the minister.

Georgie Crozier: On a point of order, President, in terms of your ruling just now, the minister did argue the case that she was not responsible, but she never actually told Mr Davis who the responsible minister was, so in terms of his supplementary question she is responsible for training and skills and higher education. In terms of the minister's response and in terms of Mr Davis's supplementary, which you have just ruled out, who is the one responsible that Minister Tierney was referring to?

The PRESIDENT: Thank you, Ms Crozier. There is no point of order.

David DAVIS: I move:

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

The PRESIDENT: I am happy to put that if you rephrase it.

David DAVIS: I move:

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

Motion agreed to.

David DAVIS: I desire to move, by leave:

That the motion be put forthwith.

Leave refused.

Bushfire preparedness

Melina BATH (Eastern Victoria) (12:21): (54) My question is to the Minister for Emergency Services. During the 2019–20 bushfire season 34 native timber contract businesses contributed 190 specialised machines that provided critical fire mitigation capabilities. Minister, how will you protect Victorian communities against devastating bushfires when this specialised hardwood-harvesting equipment is sold off due to your government's abandonment of our native timber industry?

The PRESIDENT: I am considering if it was a hypothetical question. I am happy, Ms Bath, if you would like to rephrase your question.

Melina BATH: Thirty-four timber contractors contributed 190 specialised pieces of equipment that provided critical fire mitigation practices in the heat of the fire and post fire. What will you do when those critical pieces are no longer available for fire response?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:23): At the outset I concur with Ms Bath’s assessment of the fantastic efforts from a lot of people in response to the fires in 2019–20. I was Minister for Agriculture at the time and spoke to a lot of timber industry workers who could pivot to helping with salvage, helping with clearing of roads and the like. This is all important work that contributed to the response. What is important is that as part of the transition plan these are the types of roles that we would like to see industry consider taking up in the future. There is always going to be a need for creating firebreaks, mitigation efforts and the like.

When it comes to the specifics of your question, it is very hypothetical. In terms of where people want to go in the future, those conversations are happening with that industry, but that is more of a matter for industry transition as opposed to the Minister for Emergency Services. There is a lot of futureproofing going on and a lot of conversations with the Commonwealth. In fact there are funding buckets for grants that would enable us to consider more mitigation efforts and more protection of our forests and the like in relation to fire protection. These are conversations that are ongoing, and I would be very happy to have your input into those conversations.

Melina BATH (Eastern Victoria) (12:24): Thanks, Minister. I would be more than happy to continue the conversations, but we also need solutions to this very real problem. Minister, during these devastating bushfires 284 native timber employees used their skills and knowledge operating this machinery to install firebreaks, open vital roads, fell dangerous trees and save human lives and property. Given the likelihood that these workers will be forced out, what do you propose the replacement costs will be to replace these bush specialists?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): I think, if you refer back to the answer that I just provided to you, this is a workforce and an industry that are looking at opportunities for transition, whether it is in innovation or whether it is in forest management. There are a lot of conversations that are going on. Again, the question that you pose is extremely hypothetical because it is a part of a process that we are just at the beginning of.

Ministers statements: early childhood education

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:26): Further to the theme of skills and training, the Andrews Labor government is transforming early childhood education in our state with unprecedented investment to make sure our littlest Victorians get the best start in life.

Members interjecting.

Ingrid STITT: Keep heckling me about early childhood education; it is on brand for you people. Alongside three-year-old kinder, our Best Start, Best Life reforms will introduce a new year of universal pre-prep and will mean that all Victorian children can access two years of quality preschool education for free.

Just last Wednesday I had the privilege of joining more than 2000 of these professionals at the 2023 Best Start, Best Life educational leaders conference. This important event brought together early childhood education leaders, experts and practitioners from across the state to discuss the importance of quality pedagogy and the critical role of education leaders in delivering quality early childhood education. Attendees heard from national and international experts in the field, including Professor Iram Siraj from Oxford University, and importantly had the opportunity to connect and share their own experience and expertise with their peers.

I was also pleased to announce a new professional learning program for experienced teachers and educators at this conference – those aspiring to be mentors. Commencing in term 2, this program will help ensure Victoria continues to nurture the best education leaders in the sector. Having met many experienced teachers and educators in this sector, I know that they have got so much to give the next generation of teachers and educators that are coming into this profession. Only the Andrews Labor

government will continue to back in our early childhood professionals and the extraordinary work they do shaping the lives of young Victorians.

Duck hunting

Jeff BOURMAN (Eastern Victoria) (12:28): (55) The 2023 duck season saga rolls on. My question is for the minister representing the Minister for Outdoor Recreation in the other place, Minister Shing. We hear a lot from this government about evidence and data-led legislation and being able to stand behind what legislation is introduced here because of this principle. There was even a commitment by the government to remove politics from the duck season in the previous Parliament. The science is in, the data is in and even the stakeholder contributions are in, and the government's own science and data say we should have four ducks a day for a full season. So, Minister, why are we waiting still for the 2023 duck-hunting season arrangements to be announced with less than three weeks to go?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:29): Thank you, Mr Bourman, for that question. It is always an interesting set of challenges seeing you and your colleague with such diametrically opposed positions on the same issue rise to your feet on this subject matter from sitting week to sitting week. I am very pleased in accordance with the standing orders to send this question to my colleague Minister Kilkenny in the other place and to seek an answer for you in that respect.

Jeff BOURMAN (Eastern Victoria) (12:29): I thank the minister for referring that on for me. Minister, I have had all sorts of equivocation to my ongoing questions but no actual reason. The government has all the science and data since December 2022. What is the real reason we are waiting for an announcement?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:29): Thank you for that supplementary question, Mr Bourman. I note that you got some support from over the way, Mrs McArthur in particular – again, it is a week of surprises, isn't it – but nothing from the Nationals, which is somewhat curious. Mr Bourman, I will direct that question to Minister Kilkenny and seek an answer for you in accordance with the standing orders.

Foster carers

Matthew BACH (North-Eastern Metropolitan) (12:30): (56) My question is for the minister for child protection. Minister, early last year the government was provided with another report – this time by Cube consulting – into the economic benefit of foster care, and since then it has been kept secret. Have you read it?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:30): Thank you, Dr Bach, for your question again in relation to foster carers, and can I again take this opportunity to acknowledge the invaluable contribution that foster carers make in supporting some of the most vulnerable children in our community. I am aware of the report that Dr Bach is referring to, and it will at some point be released in the usual way.

Matthew BACH (North-Eastern Metropolitan) (12:31): I thank the minister for response. I am unclear as to whether the minister has read it. It may not surprise her to learn that I have a copy of this report also and I have read it. This report finds that the economic contribution of foster carers to the Victorian economy is almost half a billion dollars every single year, which is unsurprising to me. Given this is the case, Minister, why do you continue to refuse to lift the foster care allowance, which today does not even cover school expenses or medical expenses?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:31): Thank you, Dr Bach. Again, as I said at the outset, can I acknowledge the invaluable contribution that our foster carers make in providing care

and supports for some of the most vulnerable in our community. As we discussed, I think in the last sitting week and possibly on occasions before that, the foster carers in our community are indeed invaluable and are indeed supported by the government in a number of ways. There are care allowances that are provided to foster carers, and these care allowances can be scaled up on an as-needs basis for children who have more complex needs and for other children. There are also a range of other supports that I am sure Dr Bach is aware of in relation to the support that we provide to foster carers. There is almost \$13 million for the continuation of the care hub trial, for example, which provides wraparound supports for foster carers and their families, particularly for those who are first-time entrants to care, and there are a range of other early interventions and supports for foster carers in our community. Dr Bach, are you interested in the answer or otherwise? No? (*Time expired*)

Ministers statements: Learn Local providers

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:33): Today I would like to draw attention to the achievements of Learn Local students, teachers, providers and industry partners. Learn Locals are so important to our community. They provide skills and connect students with great opportunities, and I am proud that this government recognises the importance of community-based education. They have a seat at the table with the Victorian Skills Authority, which I am pleased to say is playing a pivotal role in uniting the post-school education system.

We recognise that a strong system needs to be united and diverse in all of its parts, just like our community. Whether it be adult community education, vocational education and training or higher education, all elements of Victoria's skills training and higher education system are focused on quality provision that is right for the individual. Learn Locals underpin the creation of opportunities, and on Friday the Learn Local Awards are taking place with a shortlist of 28 outstanding finalists across five categories.

This sector is supported by the leadership and commitment of the Adult, Community and Further Education board, and today I would like to acknowledge their work and especially that of Maria Peters, the outgoing chair. Her knowledge and ideas were vital to the development of the ministerial statement *The Future of Adult Community Education in Victoria 2020–25*. She is an extraordinary educator who has dedicated her life to supporting Victorians. Thank you, Maria, and congratulations to all Learn Local finalists for tomorrow.

Written responses

The PRESIDENT (12:34): For today's questions, can I ask Minister Blandthorn to give a written response to both of Dr Bach's questions. Minister Shing, for Mr Bourman, will get two responses from the Minister for Outdoor Recreation. The Leader of the Government will get Mr Puglielli two responses for his questions to the Premier. Minister Tierney has committed to Ms Payne to get written responses to her two questions.

Lizzie Blandthorn: On a point of order, President, I am more than happy to provide a written answer to Dr Bach in relation to the first aspect of his question, but I believe that I answered the supplementary question and would ask that you review *Hansard*.

The PRESIDENT: I am happy to review *Hansard* and try and get back to you as soon as possible.

David Davis: On a point of order, President, I just wonder whether you might be prepared to look closely at the tightly framed questions that sought activity from the minister in two areas that are within her current portfolio. They were actually quite tight, and I just ask you to review *Hansard*, and I will make sure that you have got a precise copy of the questions.

The PRESIDENT: Mr Davis, I have no question on how tight your questions were, but the issue was that they were not directed to the minister with responsibility. That is why I ruled out the supplementary and the minister saw fit to clarify to the house that it is not her responsibility.

David Davis: With the greatest of respect, I just ask: would you look at the questions, because you will actually see that they are squarely in her portfolio area?

The PRESIDENT: On the point of order, I disagree, Mr Davis. There is no point of order.

Constituency questions

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:37): (41) My question is for the Minister for Public Transport, and it concerns the lack of services available at the Donnybrook railway station. I was recently contacted by a constituent who frequently travels by train between Donnybrook and Shepparton. The constituent expressed his difficulty in obtaining a V/Line ticket. As Donnybrook is currently an unmanned station, he is forced to purchase his ticket online and drive from Donnybrook to Craigieburn to collect his ticket before returning to Donnybrook to catch his train. My constituent also complained of the lack of basic facilities at the Donnybrook station, including no clock or a service display to help inform patrons of train arrivals and delays. The constituent relayed a situation that occurred last October when patrons stood waiting for trains at the Donnybrook station that had already been cancelled due to the floods in Seymour. Minister, will you upgrade the Donnybrook railway station with staff and information infrastructure for the convenience of passengers?

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (12:38): (42) Thank you, President. My constituency question is for the Minister for Transport and Infrastructure in the other place. Like other members I have recently had correspondence and received advocacy from the City of Whittlesea regarding a proposed tram extension. Many people within the City of Whittlesea, which is in the new area of my electorate and yours, sir, are seeking an extension of the 86 tram route from the intersection at McKimmies Road, Plenty, up to Plenty Valley town centre. This, it is argued, would provide a significant benefit to about 15,000 residents in the new northern part of our shared electorate. When I did a little bit of homework I found that the last time there had been a tram extension out to Bundoora was back in 1993, to RMIT, but of course since then growth has exploded; there has been a huge increase in population. So respectfully I would ask the minister whether she would consider conducting a study in order to determine whether or not this is an appropriate and good thing to do to provide better transport options for people in our electorate, sir.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:39): (43) My constituency question is for the Minister for Local Government. A month ago the minister issued a media release announcing her appointment of two municipal monitors to help in the hiring process of a new CEO at the City of Greater Geelong. Prue Digby and Peter Dorling have since been appointed. The chief municipal inspector is continuing his investigation into the council, focusing on matters of good governance, integrity and transparency. Actually perhaps he could move his attention to the Victorian government when he is done with Geelong. Anyway, moving on, given that the only direct employee of the city's elected councillors is the CEO, can the minister please explain why monitors are needed to find a CEO, and secondly, why it will take so long – 12 months – to find a CEO for the city of Geelong?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:40): (44) My question is for the Minister for Environment. Serendip Sanctuary in the You Yangs is a much-loved and valued asset in my region of Western Victoria. Improving the sanctuary was a specific election promise from the Labor government, with an \$11 million commitment towards the project, so I am very concerned to hear from the Lara Care Group that the Serendip Sanctuary is currently being dismantled. This is in direct conflict with the requirements of section 8 of the You Yangs precinct master plan, which was released by the Labor government in 2021. I also note that the business case for the precinct master plan has

still not been released to the public. I therefore ask the minister: will she intervene and call an immediate moratorium on all modifications at Serendip while establishing a community reference group to oversee the full implementation of the master plan?

Questions without notice and ministers statements

Written responses

The PRESIDENT (12:41): I have a response to a letter from Mr Bourman in relation to question without notice 15, which he asked of the Minister for Outdoor Recreation via Minister Shing on 7 February. Having reviewed the written response, I am of the view that the substantive question was not answered. Therefore I order that a further written response be provided to the substantive question. Because it is a minister from the other place, that further response is required in two days.

Bills

Building and Planning Legislation Amendment Bill 2022

Second reading

Debate resumed.

Sonja TERPSTRA (North-Eastern Metropolitan) (12:42): I rise to conclude my contribution on the Building and Planning Legislation Amendment Bill 2022. I know I only have 4 minutes on the clock, but I just want to conclude this so we can have a nice break and get off to an early lunch, perhaps, and then start our next business when we return. In summary, as I said, the focus of my contribution was really on the amendments to the plumbing licensing scheme. The Victorian Building Authority issues restricted plumbing licences that limit the holder to undertaking the work on the plumber's own home or that of a family member for no monetary fee or other consideration. This will allow registered plumbers or those who are otherwise eligible for registration to undertake work that requires a compliance certificate on the family home without needing to be a fully licensed plumber. This practice has been going on for at least 20 years, and the bill clarifies the VBA's ability to issue restricted plumbing licences, which will provide greater certainty for plumbers, and that can only be a good thing. I will conclude my remarks there, and I commend this bill to the house.

Sitting suspended 12:43 pm until 2:03 pm.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:05)

David DAVIS: With respect to clause 1, the purposes, the bill amends the Building Act 1993, the Architects Act 1991, the Surveying Act 2004 and the Planning and Environment Act 1987. I did flag with the minister a little earlier some of the matters that we wanted to consider, and I will start with the simplest of matters. There was, first of all, the earlier building and planning bill, which was here last year. It had a number of changes to the Architects Registration Board of Victoria (ARBV), including a reduction in the number of registered architects on the board. This obviously was not supported by the architecture profession, and I can indicate quite clearly that thousands and thousands of people responded to a survey that I distributed with overwhelming opposition to those particular changes. So whilst they are not in this bill, I will just perhaps take this opportunity to ask the minister: what is the government's intention with this bill with those matters, and are they intended to be brought back to this chamber in a different form or in a future bill?

Jaclyn SYMES: Mr Davis, at the outset, you would know that I am not the relevant minister for the Minister for Planning. You would also note that we have got new members in the chamber and this is the first committee stage that many people have had the opportunity to see up close. And you would know that asking about matters that are outside a bill would put me in a position to say it is not within the context of the bill, and therefore I am not obliged to give you an answer that is outside the scope of this bill. Having said that, the advice that I have received is that these matters are under further consideration.

David DAVIS: Thank you, Minister. Further on the theme of architects, there are a number of matters in this bill that the architecture profession was concerned about. They communicated that to the opposition – and, I suspect, also to a number of the minor parties – and certainly to the government. It is my understanding that the government has made certain commitments, and we have had those conveyed to us, but I am just very exercised to see them recorded in the Parliament from a ministerial perspective so that we can be sure that those commitments are authentic in the full and will be implemented. They are criminal sanctions and the cost for insurance checks.

Jaclyn SYMES: Yes. On both those matters, Mr Davis, I have some information to provide you. The Australian Institute of Architects raised concerns that because the bill does not define criminal sanction offences unrelated to an architect's work it could be recorded on the register of architects and the information subsequently made public. Under the Mutual Recognition Act 1992, if requested by a relevant regulator in another state, ARBV is required to share information relating to any civil, criminal or disciplinary action taken against a Victorian architect who wishes to work under automatic deemed registration elsewhere. Additionally, a person who is subject to criminal, civil or disciplinary proceedings in relation to an occupation that covers the activity in any state is excluded from ADR, and it is up to the ARBV to ensure interstate architects working in Victoria under ADR are not subject to those proceedings. Creating a power to record details about criminal sanctions and including them in the register of architects is necessary to enable the ARBV to acquit both of these responsibilities.

The bill provides important discretion to the ARBV about which criminal or disciplinary sanctions against an architect it records on the register. As a result, the bill does not require the ARBV to record criminal sanctions unrelated to an architect's occupation. While imposing these requirements on regulators, the Mutual Recognition Act does not define 'criminal action' or 'criminal proceedings'. Regulators have been working with their counterparts across jurisdictions to understand their obligations under the act, including arriving at a common understanding of the meaning of 'criminal action' and 'criminal proceedings'. Due to these ambiguities arising from the Commonwealth legislation, the bill has provided that the ARBV has the flexibility and discretion to interpret what constitutes a criminal sanction and choose whether to record it on the register of architects. Given the context in which these amendments are made, it is expected that criminal sanctions will only relate to crimes connected to a person's work as an architect. It is intended, for example, that any criminal conviction or finding of guilt in a criminal proceeding for an offence against the Architects Act would form part of the meaning of the criminal sanctions in relation to the bill. The amendments are not related to the publication of information on the register. Information that must or may be published will be prescribed in regulations per new section 16C.

You also asked about the fees and the concerns about them being paid twice. Costs incurred by regulators to conduct annual insurance checks for Victorian registered practitioners are covered by existing fees – for example, annual renewal fees. If a fee for the examination of required insurance is introduced, it will be set at cost recovery levels and a commensurate reduction will be made to the existing fee-recovering costs for the inspection of insurance coverage. This approach will ensure Victorian registered practitioners are not paying twice for the inspection of insurance.

David DAVIS: I thank the minister for those assurances. The architects, I think, will be happy to see those in *Hansard*, and I am certainly reassured.

If I can just move to a separate issue that is dealt with in the bill: green wedge management plans. Most councils have some form of green wedge management plan now, but this seeks to formalise much of this, and there is a series of questions that flow from that. Our criticism of this is not the concept – we actually think that it is something that provides a modest additional layer of protection. Our concern is that the government continues to override green wedge protections despite what management plans and what planning and environmental work has been done and prepared over many years. I want to quote a couple of examples. The first and most obvious one is the Suburban Rail Loop stabling at Heatherton, which is in the chain of parks in the City of Kingston. It is a very significant green wedge area, and 30 years of work has occurred in developing that. I pay tribute to the work done by the City of Kingston – not perhaps in its current iteration, but certainly over that longer period – and to the work done by governments of both political colours. The government went to the election with a set of promises prior to 2018 about money for development of the green wedge and the sporting facility, only to later see the announcement of the Suburban Rail Loop seizure of green wedge land at Heatherton for stabling and maintenance – so a large industrial structure to be inserted into the green wedge in the City of Kingston.

Ann-Marie Hermans: They are destroying the environment.

David DAVIS: My colleague is quite right: it is destroying the environment, and the community had worked toward and looked forward to building that big area of parkland in the chain of parks – part of the green wedge. So my simple question is: will these green wedge management plans prevent this incursion into the green wedge – yes or no – or will they prevent further incursions into the green wedge?

Jaclyn SYMES: Thank you, Mr Davis, for your question and commentary in relation to these matters. Green wedges do support a variety of activities, including primary production, areas of biodiversity conservation and in some instances infrastructure, a wealth of water resources, extractive resources and other natural resources. Green wedge policy over several decades has recognised the importance of these areas for city-servicing infrastructure, including airports, water treatment and retention, and landfill and quarrying sites. The bill before the house sets out the objectives for green wedge management plans, one of which is to provide for the beneficial use of green wedge land that contributes to the sustainability, prosperity, health and wellbeing of Victorians. In particular the explanatory memorandum highlights examples of the beneficial uses, including the development and operation of major infrastructure assets including wastewater treatment plants, waste management and resource recovery facilities; airports and flight paths; major transport linkages and infrastructure; energy generation, transmission and storage, including supporting renewable energy sources such as wind and solar; tourism and recreation linked to natural environments; cultural heritage and agricultural activities; rural industries; and extractive industries, as I referred to earlier, that can continue a non-urban role of the green wedge land.

David DAVIS: The minister has laid out a long list of things that are allowed in green wedge land. I would put to the minister that under the planning understandings there are a number of existing uses – you know, extractive industries is one of them – where it would be completely beyond the pale to imagine a new permit being issued for an extractive industry in a green wedge. I do not think that is what people understand the green wedges to be. Now, I understand there is prior usage and there has got to be recognition of those points, and some of those uses go back many decades, but this is the point we are getting to: would these green wedge management plans stop the Heatherton stabling yard? That is question one, and question two is: will these green wedge management plans actually stop these extraordinary uses, like the example you gave of extractive industries? Will there be further extractive industries placed in green wedges? I mean, I am sorry, I would be horrified if that were the case.

Jaclyn SYMES: Mr Davis, I am not going to be drawn into a specific example in this instance, but infrastructure has a longstanding permitted use, and as I outlined in my previous answer, this bill is enhancing and clarifying some of that, and this is a common practice that has existed under your

government and now under our government. My previous answer already addressed many of the issues that you have raised.

David DAVIS: I would just make a comment at this point, because I understand the minister does not want to be drawn on these matters, but this is our concern – that these green wedge management plans, worthy in themselves, add no additional protection. The green wedge is open slather for this government. The idea that you would put a stabling yard and a maintenance yard in green wedge land is just extraordinary. So that is my statement. The idea that the minister would not rule out extractive industries being added to the green wedge also worries me. But leaving all that aside, I will ask a different –

Jaclyn Symes interjected.

David DAVIS: Do you want to respond to that?

Jaclyn SYMES: I just want to make a comment in relation to repeating that the bill sets out objectives for green wedge management plans, which include to provide for the beneficial use of green wedge land that contributes to the sustainability, prosperity, health and wellbeing of Victorians.

David DAVIS: I thank the minister for that, but that does not reassure me. They are very high-level matters, and the fact of the matter is the government is actually ignoring those sorts of objectives and placing industrial-scale stabling and maintenance in the green wedge. But I have one further area to ask about, and that is in the City of Hume and thereabouts. The toxic spoil that the government is dumping from the West Gate Tunnel is an example –

Jaclyn SYMES: Mr Limbrick has got news on how toxic that soil is, I think.

David DAVIS: Well, he might. Let me be quite clear: I do not think it is appropriate to be dumping that spoil in green wedge areas, and I wonder if you will provide some assurance to the chamber that those sorts of toxic spoil dumpings would not occur under these new arrangements.

Jaclyn SYMES: I do not want to be drawn on individual examples, Mr Davis. We are talking about a bill, not necessarily about existing issues that you are wanting to draw into it, but my understanding is that the Bulla facility that you are alluding to is not even in a green wedge, so I do not really understand how you are expecting me to answer a question that is that specific. I think we should come back to the bill, not an issue that you want to draw the house's attention to that I do not think is relevant to the contents of this bill.

David DAVIS: Let us talk about a future issue. The government has said it is proceeding with its Suburban Rail Loop, which will generate a large amount of spoil, and it is quite possible that in the south-east of Melbourne in some of the old industrial areas there will be toxic spoil removed from the tunnelling. So my question is: will these new rules and requirements for a management plan prevent toxic spoil that may be removed out of the Suburban Rail Loop tunnels from being dumped in the green wedge?

Jaclyn SYMES: Mr Davis, that is an entirely hypothetical question.

David LIMBRICK: I just have a couple of quick questions related to green wedge zones. Could green wedge zones be declared renewable energy zones or be used as part of renewable energy zone infrastructure, for example synchronous condenser technology or overhead lines?

Jaclyn SYMES: Yes, I was just conferring with the advisers, Mr Limbrick, and the short answer is yes, it is possible. Just prior to you coming into the chamber, I brought the house's attention to the explanatory memorandum that highlights examples of some beneficial uses for the green wedge and that included energy generation, transmission and storage, including renewable energy sources such as wind and solar.

Clause agreed to; clauses 2 to 40 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:23):
I move:

That the report be now adopted.

Motion agreed to.**Report adopted.***Third reading*

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:23):
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 Legislative Assembly with a message requesting their agreement.

Racing Amendment (Unauthorised Access) Bill 2022*Second reading***Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

Jacinta ERMACORA (Western Victoria) (14:25): I am pleased to speak in support of the Racing Amendment (Unauthorised Access) Bill 2022. The main purpose of this bill proposed today is to ensure the safety and welfare of all patrons and racing industry workers and, importantly, the horses at all race meetings and official trial meetings across the state. The bill will not alter who is authorised to enter restricted areas or what they are authorised to do. It will not impact on the experience and enjoyment of the public attending race meetings.

The Victorian racing industry has enormous size and scope, which has a vast impact across our state. There is a race meeting held on every day of the week in Australia. These changes are needed because in recent years there have been a small number of instances of unauthorised entry to the restricted areas of a racetrack during race meetings. These incidents are not frequent; however, they have the potential to be gravely dangerous, with consequences which could result in the serious injury or death of horses or workers. I fully support the right of those who disagree with racing to peacefully protest, as does the racing industry.

This bill simply seeks to make sure that safety is paramount and that a safe workplace is provided for all workers in the racing industry. The offences relate to the disruption of a race meeting or official trial meeting, throwing or kicking projectiles or otherwise causing projectiles to enter into a restricted racing area and climbing on fences or barricades that are adjacent to the restricted area. The latter activity could lead to animals reacting unpredictably, creating a risk of injury for persons near the area – and in the case of the horseracing industry, the horses. It could also result in patrons inadvertently entering a racetrack area, endangering themselves or animals and disrupting races. These new statutory offences and related penalties will provide a clear and strong deterrent to persons who are not authorised to access certain areas of the racecourse from engaging in dangerous and disruptive conduct. The Victorian racing industry is fully supportive of the bill. The new offence and penalty provisions will enable racing clubs and the racing code bodies to provide clear warnings to patrons about the consequences of dangerous and antisocial behaviour at the races in restricted areas.

It is interesting to note that across Victoria there are 128 racing clubs and 108 racetracks. A review prepared by IER for the racing industry in April 2022 has published a wealth of data on the size and scope of the Victorian racing industry. More than 121,000 people are directly employed or volunteer in racing-related employment in the state of Victoria. In this state there are approximately 3857 breeders; 3369 trainers; 83,404 owners and syndicate members; and 898 jockeys, drivers and apprentices. There are 5399 stablehands and kennel employees, 7489 racing club staff and 8525 volunteers. Jockeys, trainers, officials, veterinarians and indeed all racing industry employees have the right to be safe at work.

Animal safety will also be improved through the further security this bill provides. While some may assume a difference of position on involvement in horseracing, I believe we all agree that the safety of horses and their welfare and wellbeing should have primacy within the racing industry. The overwhelming majority of people who work with horses love them and care for them responsibly and professionally. As a horserider myself when I was young, I know and understand what it is to have a relationship with your horse, to understand the personality of your horse and what he or she enjoys and dislikes and to meet those challenges together.

The Andrews Labor government already has a track record – pardon the pun; I am sure I am not the first – of improving safety at racecourses across the state. A great example of this is the upgrade of the grass training track at the Warrnambool Racecourse. Warrnambool Racing Club chair at the time Steven Waterhouse said that:

We're very grateful for the Government's support to significantly enhance our training track ensuring greater access for horses, and really appreciate that our ambulance track is now in top order.

The Andrews government is committed to supporting the racing industry and is invested in safe workplaces with the racing amendment bill, also responding to feedback and safety concerns from the racing industry. Racing Victoria CEO Andrew Jones said on the importance of the bill that Racing Victoria worked closely with the Victorian government to develop this important initiative, which will strengthen safety standards across the three codes of racing in Victoria.

As outlined in the bill there are eight races covered under the Major Events Act 2009, those being at Caulfield Racecourse on Caulfield Cup Day, Caulfield Guineas Day and Thousand Guineas Day; Flemington Racecourse on a day that a race meeting of the Melbourne Cup Carnival takes place; and Moonee Valley Racecourse on Cox Plate Day. These eight are indeed major; however, as has been shown by the data I have already outlined, there are many other races around Victoria throughout the year which would absolutely qualify as very significant due to the number of patrons and participants who attend.

I could not stand here today without mentioning the May Racing Carnival hosted by the Warrnambool Racing Club, of which I am a member. The Warrnambool Racing Club has 2100 members, which is the largest country membership base in Victoria and possibly in Australia. The Victorian racing industry report states that 637 full-time equivalent jobs are located in Warrnambool and the south-west region. No doubt two-thirds of those are likely to be located in Warrnambool. I know the Warrnambool Racing Club has 15 full-time employees supplemented by a part-time workforce and an enormous 300-plus casual workforce for race days, including the carnival.

Race days and events in Warrnambool are supported by many skilled local contractors – electrical, sound specialists, catering, logistics, security and emergency services. It is an amazing time in Warrnambool, when national and international trainers and jockeys join over 30,000 racing enthusiasts for the three-day carnival. The carnival was established as one of Australia's hallmark country racing events. As the Warrnambool Racing Club is proud to point out, this celebration of country racing is famously held midweek on Tuesday, Wednesday and Thursday. It features 23 flat races and seven jumps races, including the internationally acclaimed Grand Annual steeplechase, first held in 1872. It remains the longest and most celebrated of its kind in Australia.

I love the races and have always enjoyed supporting and attending the Warrnambool May Racing Carnival. In particular the May Racing Carnival in Warrnambool is a marker in the yearly lives of the citizens of Warrnambool, so much so that the Warrnambool City Council made the first day of the May Racing Carnival, the day of the Grand Annual, a public holiday so that people in the city and the region beyond could attend the event. It brings an enormous buzz into the town as thousands of people make the carnival their own annual event. The effect this has on local businesses, from accommodation to restaurants and pubs to hairdressers, beauty therapists, florists, milliners and clothing outlets simply cannot be underestimated. It offers a huge economic boost just prior to the quieter winter months.

I absolutely respect the right of people to lawfully and respectfully protest against races; however, this new bill provides protection from the few that do not respect the rules and cause safety concerns for horses and racing industry workers. The main purpose of this bill is to ensure the safety and welfare of all patrons and participants, including the animals, at all race meetings and official trial meetings across the state. Safety after all is what this government is all about when it comes to the workplace. I think it is highly important that all industries – including the racing industry, which hosts a significant number of strappers and stablehands, who are in some regards vulnerable workers, sometimes in and out of the workforce – ensure that their workplace is a safe workplace and that workers can confidently go about their business without fear of invasion into restricted areas unlawfully. Those that even consider doing this will now be subject to the enforcement required under this new bill. The new crowd management offences and penalties prohibit unauthorised access to restricted areas on Victorian racecourses, prohibit other dangerous and disruptive behaviour in or near restricted areas and provide for enforcement for the new provisions.

This is a very, very important piece of legislation that I support completely, and I would like to close by saying just how wonderful it is to see horses training on the beach at Warrnambool. It is a beautiful scene in Warrnambool in the first week of May, which I believe is now budget week, so I am probably going to be fairly disappointed and will not be able to attend. But nonetheless it is a spectacular week in Warrnambool, and I endorse this legislation.

Georgie CROZIER (Southern Metropolitan) (14:39): I am very pleased to be able to rise and speak to the Racing Amendment (Unauthorised Access) Bill 2022. This piece of legislation that has come into the house that we are debating this afternoon is an important piece of legislation. It is one that the Liberals and Nationals totally support. We think that this is a good change to protect the racing industry. I know that the Shadow Minister for Racing Tim Bull in the other place has done a tremendous amount of work for the racing industry over many years. He has got a very strong interest in it and has consulted wide and far on this. He made a few very good points in his speech around the enormous economic benefits that racing provides and brings to this state. Of course as Victorians we are all only too aware of the Melbourne Cup, even though our –

Melina Bath: It stops the nation.

Georgie CROZIER: It stops the nation, but those up in the northern state of New South Wales would like to see that they take that mantle with their new race, the Everest. I attended the race meetings in Sydney on many occasions over Easter and it has been tremendous fun, like I have here in the spring carnival.

This bill does a number of things. It prohibits unauthorised access to certain areas of racecourses during race meetings and official trial meetings. It prohibits certain disruptive conduct during race meetings and official trials and then provides enforcement of these provisions. This is important because over recent years we have seen some unnecessary disruption to racecourses, and that can be incredibly dangerous. I think we are all aware of instances where people have gone onto the tracks, and this can be not only dangerous for those horses but also those riders and the people that are associated with looking after the race meet and caring for those animals.

What is important is that this legislation sort of comes in line. These provisions already exist in the Major Events Act 2009, which has crowd management provisions. Those major events that are particularly pertinent here, around racing of course, include some of the feature races of Victoria's race meetings during the spring carnival: Caulfield Racecourse on Caulfield Cup Day, Caulfield Guineas Day and Thousand Guineas Day; Flemington Racecourse on a day, as I have mentioned already, of the Melbourne Cup Carnival, and that includes of course Cup Day, Oaks Day, Derby Day and Stakes Day; and Moonee Valley Racecourse on Cox Plate Day.

I have mentioned Caulfield, and I do so because Caulfield Racecourse is in my electorate of Southern Metropolitan Region, and it has those tremendous race meetings. It is an extraordinary piece of infrastructure, if you like, that is in the heart of Melbourne or not too far from the heart of Melbourne, where you have got this wonderful racecourse that is there. The City of Glen Eira, where the racecourse is, has the least open space of anywhere in Melbourne. Over many years my colleague David Southwick, the member for Caulfield, has spoken about the need for more open space, looking to open up Caulfield Racecourse to allow greater access for residents to utilise that space on non-race-meeting days. This is entirely sensible. I want to make these points because this is still a very big issue.

While I am on it, I just want to mention something. If you have gone to Caulfield Racecourse, you will know what I am talking about. There is, as in any racecourse, a massive area in the centre. It is used for certain activities, and the racecourse itself is often used by people as a running track. There is one person that I would like to make mention of, because I had actually heard about him running barefoot around Caulfield, and I actually saw him when I was attending, by chance, a meeting at Caulfield. I looked out and I said –

Melina Bath: He was off and racing, was he?

Georgie CROZIER: He was running. It was Frank Vincent, the former Supreme Court judge, who was tremendous in assisting me and this Parliament in doing the work we did on the child abuse inquiry and the *Betrayal of Trust* report. Frank Vincent runs – well, he did up until a few years ago – barefoot around the Caulfield Racecourse. It was just tremendous to see because well into his 80s he was running marathons. It is just quite an extraordinary story. I digress tremendously, but I wanted to make that point because of the lack of space. This is what residents are doing and using Caulfield for.

David Southwick, as I have mentioned, in 2016 called for a new trust to oversee the racecourse and worked on a bipartisan review to make that happen. That was a true bipartisan effort, and David did an extraordinary job in working with all parties – the local council, the government, obviously the racing industry and the Melbourne Racing Club I think it was at the time – and looking at having a land management plan that could then actually work in favour of all concerned, the racing industry but also the residents, and enable the council to have that land management plan. As I said, it would then enable outdoor sporting fields for local clubs; a walking, running and cycling trail around the perimeter of the reserve; a nature park with upgrades to the existing wetlands and improved biodiversity; and a net zero renewable energy hub to power local schools, clubs and community centres. That is what we were talking about – to enable this piece of infrastructure and resource in the heart of Caulfield and to have those local residents enjoy it. It was not just for the racing industry, it was more broadly targeted.

Last year we said we would put \$30 million in. Well, what has happened now – and I have to make this point – is that the trust that has overseen this body of work has been left in limbo by the Andrews government. They do not know what is happening, and the money that has been provided is not going to be provided for too many more months I understand. The money will run out in less than a year, so that is a massive issue that I know Mr Southwick is following up, and rightly so, because of the important work that we have achieved so far and what actually needs to be done.

But back to the important elements of this bill, which has very sensible provisions in it. In saying that, there are some issues around the authorised officers and there is some concern in relation to how that

will be enforced, and I will be asking the government about that in the committee stage in terms of who will be enforcing the penalties and looking after any people that do break the law in relation to going onto a racecourse or disrupting races.

It is a vital industry for this state. Racing contributes more than \$4.3 billion to the Victorian economy, and don't we need all the help we can get. The Victorian economy is suffering under the Andrews government, with rising debt that is only getting bigger by the day, and it will not be going down with interest rates rising and cost-of-living pressures that are absolutely hitting every single Victorian. We know this government is addicted to taxes, but I am calling on the government for no more taxes. We just cannot afford any more taxes. We need incentives in this state, not tax, and that is why this industry is so vital. It makes a significant contribution. It is responsible for more than 34,000 full-time equivalent jobs in the industry, and those jobs are incredibly important because they spread right across the state. It is not just at the racecourse, it is also those trainers – and I know you all know, certainly in the Western District, those wonderful trainers in your part of the world who do a tremendous job and have had great success in winning major events in the racing world. They employ people locally, and the money that comes in is incredibly important for those local communities. Those 34,000 are, as I said, supported by more than 120,000 people who are directly involved in the industry. That is a very significant number of people who are involved in this industry.

We need to be doing what we can to protect the industry, and sensible provisions like this that are coming in to further protect the industry I think are warranted, and I do support the government in their endeavours to strengthen the industry and provide ongoing support so that the industry can remain strong and viable in this state.

Georgie PURCELL (Northern Victoria) (14:50): The government and the racing industry will likely tell you that this bill is about safety. We have heard it throughout this debate already. But let me be abundantly clear: this bill is nothing more than an attempt to hide the shameful cruelty that is rife within Victoria's racing industry. Every single day on Victorian racetracks, whether it be greyhounds or horses, there are unspeakable things happening. Most of the time we only know about it because of whistleblowers that are exposing it. This bill seeks to limit the ways in which they are able to do so by creating unauthorised areas of access.

Our state's racing industries already operate under a veil of secrecy and self-regulation, and instead of acting to address this cruelty, this dreadful bill just attempts to further cover it up. The government can frame this any way that they want to, but it is nothing more than a gag for racing animals. If the industry was genuinely concerned for horse and greyhound welfare, they would have ended jumps racing and the whip and implemented a retirement plan to stop the animals they claim to love so much ending up in slaughterhouses, knackeries and mass graves. They would act on the unacceptable amount of track deaths of both horses and dogs. But instead, in the interest of keeping this declining industry happy, they seek to gag those trying to highlight the truth even further. Most of us only know when a horse dies in the Melbourne Cup, a day when the whole country – even the world – is paying attention, but it actually happens more often than once every three days on Australian racetracks. For greyhounds the death rate is even worse. So far this year eight gentle dogs have been killed in the pursuit of gambling profits in this state. We have the shameful title of the most deadly and dangerous state for racing dogs, and the statistics only continue to worsen.

It is probably important for me to say that under what this bill proposes I myself would be branded a criminal. My history opposing Victorian racing spans back over a decade now. It was my first introduction to animal activism, and I have filmed inside areas of racecourses that would be considered unauthorised under this bill. I posed no risk to the horses. In fact I was there because I cared about making their lives better, and that is something that this government would do themselves if they genuinely cared for animal welfare. I have filmed at the Melbourne Cup, at country racetracks and even racehorses in their final moments inside a Victorian knackery, disposed of like trash when they were no longer useful. This was all done legally at the time. Many others have done the same as me. This footage was used as a catalyst to hold the industry to account, implement some changes,

acknowledge their problems and attempt, although ineffectively, to address them. It should not be up to volunteers to hold one of the richest industries in this country to account, and yet this bill only seeks to limit the ways in which they can. I know through this work that the real threat to racing animals in Victoria is not compassionate Victorians that have a camera in their hand. It is the routine, standard industry practices that go on every single day that the industry and government are hell-bent on hiding instead of addressing. We should be focusing on those issues instead, and that is why I will be voting against this bill today.

John BERGER (Southern Metropolitan) (14:54): I commend my colleague in the other place Mr Anthony Carbines, Minister for Police and Minister for Racing, for his remarkable ability in combining portfolios in these areas. This bill is a no-brainer, and I hope to show the house that they would see me in that light as well. This bill amends the Racing Act 1958 to provide for offences and penalties for unauthorised access to certain parts of the racecourse and for disruptive conduct at Victorian race meetings and official trial meetings. The bill specifically amends the act to (a) prohibit unauthorised access to restricted areas of racecourses during race meetings and official trial meetings, (b) prohibit certain disruptive conduct during race meetings and official trial meetings and (c) provide for the enforcement of those new offences.

There are many reasons but, if the President can indulge me, I want to share some of my personal experiences. I have had the pleasure of attending many race meetings right across our state, whether it is at Moonee Valley in the inner north or Seymour in northern Victoria. I have had the pleasure of attending and enjoying those great events that our fantastic industry puts on, but I want to give an example. I attended Emirates Stakes Day some years ago, and it was an experience, but a lot of patrons at Flemington that day were inebriated, and dangerously so. This not only puts them at risk, but it also puts other patrons at risk. Most importantly, it puts jockeys and horses at risk. That is why we are making these changes. Make no mistake; that is the reason. We must provide an avenue to ensure the safety and welfare of all patrons and participants, including animals, right across Victoria.

I have the pleasure of contributing to this debate by placing on record the IER report, *Size and Scope of the Victorian Racing Industry*. The racing industry in Victoria generates \$4.7 billion for the Victorian economy yearly. It helps sustain 34,900 full-time equivalent roles for our communities. In inner Melbourne thoroughbred racing generates \$1.86 million for the Victorian economy and sustains almost 13,500 full-time equivalent jobs. And in outer Melbourne thoroughbred racing generates \$863 million for the Victorian economy and helps sustain over 6600 full-time equivalent jobs.

I do not forget the regions. In the Latrobe Valley-Gippsland region thoroughbred racing generates \$89.1 million and over 700 full-time equivalent jobs. That is right, Minister Shing – a massive boon for your community. And I would like to say to the gentleman, my friend and member for Eastern Victoria Mr McIntosh how good harness racing is. In the Latrobe Valley harness racing generates \$7.3 million for the Victorian economy and 56 full-time equivalent roles for the region. And greyhound racing is massive. In fact the Latrobe Valley industry is the largest industry of all in Victoria, sustaining 487 full-time equivalent roles in the region. And how about Warrnambool and the south-west, Ms Ermacora? Well, I will let those opposite know. Greyhound racing contributes \$14.5 million to the Victorian economy and helps sustain 114 full-time jobs in the region. And Minister Tierney, it gets better. Thoroughbred racing in your region contributes \$78.6 million to the Victorian economy – how good is that – and over 600 full-time jobs, and do not forget harness racing raising \$19.1 million and 148 full-time jobs in the economy.

I remember my time fondly at the racecourse in Seymour in northern Victoria. I spent a lot of time in this neck of the woods as a teenager. I know the importance of the racing industry to the economy, the culture and the community of northern Victoria. My parents' farm was in the Goulburn Valley between Yea and Seymour, so we used to frequent the races. So I am confident that the proud constituents of this region would join me in celebrating the contribution thoroughbred racing makes to the region – over 500 full-time equivalent jobs. That is \$63.2 million in economic benefit to the region. But who could be surprised when counted among the many daughters of the region is the

legendary Black Caviar. The winner of countless group 1 races and undefeated in 25 races, this foal of Nagambie, born of greatness, was someone about whom the legendary football and racing commentator Bruce McAvaney once said, 'I would say Black Caviar is clearly number one and always will be the best sprinter.' So I am sure the Attorney-General and fantastic representative of the region Minister Jaclyn Symes will join me in celebrating the contribution that harness racing makes to the region, including \$40 million for the Victorian economy and 310 full-time equivalent jobs for the region. And lest we forget the contribution that greyhound racing makes to the community: \$13.9 million dollars and 108 full-time equivalent jobs – it is a big deal.

An area I know well is Geelong. The thoroughbred racing industry in the Geelong region generates \$90.9 million for the Victorian economy and helps sustain almost 700 full-time equivalent jobs in the region. I am sure my friends in the other place the member for Bellarine Alison Marchant and the member for Geelong Christine Couzens will join me in celebrating this. And how about the greyhound racing industry? That is \$30.5 million for the Victorian economy, helping sustain 230 full-time equivalent jobs in the region. In harness racing I am sure my friends in the other place the member for South Barwon Darren Cheeseman and the member for Lara Ella George will join me in celebrating the \$12.4 million and 93 full-time equivalent jobs that harness racing contributes to that community.

In my region in inner Melbourne the entire racing industry generates \$3.5 billion for the Victorian economy, and that helps contribute to the almost 16,000 full-time equivalent jobs in that local area. The Melbourne Racing Club, or MRC, is based at Caulfield Racecourse in my very own Southern Metro Region and operates three racecourses: Caulfield, Sandown and Mornington. The Melbourne Racing Club contributes over \$460 million to the Victorian economy every year, the majority being in my own electorate of Southern Metro. That includes \$152 million in direct value-adding, and it directly supports nearly 2000 jobs including trainers, jockeys, track riders and barrier and stable workers. On the cultural, societal and entertainment benefits, we cannot forget that more than 2 million Victorians attend the MRC venues each year, including 650,000 attendees at non-race events, demonstrating the club's ability to engage with people in the local community. The club's activities also generate over \$65 million in tax revenue for the government, something I am sure my friend from South-Eastern Metro David Limbrick would find an issue, but it contributes to our Big Build and our ability to make things matter. What a contribution racing makes to the area – something I am sure my good colleague in this region Mr Batchelor would agree on.

Let us talk about unauthorised access to restricted areas. Clause 1 sets out the purpose of the bill and makes it very clear in the opening line that this is what it is all about. What do we mean by unauthorised access? I know all about unauthorised access, having worked in airports for decades, first as a baggage handler and then as a union organiser and union official. At airports its purpose is to keep people who have the potential or the capacity away from the ability to disrupt aircraft movements and the general safety of airline workers. This is not just about protecting passengers and aircraft movement, it is about ensuring workers remain safe given that there are multiple entries and exits, not just the terminal gates. So I say to those opposite and the crossbench: be very careful with how you vote on this matter. You will be judged on your capacity to stand up for workers' security and safety and their rights of work. Equally the wharf area of ports has the same unauthorised access section, the ports precinct. This is designed to ensure that the people who work in the area are the only ones in there. This prevents anybody else from entering the site, and it is designed to ensure the workplace can function properly without dysfunction and ensure worker safety.

Let us level the playing field. Given the amount of people who are connected to thoroughbred, harness and greyhound racing, they need to be protected in their work environment, and this amendment will ensure that. Even in our own Parliament House we have a restricted area, because we do not want to have unauthorised people who have the capacity to cause disruption that is not consistent with civilised behaviour. I say to those in this room who are undecided on this amendment that if you are happy with the protections awarded for you as a parliamentarian, there is no difference for the hardworking men

and women – and do not even forget the working animals – who get up every day to contribute to this economy and who deserve the same rights and protections at work.

In recent years there have been, unfortunately, repeated incidents of unauthorised access to racetrack areas during the running of horseraces at Victorian racecourses – and make no mistake, the potential for damage is unacceptable. It could result in serious injury or death to spectators, human and animal participants and officials. The reality for most Victorian racing industry race meetings is that most tickets are sold with a condition of entry. While this can provide an event manager with the ability to remove unruly spectators, it is simply not enough. It does not provide a sufficient level of protection and, troublingly, it is not an effective deterrent of dangerous and antisocial behaviour. In fact civil actions for trespass and nuisance brought by the racing club or anyone else who manages the racetrack can eventually lead to an award of damages, but it is costly, protracted and not always pursued.

There are many gaps in the law. The Major Events Act 2009 includes crowd management provisions that provide for offences and penalties at events deemed major, but that is only applicable to eight races. We need to do more. These new statutory offences and penalties will provide a clear, strong and bold deterrent to people who may seek to disrupt or cause harm. These laws will not affect patrons' enjoyment of the day. They can still have a beer, enjoy a yarn and have a party. It changes the areas of the racecourse that you can access, and that is simple. Racegoers are already prohibited from entering restricted areas; the bill will just formalise this in legislation and allow enforcement. Let the record state that these new offences of unauthorised entry into a restricted racing area during a race meeting or official trial meeting without reasonable excuse make sense: a straightforward 10 penalty units. During a race meeting or official trial meeting while in a restricted area without reasonable excuse: 60 penalty units – no-brainer. Throwing or kicking a projectile into or within a restricted racing area without reasonable excuse: 20 penalty units. Causing any object to fly into or land within a restricted racing area without reasonable excuse: 20 penalty units. Climbing on a fence, barrier or barricade of a restricted area without reasonable excuse – just go around to the rock climbing joint, honestly, if you want to get your energy out. Just get rid of these clowns and make sure that they do not find themselves in these areas. The new offences and penalties are consistent with the offences and penalties that apply to other major sporting events in the Major Events Act – again, a no-brainer.

This will not surprise anyone, but Minister Carbines – as an excellent Minister for Police and Minister for Racing – and his team have been thorough with the community consultation and in ensuring all voices are heard. This bill has been through consultation with the Department of Justice and Community Safety, particularly the justice policy and legislation team, the police policy and strategic team and the fines and enforcement services team. We have consulted Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria. Let us get it done.

Let me clear something up so there are no excuses. I want everyone to hear this. This bill will not prevent protesters at race meetings. I do believe in the right to free assembly, the right to free speech, the right to freedom of association and the right to freedom of expression. How could I not as a former secretary of a branch of the Transport Workers Union? But I also recognise there must be protection for workers and the public. Free expression does not mean you have the right to endanger others. Protesters will still be able to get access to open areas and publicly engage in protest activity provided they do not under any circumstances engage in any antisocial behaviour or actions that would constitute an offence.

In conclusion, we are going to communicate these new laws to the public. Racing Victoria, Greyhound Racing Victoria and Harness Racing Victoria will work with their respective metropolitan country racing clubs so people know. Victoria Police will have the primary responsibility for enforcing the laws, but when needed, stewards or chief stewards with the experience, skills and know-how can be appointed as an authorised officer.

Jeff BOURMAN (Eastern Victoria) (15:09): I will be supporting this bill, fairly obviously, but I am just going to go through a couple of quotes that I heard whilst I was listening: ‘the protests are not frequent’, ‘the safety of workers and horses’, ‘safety, after all, is what this government is about’, ‘for the workers’ and I would not call it an ultimatum but ‘we will be judged for our commitments to workers’ safety’. That is all good and fine. Like everyone else, people can protest. I am not interested in people that want to do the ratbag thing and go from here to there and get in people’s way and put themselves and/or animals and other people at risk, but there seems to be a very tiered approach to this whole protest thing. Everyone that has been listening to me for the last couple of weeks knows where I am going to go with this: the government has no tolerance for this and is doing something about it, yet the government is allowing people to stand within 10 metres of someone with a loaded shotgun. Last term I tried to get that fixed, from 10 to 30 metres. Sadly, I got COVID and could not be here to fight the good fight and it took a dive.

There just seems to be a whole lot of concern for this and that when it comes to racing but not other stuff. When it comes to people’s opposition to these things, if you do not like racing, do not go to the racing; if you do not like duck hunting, do not go duck hunting; if you do not like all this stuff, do not do it. As long as it is done in a respectful and controlled manner, that is fine. But I just get the feeling that the government is taking a piecemeal approach to this. If you want to stop protesters from going into dangerous areas, then stop protesters from going into dangerous areas. I want it on the record that if someone ever gets killed while they are protesting at duck hunting, it should never be the duck hunter’s problem. It should never be their fault. To a large degree I think the government will be culpable because it can fix it. Even what I suggested was not about stopping them from being on the wetlands, it was about moving them to at least a distance where they have got a chance to survive.

The racing thing, I personally am not into it. I can honestly say – I have given it a good bit of thought while I have been sitting here – I have never been to a race meeting. My grandad owned a racehorse; that was as close as we got. It does not interest me in the least, but I do appreciate and want people to be able to go and enjoy it. Now, if people want to protest, be at the front, be somewhere useful, do something, but do not go to where it is dangerous. Do not go to where you are putting yourself in danger, because what that will do is actually make someone else have to go and drag you out. What that means is all of a sudden not only is the protester in danger, the person trying to remove them is in danger, and the potential is there.

One of the big issues is people seem to think that all animals are pets. We see that in the farming thing. I know that the animal rights people are very much against farmed animals. They seem to think that they have names and houses and live a life and go to school or whatever, but they do not. They are livestock. Greyhounds are livestock. I am a dog lover, but a greyhound is not a pet. A racehorse is not a pet, and we need to be remembering that. Obviously whatever I say here is not going to convince any of the people that have the propensity to go and protest in the manner that we are trying to stop, but there are some realities of the world, and I think these tend to get lost in the translation from time to time. I see a lot of people protesting racehorses and duck hunting, but I am not seeing a lot out the front of the Chinese embassy protesting what is happening to the Uighurs, not seeing anything out the front of the Russian embassy about what is happening in the Ukraine. Yes, we need to look after animal welfare, not rights –

Bev McArthur: Not saving the brumbies, either.

Jeff BOURMAN: Yes, and I do not see anything about saving the brumbies – exactly. Thank you for the interjection, Mrs McArthur. There are a lot of humans that need to be saved. There are a lot of humans that are in dire need, and I think we need to look at our own back fence before we get too excited about worrying about racehorses. As long as, if they are injured, they are put down humanely – assuming they cannot be treated by a vet – then that is fair. I will be supporting this bill, but I really think the government needs to take a wider look at the whole protesting and danger thing before someone gets hurt.

Melina BATH (Eastern Victoria) (15:15): Thank you, Acting President Berger, and welcome to your role today. I am sure we will all be gentle on you. I am very pleased to rise today to speak on and support, as a National Party MP, the Racing Amendment (Unauthorised Access) Bill 2022. Indeed it has actually been driven largely by the racing fraternity and the thoroughbred industry as a whole as they want to make sure that there is logic around the protection of animals, jockeys and also the public, the punters. It is about safety as a whole. I have often been engaged in many a good conversation with my dear friend the Shadow Minister for Racing and member for Gippsland East Tim Bull, who has an extensive knowledge of the racing industry, an extensive friendship within the racing industry and not one but multiple parts of ownership in racehorses and a passion for it. He also has a passion for the wellbeing of animals and the responsible nature of the Victorian racing industry and indeed also greyhound racing and harness racing. I will go into the importance of the racing industry in our regions and for our economy.

Let us look specifically at the bill. The bill takes provisions that exist for the Spring Racing Carnival for track and exclusion zones and that exist for the eight major racecourses and race meets and broadens them out to the entirety of the Victorian racing fraternity for race meetings and official meetings. It is important, as I said, that we protect the animals, horses, jockeys, track riders, the punters and the people that go to enjoy these races; prohibit the disruptive behaviour during these meetings; and provide assurity around the enforcement of these provisions. Now, we only have laws for a very small number of people. The majority of the population do the right thing and would not even dream of being disruptive at a race meet or a track meet and either injure themselves or potentially the animals to inhibit the ongoing nature of the race day.

There can be people who enjoy the race meets far too much and end up inebriated and lose their sense of self and sense of mind and stumble onto the track, but there are also persons, protesters, who feel it is their right as a means of demonstration to actually jump onto the track or go into the stalls or a variety of areas to actually disrupt the races, and as we have just heard before they feel that they have the right to photograph or interact with the horses. Now, this is not on. It is not an appropriate way to protest. I fully support people's right to protest, but I do not support people's right to potentially injure or endanger the lives of these great animals or anybody else. It can happen and indeed it is very serious when it does.

In terms of the background to this bill, the Major Events Act 2009 contains those crowd management provisions in the thoroughbred region, but as I said, it only looks at the Melbourne spring carnival. This broadens it. It sets out standards of behaviour in certain locations adjacent to mounting yards and on the racecourses as well, and it relates to various behaviours – throwing or kicking projectiles into restricted areas or climbing the fences or barricades adjacent to the restricted racing area. This bill is certainly required, and it really needs to be there as a deterrent with those protections.

As I said, the racing fraternity has really harnessed our interest and driven this bill. There was some questioning around the authorised officers and having police officers come and enforce this. We know that police officers are needed in a variety of ways across our great state but making them stand beside a racecourse for a country race meet is not necessarily the best use of their time, so I can see from this bill that you can have race stewards become those authorised officers to be able to ensure that those safety provisions are there. Often stewards, particularly in the country fraternity, can be volunteers, and being able to provide them with the training, the skills and the capabilities – but also not having a cost impost on them – is important. So the government through this bill will need to work with the industry to make sure that those stewards are able to be those authorised officers to take that hand. They have a busy role. Anybody who goes to a country race meet will certainly know that stewards on any given day lose weight over the day because they are constantly running around to ensure that all is well in the operation of that race meet.

If you have been to a country race event, you will know what a fantastic day out it is, and you will know the significance, as an economic driver, of our racing industry as a whole. I have talked about thoroughbreds, and this bill specifically looks at the thoroughbred region, but the harness industry and

greyhounds are also important to our regional towns. The Victorian racing industry is worth – and this is in a relatively recent report – a bit over \$4.3 billion to the Victorian economy, with 33,000 full-time equivalent jobs. Those jobs can certainly be in a variety of areas. We have jockeys, trainers, stablehands and track riders. Also associated are the vets, the veterinary industry, to support the health and wellbeing of the horses, from foals through into their racing career and then post. We have associated suppliers with stockfeed and the like, and the very important area around just keeping up those country race meets and other meets as well.

Indeed from my experience the country racing clubs have an amazing role in terms of supporting community sporting organisations and community clubs. I know that quite often the local football club will be the car parking attendants, or it might be the local Rotary club or Lions who will actually run the car parking there. They will certainly also monitor the gate and support catering – and I have been to some fantastic ones, which I will speak of soon. The local caterers do the most amazing job, showcasing produce from their local area, the quality; it really adds to the value of tourism and adds to the overall standing of Gippsland or the Eastern Victoria Region in my patch. The money can then go back into the community. Those caterers employ young people to come on board as casuals and really make those days an enhanced experience. Over 120,000 people are directly involved in the industry – and I have touched on some of those – but also those part-timers as well.

When we look at some of the most wonderful racing experiences you can have in my patch in Eastern Victoria Region, we know the Pakenham races are really strong in the industry. Certainly some of the cream that go on to those group 1 races are out there at Pakenham. The Drouin races are also a great experience. The Moe Cup – there is a trainer out there called Manny Gelagotis, and he has trained some really great winners out there. The passion that the trainers have for their steeds is very commendable. They read a different language and at a higher level than those of us who are not actually in that space, and we can appreciate the work they do.

The Latrobe Valley Racing Club in Traralgon is just a great club. I think the previous speaker spoke about 480 full-time equivalent persons working in that area at Traralgon at Glenview Park. Indeed Frank Bezzina is the president and manager of the LV club. He is a passionate guy. He was talking to me recently about the importance of regional race clubs working together, and that is particularly what he thinks is the very strength of the Gippsland clubs – they promote each other; they plan out the calendar of events so that they can really complement each other and people can move through the different days and enjoy them. He also said that only recently the Asian Racing Conference was on. Part of that conference – and he said people came from everywhere – spoke about the opportunities to embrace diversity in our race meets and in our clubs. That is about not only encouraging everybody to come and enjoy – families, singles and the works – but accessibility in that diversity. In his case in Traralgon they are still looking to get a lift to get up to the second floor where the major club event occurs, but in other smaller clubs it is ramps for accessibility. So really, hats off to the Gippsland racing fraternity.

Also let me cover off on a few more – the Sale Turf Club is fantastic. The CEO Brad Evans will unashamedly plug his club as the best country racecourse in the state. I think he may be a tad biased, but I will back Brad because with 18 race events a year he certainly keeps a very busy club and keeps a quality track. Congratulations to him. The Bairnsdale club and the cup there – Patties Foods sponsor that. It is again a great one. The Woolamai races in Bass Coast are fantastic. If you want to come out, it is often a hot day in summer when those race meet events occur. The picnic races – let us have a quick chat about picnic races. There are the Omeo races, Buchan and Gelantipy, Tambo River and one close to my home, the Stony Creek Cup. I just want to highlight the Stony Creek Cup as being an example of how the whole range of different community organisations and traders can get involved. A shout-out to Judy Stone, who has been a long-time supporter and sponsor of fashions on the field. Sometimes we can go, ‘Oh, this is so last century or so last month’ or the like, but when I go and talk to people in terms of fashions on the field I hear the lovely experience that everybody in the community has, such as the primary school teacher from Mirboo North. Everybody comes down and enjoys

celebrating all things fashion. Local milliners have a turn to show their experience, show their flair and show their creativity, and the fashion houses can enjoy that, as well as accommodation and tourism.

So I highly endorse this bill. Country racing and the racing fraternity as a whole is an extremely important and professional industry, and I think that is one thing that my colleague Tim Bull presses upon us to understand. The racing industry should always aim for the highest quality in terms of professional standards and in terms of animal welfare. I think we have seen that evolve over time and I am sure we will continue to make sure that that standard is raised and kept across all of our race meets. I want this bill to go through because we want it to be safer for humans and safer for animals, and we want to say, 'In actual fact this is not an appropriate way' to those very few but entitled people who think that they can jump on and disrupt racing services and racing events. I hope this has a speedy passage through the house.

Michael GALEA (South-Eastern Metropolitan) (15:29): Acting President Berger, I think it is my first time addressing you in the chair, so it is very good to see you there. It very much suits you. I also rise to speak on the Racing Amendment (Unauthorised Access) Bill 2022, and I rise to speak in favour of it. There have been very notable instances of unauthorised entry into a racetrack area across Victoria during, in particular, horseraces. The frequency of this thankfully remains low in relative terms. Thankfully a disastrous event has not occurred yet due to these recent instances. However, there is a very real potential for these events to result in the injury of patrons and, even worse, human and animal participants. So this bill sets out to address this possibility, which will become an eventuality if the frequency of unauthorised accesses onto these racetracks continues to increase, as it has been recently.

The Racing Amendment (Unauthorised Access) Bill 2022 amends the Racing Act 1958 to provide for offences and penalties for unauthorised access to restricted areas on Victorian racecourses and for other dangerous or disruptive conduct at race meetings and official trials. The bill will help to maintain the safety and welfare of everyone at these races: the patrons, the participants and especially the horses. Health and safety should not be put at risk by reckless and dangerous behaviour such as someone running onto the track. Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria will be empowered to work with clubs to ensure the new arrangements are communicated at all events. And to pick up on Ms Bath's comments, I am sure the government will be providing appropriate support to those groups to do so.

The new offences will include, firstly, unauthorised entry into a restricted racing area, disrupting a race meeting or official trial meeting whilst in a restricted racing area, throwing or kicking a projectile into or within a restricted racing area, causing an object to fly into or land in a restricted racing area and climbing on a fence or barricade separating a restricted racing area from a non-restricted area. Of course a defence of reasonable excuse will apply in respect of these new offences, covering situations such as potentially retrieving a child from the track or responding to another emergency.

Bev McArthur: Bad parenting, that.

Michael GALEA: Well, I agree. I would hope no children would be running on the track in the first place, Mrs McArthur, but it is good to have those provisions just in case. Restricted racing areas reflect the operational arrangements already in place at Victorian racecourses for event management and health and safety purposes. These areas include racing and training tracks and other areas used by racing animals and their handlers, including parade rings and stabling and kennelling facilities, and pathways connecting restricted racing areas. Restricted racing areas relate to places that, if someone were to access them with a disruptive or reckless intent, could result in a situation where the injury of a person or animal is a very high possibility.

I think it is also important to reflect that there is nothing particularly new about these sorts of restrictions. As others have already noted, we do already have a number of penalty provisions consistent with this bill through the Major Events Act 2009. This bill simply seeks to extend those

provisions to all races and official trial meetings in Victoria. I think that is an important thing to touch on as well with the Major Events Act. I had perhaps the misfortune of attending one of my favourite sporting events, which is normally the Melbourne Derby, in December last year, and disgracefully a number of people ran onto the pitch. As a proud Melbourne Victory supporter I would like to unreservedly condemn those people who did that. I was about to say, ‘They weren’t activists, they were’ – and then use unparliamentary language. I will refrain from saying that. But that is an example too, and in that situation it is arguably even riskier in a racetrack environment because you also have very large animals, horses. Now, I am not a fan of horseracing myself. I know many people are.

Members interjecting.

Michael GALEA: I’m sorry. You were with me until then. I know, I know.

A member: You’ve lost the crowd.

Michael GALEA: I’ve lost you all. But I know many here are, and I also know many good people who have looked after rescue racehorses well. And having seen these beautiful animals, they can be very flighty. They do have different senses to humans or indeed other hunting-type animals. They do tend to be a bit more active and can be a bit more unpredictable, so it is an even more dangerous thing in racing to have this happen. I do believe there are, as others have said, eight race meets that are already covered by the Major Events Act 2009. But as Ms Ermacora my colleague says, not a day goes by in this state without a race meet, so this is very important to extend those provisions to cover that as well.

Several incidents have occurred over the past few years at events not covered by the Major Events Act, including at places such as Moonee Valley and Penshurst and also in my own electorate in Cranbourne. So given the dangerous nature of this type of behaviour in the racing context, which, as I say, is particularly pronounced when compared with other sports, all racing clubs do need to be able to utilise the additional deterrents of significant fines and potential venue bans. The bill provides for enforcement of these provisions by authorised officers, including of course police officers but also other suitably qualified persons appointed by the Secretary of the Department of Justice and Community Safety. Police, as we know, will be present at large events, especially those already covered under existing legislation. But at many smaller events police are often not present, as Ms Bath referred to as well. In these instances there are provisions for racing stewards to be appointed and to act as authorised officers. Considering the role that racing stewards play in upholding race rules and that some stewards act as authorised officers for animal welfare legislation, this is a logical provision included with full consultation with the industry.

Those found guilty of breaching the offences would be subject to fines. There are also circumstances where that person would be, very appropriately, subject to a ban order. Courts would of course take into account several factors when considering the imposition of such an order, with discretion for the court to consider if there was an intent to cause significant injury or pose that risk and if there existed actual endangerment of the public, animals or other participants. The court may also take into account when considering such a ban whether the individual is known to be a repeat offender; the nature of the offence; whether the offence endangered the public, industry participants, officials or animals; whether the offender is likely to reoffend; and also whether the offender is likely to disrupt future race meetings.

I know – and others have very powerfully put this too – there is concern from some regarding the effect this will have on the ability of people to protest, but I do wish to emphasise that protests will not be banned. Protesters will still be able to access areas open to the public and will be fully able to engage in protests. What this bill does is prohibit any individual – for example, an intoxicated person or a person with reckless or malicious intent – from throwing or kicking projectiles or causing objects to be within a restricted racing area during a race meeting or an official trial meeting. The bill also restricts a person, including a protester or any other individual without a reasonable excuse, from climbing a fence, barrier or barricade within a restricted racing area during a race meeting or an official trial

meeting. Restricting these actions is not restricting protests. Fences and barriers are not there as climbing equipment for the amusement of patrons, after all. I will reiterate, because it is worth mentioning, that there are reasonable excuses that act as defences for engaging in activity that is otherwise an offence under the provisions included in this bill. Situations, as I say, such as retrieving a child or responding to an emergency may constitute a reasonable excuse, as of course they should.

The opponents and critics of this bill do attempt to conflate the bill with the objections that they have to the racing industry in general, but this bill is aimed at ensuring the safety of animals and all persons.

Enver Erdogan: It is an animal welfare bill.

Michael GALEA: It absolutely is, Mr Erdogan. This is not a debate on the merits or otherwise of racing. I do note there are passionate views on both sides of that debate, but this is not that debate. As noted previously, the bill does not seek to ban protests. The restricted areas that the provisions relate to are those that are already restricted by racing clubs and event managers for health and safety purposes. This bill pertains to unauthorised access – whether it is a drunken person, a patron or someone maliciously or carelessly attempting to access the course for their amusement – and the careless or intentionally reckless acts that could lead to injury to the riders, horses or other persons. Now, I would urge members who are considering opposing this bill, with the perception that it will inhibit protest action against a sport that they find morally objectionable, to please consider the intent of this bill. Reckless and dangerous behaviour that could lead to a horse, rider or other person being injured or even losing their life is utterly objectionable whether it is caused by someone protesting horseracing or protesting something unrelated or the actions of someone not engaging in a protest whatsoever. This bill will strengthen the safety of people and horses during racing events. That is why the provisions within this bill are important.

It is a serious matter. In the debate on this bill in the other place last year I believe it was the member for Brunswick who expressed his belief that the bill was drafted and tabled as a procedural trick. He said:

... I wonder if the bill will even return next year or whether it has just been presented as a time-waster to prevent Parliament from discussing non-government business on the notice paper.

Well, this is a very serious bill, and that it is exactly why we are here debating it today. Briefly, whilst as I said I am not in any way particularly a fan of the racing industry, I do acknowledge that there are significant –

Bev McArthur: There's always time. Come along.

Michael GALEA: Well, I am more than happy to give it a go with you, Bev. We'll see where we go. I look forward to it.

In addition, it is important to note the need to improve safety. It is also important to note that the racing industry does contribute significantly to the economy. You, Acting President Berger, have already referred to many ways in which racing does contribute to the state economy. I also believe, Ms Bath, you made a number of comments, particularly in relation to Gippsland. The industry does generate \$4.7 billion in economic activity for our state's economy, and it helps us to sustain 34,900 full-time equivalent jobs locally, which does include in my electorate those at very large popular venues in Cranbourne and in Springvale.

The report into the industry in 2022 by IER found almost 148,000 total jobs and participants are supported by Victorian racing, including direct participants, employees and those employed in support industries. The IER report also demonstrates the community and social benefits that racing generates in local communities, especially small communities across Victoria. Over 650 community and not-for-profit organisations share racing club facilities in this state. Furthermore, 1200 charitable organisations are also supported by the racing industry.

In my electorate, track invasion during a horserace is not a hypothetical nor a distant memory. It is a recent and real occurrence and something members of my community do not want to see repeated. In January 2020 a man jumped the fence during a meet at the Cranbourne Racecourse. He ran out onto the racecourse during the last race on a Friday night. His actions of course put his own life at risk but also the lives of the jockeys and the horses. A security guard had to jump the fence, putting himself at risk, and he tackled the man. A second perpetrator then ran onto the course and broke them up, allowing the first man to run even further up the track, causing even more potential injuries. I do want to make note: that security guard did not go to work that day with the expectation that he was going to be maimed or killed or trampled. He went to work, as thousands and thousands and millions of Victorians go to work each and every day, expecting to come home safely to his family. It is completely unacceptable that he or she was put in the position to break up that fight, putting their own safety at risk.

Sorry, it does make me quite angry to note that, because no Victorian worker should ever have to go into work with that expectation, whether you are in emergency services, whether you are a security officer, whether you are a member of Parliament or anything else. That person then had a very traumatic experience. Thankfully they were not physically harmed as a result, but no security officer, no police officer, should ever have to deal with that. We have some amazing emergency services personnel who do that every single day, but this was not necessary. Those two men rightfully received lifetime bans. But actions like this are exactly what this bill seeks to address at every racing event should this happen in the future.

The Racing Amendment (Unauthorised Access) Bill 2022 will improve safety at race events. Considering the increased unauthorised access that has been occurring in recent years, I do commend this bill to the house.

Katherine COPSEY (Southern Metropolitan) (15:44): I rise to speak on the Racing Amendment (Unauthorised Access) Bill 2022, which amends the Racing Act 1958 to limit access to restricted areas of racecourses during horseraces and trial meets. It introduces four new offences for interfering with restricted areas, including entering or remaining in the area or disrupting a race meeting. The stated intent of this bill is to prevent people from entering restricted areas where horses frequent to ensure their own safety, but as soon as this bill came up it was hard not to wonder if the unstated intention of the bill was also to quash protest at race meets across our state. Indeed we have heard that as much as confirmed in the debate today.

Many in the community are rightly concerned about the welfare of racehorses. The Coalition for the Protection of Racehorses has found that in the year from 1 August 2021 to 31 July 2022 at least 139 horses were killed on Australian racetracks. Thirty-seven of those were here in Victoria. Injuries incurred by racehorses include heart attacks; fractured shoulders, femurs, tibias and knees; and head trauma. No animal should have to endure this suffering for the entertainment of a few. Horseracing is an industry centred on gambling and the continued profiteering off the degradation and mistreatment of horses, and it is why the Greens have repeatedly called for the government to bring an end to this form of animal cruelty in our state.

We also know that interest in horseracing is at all-time lows. Recent polls show interest in events like Melbourne Cup Day are declining, with 45 per cent of those surveyed believing it promotes unhealthy gambling behaviour and a third saying it normalises animal cruelty. But this government continues to funnel millions of dollars into an industry that the Victorian community have made clear they no longer want and are no longer interested in. Why this government chooses to protect this dying industry further with this bill is a serious question of principles and priorities. This decline in the popularity of horseracing is due to many in our community waking up to the fact that animal cruelty and gambling harm just is not that much fun and also due to the tireless work of many advocates and groups over an extensive period of time, and I pay tribute to that work. Protests held at race meets, including the Nup to the Cup campaign, have been successful at highlighting the problems with this industry, and here comes this bill.

It is not hard to see how activists attempting to shine a light on the darkest places in this industry will not get caught up in the enforcement and application of provisions within this bill. It is part of a pattern from this Andrews Labor government. We have seen similar laws introduced by this government to quash the right to protest in a bid to avoid scrutiny of native logging activities as well as the agriculture industry with the passing of the Livestock Management Amendment (Animal Activism) Bill 2021. The Greens opposed both those bills. We believe that the right to peaceful protest is at the heart of our democracy.

Melina Bath: Shame.

Katherine COPSEY: ‘Shame’ that peaceful protest is at the heart of our democracy, I hear from those opposite.

Now obviously those with deep pockets can use their power and access to bend regulations in their favour, and we have spent days in this house this week discussing yet another example of this, with the house having to push for a proper investigation to get to the bottom of whether special treatment for the Victoria Racing Club and the Flemington Racecourse has further exacerbated a climate-fuelled disaster for that local community. For everyday people, peaceful protest can sometimes be the only tool available to bring these matters to attention and to create change, but given this bill’s threat to this vital and fundamental right and the continuous special protection this bill gives to a dying and unwanted industry, the Greens will not be supporting this bill.

Bev McARTHUR (Western Victoria) (15:48): Thank you, Acting President Berger, and congratulations on your elevation to the chair. I look forward to working with you and Ms Terpstra in making sure we keep this house in order, so that will be good. Now, full disclosure: I am a horse lover.

Members interjecting.

Bev McARTHUR: Are you two listening?

Enver Erdogan interjected.

Bev McARTHUR: Thank you, Mr Erdogan. But I have got news for Ms Purcell – that animal welfare is not a part-time job. She should be here all the time listening to this. If she is really concerned about horses, she should be here listening to this debate. So newsflash: you need to be on the job. Now, I am a horse lover and up until recently – quite a long way from recently – I was a horserider. I had to ride Betsy to school. Very naughty Betsy used to jump out of the pony paddock and gallop home, and I was left to walk, fending off the plovers and magpies who wanted to peck you on the way home – never mind about the Greens pecking us. The plovers and the magpies were terrible. But anyway –

Samantha Ratnam interjected.

Bev McARTHUR: Dr Ratnam, it is lovely to have you here, even temporarily.

This is a great piece of legislation, and I have also got news for you people who think your rights have been prohibited, because in the statement of compatibility it does say – and this has all been well and truly gone into by the experts – that:

While prohibiting persons from entering certain areas may interfere with their freedom of movement, it is doubtful as to whether the right would extend to protect unfettered access to a racing area on a premises, where an occupier is otherwise able to exercise their property right to exclude entry.

You have not been totally locked out. We are just making sure you do not cause injury, you people – that you do not cause injury to the workers, to the public and most of all to the magnificent animals that are horses.

I have got to make a confession here: I do have to look out in the paddock, when I am sometimes at home, on those wonderful, retired animals that did not quite make it. There are always future champions in the paddock, though; there are lots of future champions. They do not usually make it

either, but they are there. And for those of you who do not know anything about horses, I am here to tell you that they can break a leg just walking around in the paddock. They do not have to be on a racecourse, but if you have not ever had anything to do with horses and you do not understand them and you think the only place they are going to be injured is on a racetrack, I have got news for you: you need to get with what really happens if you are involved in horsing. I do not understand you people. I have been trying to save the brumbies, as some of you would have known if you were here before. For the new people –

A member interjected.

Bev McARTHUR: You have heard about it even though you have not been here for a while. That is fantastic; the news has got out. But I have not been able to really get the Greens and the Animal Justice Party on board with this. They seem to be quite silent when it comes to these horses being shot, you know, not even with a tent around them, as happens on the racecourse, but out there from an aeroplane and whatever. That seems to be okay – a sniper being used to shoot animals from a great height – but I do not know where you are on this. You like the eradication of the horses from the High Country, and you are obviously quite happy for them to be shot. You are all over the place, really – all you people.

But look, there are 66 country racing clubs all over Victoria. They are a very important part of the community, and together they contribute more than \$750 million to the Victorian economy each year. In Western Victoria Region, that glorious place where I am from – you are all welcome to come down there one day and get out of the tram tracks, you people – there are 27 clubs holding meetings at 23 racetracks. Country racing contributes about half of the economic benefit of racing to the state, no less. Country racing does this, and about half of the country racing benefit is from Western Victoria Region – a very important region it is. It is most important. We have one-eighth of the state's electorates and nearly a quarter of the economic benefit of racing to the state of Victoria, so how good is that? Ms Ermacora mentioned the great Warrnambool races, the May carnival, and a very magnificent event it is. I think the date of Parliament needs to be changed because we can never get there. We have got to stop meeting in Parliament so we can get to the May races in Warrnambool.

Evan Mulholland: They shouldn't have scratched regional Parliament.

Bev McARTHUR: We will have it down there for the May races! I think we should have regional Parliament down there in Warrnambool for the May races. That would be a very good idea, don't you think?

I do not know whether those people opposing this ever dream, because racing is all about dreams and passions, you know? You have got to have a dream about something – poring over pedigrees to determine which genes might produce just that right cross to breed a Melbourne Cup winner or casting an eye over the yearlings to see which might run early. Owners invest small fortunes in this, and everybody has a go. From extremely wealthy people to people that own just a hair of the tail, really, everybody wants to have a bit of a go at getting a winner. In fact my husband's family –

Oh, Ms Purcell! Thank you very much for coming back in. It is fantastic to see you here. I know how you care about horses and whatever – brumbies too; I will get you onto that. Now, my husband's family bred the very gallant mare Chicquita. In fact she is buried on our property, and she won the Victorian Racing Club Oaks, came second in the Melbourne Cup and is immortalised by the Chicquita lodge stables at Flemington. I cannot understand why you would think it would be acceptable for anybody to enter a racetrack – no matter what your views are on anything – and cause potentially huge injury to a horse. They are flighty animals. I do not know whether you ride, Ms Purcell –

Georgie Purcell: I was state champion.

Bev McARTHUR: Oh, state champion! That is fantastic. Which racecourse were you on for that? Anyway, I will leave Ms Purcell's championship efforts to another speech. Please inform us. But it is

incredibly dangerous. Can you imagine jumping over the fence – some people do it naked, I am told – and potentially injuring not only the horse but causing problems for the spectators, the jockeys and the strappers. And what are you doing going into the stabling area? For heaven's sake, there is a biosecurity problem as well. You could bring some vegan germs or something in there. Like, we cannot be spreading diseases for the animals. Let alone the cannabis party, I hope they are not trying to give them a bit of a shot. We totally need to restrict access by unauthorised persons. I am sorry about that, Ms Purcell, but you will have to just stay out at the front gate somewhere, because it is just not on.

We have got the stewards and not enough police, but I can tell you out in the country we really value our local race meets. Warrnambool's carnival brings in \$14 million – just the carnival alone on those three days. At Apsley, that club was founded in 1855, no less. You know, you want to shut this down. You hate history as well, you people. It is the oldest surviving club in Victoria. When did this place start?

Nicholas McGowan: 1855.

Bev McARTHUR: 1855. It is as old as this place. Should we shut this place down too? I think we need to cancel all history! Burrumbeet has just one meeting a year on New Year's Day. And Camperdown, with its most iconic, historic grandstand, one of the most famous in Australia – why are you going, Mr Erdogan? It only has one meeting a year, but I am going to invite all these people. I do not want the protesters – sorry, you are not getting an invitation – but everybody else who votes for this bill can get an invite to come to the Camperdown meeting in January. We have got umbrellas. You can bring your own food, but you have got to buy the grog because we need the money. You will have a fantastic day. I will win you over. You will be a race enthusiast in no time, my colleague over the other side. And Dunkeld – has anybody ever been to Dunkeld? That fabulous racetrack at the foot of the Grampians is just spectacular, and that racetrack is used during the year for other events like polo.

And talking about polo, somebody said that there is no retirement plan. I am here to tell you: there is a fantastic retirement plan for retired racehorses. They go into the polo world, they go into the three-day eventing world, they go into pony clubs and they go into all sorts of areas. At Dunkeld there is also a fantastic polo meet. I am not going to give you the date, Ms Purcell, because you will be out there protesting, and there are not enough stewards and police to keep you away at Dunkeld.

But look, this is a very important bill because out in the country we need the protection from people like you – sorry, Ms Purcell. And the Greens over there will be on the job too – soon – I imagine, won't they, Ms Terpstra? It has happened already in the metropolitan area. Outside the tram tracks we are always a second thought, or the very last thought, but I am glad the government have got their act together and worked out that outside the tram tracks of Melbourne people need a bit of protection, too – thank you very much indeed, a wonderful thing – and we will have the support so that we can do a bit of arresting. If you happen to jump over a fence, Ms Purcell, you will be brought back into line, and if you go down to the stabling yard, you will be removed. I do hope there are not children. Somebody mentioned children could fall over a fence. I do not know what on earth the parents are doing to have children falling over a fence, but anyway, that is excluded if they happen to fall over a fence onto the track. They probably have not been to early childhood learning, where they would learn not to fall over the fence, wouldn't they – at that wonderful free child care that you are promising us all.

We should remind everybody exactly what the purpose of the bill is, getting back to reality. It will prohibit unauthorised access to certain areas of racecourses during race meetings and official trial meetings, prohibit certain conduct during race meetings and official trial meetings and provide enforcement of these provisions. The purpose of these amendments is to promote the safety and welfare of all patrons and participants, including animals, at race meetings and official trial meetings and to avoid the potential consequences of incursions and disruptive conduct. That is sort of a no-

brainer, really. I cannot imagine why you would be opposing it, any of you over there, because this is straightforward.

As for the workers, I would have thought you would be right into helping the workers and protecting their having a safe place each day when they go to work. They work incredibly hard, people in the horse industry. They get up very early, and it is hard work in climatic conditions that often are not favourable. They are not sitting in a nice air-conditioned office every day; they are out there before dawn looking after these magnificent animals for the pleasure of a lot of people – and believe me, anybody involved in the horse world loves their animals. We love our animals, and we look after them to the very best of our ability. Maybe if you are really concerned about some horses, go and check the ones in little paddocks where they are not being properly cared for. But the racing industry is a vitally important industry for Victoria, and these regulations are particularly important for rural Victoria and everybody outside the tram tracks of Melbourne.

Sonja TERPSTRA (North-Eastern Metropolitan) (16:03): I rise to make a contribution on this very important bill, the Racing Amendment (Unauthorised Access) Bill 2022. It is always a very hard ask having to follow Mrs McArthur in such an entertaining and enlightening contribution there, and I thank Mrs McArthur for all of her very wise words of wisdom. I do note that in her contribution what is absolutely evident is that she does indeed love her horses. Whether they be brumbies or horses on the farm or previous racing horses or whatever, I know that you have a passion for horses, so it was very enlightening hearing about all of that. I think one of the hallmarks of this debate today has been about racing. Obviously it is a bill about a racing amendment; however, the scope of this bill is actually quite narrow, and what it goes to is creating some new offences and penalties for unauthorised access to restricted areas on Victorian racecourses and other dangerous or disruptive conduct at race meetings and official trials.

As a former union official, I am partial to a protest. There is nothing wrong with protesting. I absolutely endorse that everybody has a right to protest and the like; however, I do agree with some of the contributions made by some of my colleagues here about horses being big animals. Some of them are very heavy – they can be tonnes, literally. One thing I know, if you think it is a good idea to run in front of a racehorse, you are probably going to end up dead. Not only will you be either dead or very severely injured, you will also risk serious injury to that animal as well. Sometimes I think what we see are protesters who may have good intentions about what they are doing, but they are expressing it in a really not productive and unsafe way. Ultimately, if a protester does run in front of an animal and the animal is injured, like a horse, then the animal gets put down, and that kind of defeats the whole purpose of what perhaps the protest was about in the beginning.

I think safety is really at the heart of these amendments. I have seen footage on the news of people running onto racetracks, and it is just horrifying – I feel personally sick when I see someone run on to a racetrack when a race is being run. It is sickening. I kind of think: ‘Oh my goodness, if the person is going to get run down, they are going to be seriously injured or die.’ That is just a horrific thing. So I am not sure what the purpose is, or perhaps there is not a lot of thinking going on when a person wants to embark on that form of protest. I really do not know. I am just guessing. It is also shocking for spectators to see that happen. It is shocking for first responders to have to attend to that person on a racetrack. It is very distressing for people who might be watching at home when some of these race meets are obviously televised and the like.

So as I have said, I have attended many a protest, but I do not know that I have ever run onto a racetrack. In a previous life I had to give advice to a union official who was protesting. There were police on horseback, and one of the tactics that protesters were talking about was throwing marbles on the ground so that it would impact the horses’ hooves. Obviously that is very painful to an animal who is going to tread on a small, round, hard ball, and that would cause bruising to the foot of the animal and it may also result in the rider of that police horse being thrown from the horse as well. I just think that it is despicable conduct. It is terrible. It is very short-sighted. I know it happens. I do not endorse that kind of conduct. I think my advice to the person was: ‘Well, you will probably find yourself being

taken away in a paddy wagon if the police catch you.’ And that is probably an appropriate response, because some of these things can border on animal cruelty as well. As I said, I have got no problem with people protesting and making a point, but there has to be a line drawn somewhere when an animal’s welfare is put at risk by some of the conduct of people.

This bill will create new offences. The main purpose is to ensure the safety and welfare of all patrons and participants, including animals, at all race and official trial meetings across the state. Racing clubs and event organisers will be able to clearly communicate the consequences of this sort of conduct to patrons, just like we see at other sporting events, and fans will be aware of the clear and significant fines and potential bans they could be subject to if they engage in this behaviour. Likewise, in other sporting codes, for example – and I have watched this – I have seen footage of people throwing full water bottles onto cricket grounds and at footy players and the like, and it is really terrible. So we have seen other sporting codes adopting similar approaches to make sure that players on-field who are participating in these sports are not injured. I am not sure this would necessarily happen in the racing context, but we have just actually seen it – I forget where it was – in one of the big soccer matches. People were throwing things and then everyone ran on to the pitch. So often you will see when people engage in that sort of behaviour it encourages others. Was it in Italy? Oh, it was here. It was a big match. Was it Melbourne Victory?

The DEPUTY PRESIDENT: Yes, it was Victory versus Heart.

Sonja TERPSTRA: Thank you. It was Victory versus Heart, so it was here. Again, the leagues and other sporting codes take strong action to hold their supporters to account in this context as well, and I think racing is no different. You do not have people who might support a particular club, but people might support a local racetrack and go and attend their local race meets. They can join a racing club, but they are not members of a sporting code. It is slightly different. But the behaviour and the context is similar – to try and make sure that people can go to these events and feel safe, not feel intimidated.

Bev McArthur: Have a day out with the family.

Sonja TERPSTRA: If that is what people want to do, have a day out, that is their choice. I share Mr Galea’s point of view. I am personally not into racing. I have been to the Melbourne Cup; it is just not for me. I know Mrs McArthur is going to invite me down to western Victoria to go to a race meet. I know. I can hear it coming, and I will wait for the invitation. I might take you up on that – just to be collegial. However, look, I have seen it and for me – I am speaking as a spectator – I do have concerns about animal welfare. Also, as a person, I can never see anything. Because I am small I can never see anything anyway when I go to these things. I am always behind very tall people. So I find that if I want to watch something I may as well watch it on TV or on a big screen somewhere, because I just cannot see. Also, people like having good fun at these things. There is often a lot of alcohol consumed, especially at Melbourne Cup. That is part of it; I understand that, but it is not for me. It adds another dimension to it. Nevertheless, I understand if people want to partake in racing and go along to those things, but again I think the creation of these new offences is again about trying to manage participant behaviour.

I do share broader concerns with some of my other colleagues in here about animal welfare, but today is not the day to talk about that, because what we are talking about is actually this bill and creating new offences to make sure patrons are safe. Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria will work with clubs to ensure the new arrangements are fully and clearly communicated at all events, which is kind of a good thing because, you know, fair warning to people. If you are going to throw something or run onto a racetrack, then likely you are going to face these penalties – and that is a good thing; you are being forewarned. So if you were to do these things, then you would expect that you might face the full force of the law or perhaps bans that might come in the future.

The new offences will include unauthorised entry into a restricted racing area, disrupting a race meeting or official trial meeting while in a restricted area, throwing or kicking a projectile into or within a restricted racing area – I mean, honestly, I just cannot imagine. As has been commented on before, horses are large animals but they are flighty. Some of them can be more flighty than others, and I know that some racehorses are very flighty. I cannot imagine – if you were going to throw or kick something into an area where there are horses – how that would make the point about the protest you want to make. It is going to scare the animal and potentially throw the rider off and injure someone. So I just do not understand that. There are other ways to protest. Throwing something or kicking something into an area where there are animals is just – whatever, I do not get that. Similarly there is causing an object to fly into or land in a restricted racing area and climbing on a fence or barricade separating a restricted racing area from a non-restricted area. I think I do recall seeing footage of people sometimes climbing into the barriers just at the start to kind of do things. Again, I do not know. I mean, these animals are big animals and they are heavy. It is just a recipe for danger and disaster, so that is very concerning. They are just some of the offences that will I guess be enshrined in this bill. It really is about providing a stronger deterrent for stupid and dangerous behaviour, like I said, such as running onto a racetrack during a race meet. Like, why?

There will be obviously a defence for these things. It talks about how a defence of ‘reasonable excuse’ will apply in respect to these new offences, which will cover situations such as retrieving a child or responding to an emergency. If you made a judgement – like if your child falls over a fence – that you were going in there to get your child, or in an emergency situation perhaps someone had a medical episode and you jumped over the fence to help or whatever, that is a reasonable excuse. Obviously that would need to be supported with evidence to make that out; there would be some testing of that excuse, no doubt. They are reasonable things to have as part of this bill.

Also, as part of this, the areas that will be classified as restricted racing areas reflect the operational arrangements that are already in place at Victorian racecourses for event management and health and safety purposes. These things are already there, it is just adding some additional offences. It is disappointing that we have to do this, but it is something that we want to ensure. As I said, in other sporting codes we have seen similar moves being made. I might just talk about the AFL for a minute. Not only with dangerous behaviour, we have seen the AFL really attempt – and I think they have done a reasonable job, though there is always more work to do – to take strong action on racist behaviour and commentary and racist behaviour and comments being directed at players on field. There has been strong condemnation of clubs for not taking appropriate action. So again, we are trying to make sure that if people make decisions to go along to support these events, whether it be racing or soccer or AFL, patrons who are there can enjoy themselves. It is not a pleasant experience, especially when you have got young children with you, if you are at the footy and people are screaming racist comments. That is not appropriate.

Likewise, if I was at a race meet and someone was running on a track and I had my child there, I would not want my child to see what might happen as a consequence of someone being hit by a horse at high speed. That would not be pleasant. It would not be pleasant for the child to see, and it certainly would not be pleasant for anyone present at the racetrack to see. So this is really important. While police will be present at a lot larger events, there still can be a risk of this type of behaviour, and where it is higher perhaps the authorities might do a bit of a risk analysis and determine that the risk is greater at some events than others. Racing stewards will be appointed as authorised officers to manage the enforcement action at race meetings where police are not present. So if the police are not there, stewards will be deemed as authorised officers in order to manage that behaviour.

I will not go on and repeat some of the things that my colleagues have said about the contribution that racing makes to the Victorian economy. Obviously it is there. People have commented on that earlier. Look, it is government policy to ensure that we continue to have a racing industry. It is well supported by government. It is also well supported by Victorians, but again the main scope and purpose of this

bill is to make sure we have appropriate responses to behaviour that is less than desirable and in some cases incredibly stupid. I commend this bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (16:17): I am pleased to speak in support of this bill. I want to first acknowledge my shadow cabinet colleague Tim Bull, the Shadow Minister for Racing. I know he has taken a deep interest in this bill and consulted with stakeholders as well. Some of the contributions I am hearing in this debate – and I hear them from the other side – are almost apologetic about bringing this bill forward. They are almost apologetic about supporting the racing industry. Well, I am here to say that I do not apologise for supporting the racing industry and in fact I support it wholeheartedly, as do all of us on this side of the chamber.

The aim of this bill is to prohibit the unauthorised access of certain areas of racecourses during race meetings and official trial meetings, to prohibit certain disruptive conduct during race meetings and official trials and to provide enforcement of these provisions. Personally, I think this is a very, very good idea. Unfortunately – shamefully – the Melbourne Cup Carnival last year was disrupted by protesters who broke into Flemington Racecourse and poured a strange oily substance over the track at 6 am to protest against the Victorian Racing Club. These Extinction Rebellion folk would line up with the same people who say they care about animals but in reality are actively taking steps that would harm these beautiful animals.

It would be remiss of me not to discuss during this debate the fantastic, the great, racecourses in my electorate. I only wish my colleague from Northern Metropolitan Mr Erdogan was here to hear this, because I know he has recently been spending time in the south-east. He has now come back into Northern Metro, which is nice, and I would like to talk about the great racetracks in the Northern Metropolitan Region. My electorate contains the Flemington Racecourse, which would be familiar to many of you – I know it would be familiar to the Greens member for Northern Metropolitan – and it also features the Moonee Valley Racecourse, a racetrack close to my heart. That is where my Liberal Party preselection took place for the Northern Metropolitan Region.

Bev McArthur interjected.

Evan MULHOLLAND: For the member for Western Victoria, this also provides an opportunity to say these are not just racetracks. They provide community facilities and community meeting places for functions, for dinners and for balls, and for many of my community – I know for many in Ms McArthur's community – they provide a great community meeting place, a great place for the community to get together. On the Moonee Valley Racecourse, who could turn down a schooner at the Legends bar looking over that great racetrack and looking at that view of the city. It is just brilliant.

And how could I forget the Meadows greyhound track in Broadmeadows. I was delighted to attend the Phoenix greyhound race last year, which some might not be aware is the richest greyhound race not only in Australia but in the world – right here in the northern suburbs, right in the heart of Broadmeadows. Some of the candidates and MPs and former MPs for Broadmeadows might not know where the Meadows racetrack is – they might be more familiar with Brighton – but it is right in the heart of Broadmeadows, which is great. I was pleased to go last year to the Phoenix, and who did I bump into at the Phoenix but the former Premier of Victoria and the former minister for racing Denis Naphthine, who was a great minister for racing in our state and I know takes a keen interest in the Victorian racing industry post politics. And you will all be pleased to know he is doing very well. I also want to put on record the terrific family events put on at the Meadows, with jumping castles, kids stalls and activities making the greyhounds a fun, great, family-friendly event. I invite my Northern Metropolitan colleague Ms Ratnam to come with me at some point to the Meadows in her electorate so she can see firsthand what a great, family-friendly event the Meadows greyhounds is.

I was delighted – I know this report has been mentioned by a few of my colleagues on both sides of the chamber – to read the *Size and Scope of the Victorian Racing Industry* report, jointly prepared by Racing Victoria, Greyhound Racing Victoria, Harness Racing Victoria and the Victorian state

government, released just last July. It found that the racing industry in Victoria provides a direct \$1.6 billion to the Victorian economy and an indirect and induced \$3.1 billion. This is a total of \$4.7 billion the Victorian racing industry provides to our state in economic benefits. My regional colleagues like Ms McArthur, Ms Heath and Ms Broad would be interested to know and pleased to hear that the racing industry is a major supporter of regional Victoria, with more than half of that \$4.7 billion value-add occurring in regional areas.

The industry engages over 99,000 individuals who participate in the racing industry as either a trainer, breeder, volunteer or owner and is responsible for generating nearly \$3.2 billion in expenditure in Victoria, 65 per cent of which is in regional areas. The racing industry provides a total of 34,900 jobs in Victoria. I say to those who say 'Nup to the Cup' and I say to those who want to talk down our racing industry in Victoria: what do you say to those 34,900 people? What do they do for work? Some people also claim to support workers, like those in the timber industry. Where do those people go? I do worry about employment in growth areas. I do worry about employment in regional areas. What happens to those people if we say things like 'Nup to the Cup'? The chairman of Racing Victoria Brian Kruger said the report demonstrated that:

... the racing industry continues to play a crucial role to the state's economy with impacts extending well beyond those seen at the racetrack.

... close to 150,000 people are involved in and supported by the industry with racing continuing to be a major employer in Victoria.

Indeed the report shows a total of \$501.5 million in taxes are generated to Victorian government coffers from the racing industry. Now, I ask again: those who say 'Nup to the Cup', what services would you cut to fill that \$500 million black hole? What kinders would you close down? What schools would you close down? What hospitals would you close down? What roads would you not fund? What tram track extensions would you discontinue? They cannot answer this. So I do worry about Nup to the Cup and I do worry about those opposite, because we have seen this slippery slope and we have seen that Labor once said they supported things like Australia Day. They used to; they have backed off on that this year. They are not allowing parades and things like that. So it is a slippery slope and I do wonder whether they will eventually support Nup to the Cup, because as much as they have said they strongly support the racing industry, we have seen in other examples in other areas like Australia Day that the Premier's private office would much rather brief the *Guardian* on how noble and virtuous they are, talking down Australia Day, and I worry that the next block on the chopping board is the racing industry. I do worry about that.

My colleagues across the chamber in maybe the Animal Justice Party or the Greens will be pleased to hear that the study also pointed to the importance of the racing industry to Victoria's multicultural communities, which is an area close to my heart. Some will remember my inaugural speech, where I talked about the need to amplify the voices of migrants and migrant families in our multicultural communities and support them in this place. I am here to do exactly that, because the report said that racing clubs are helping to facilitate opportunities for our diverse communities to better engage in their societies, indeed citing that around 35 racing clubs in Victoria have now a defined and specific focus on playing a positive role in improving the connection with those from CALD backgrounds, and I am very pleased to note that. Some specific examples include themed race meetings to highlight specific countries and cultures, growing acknowledgement of traditional landowners in all communications, providing employment opportunities in local schools for Indigenous people and CALD students, and seeking charity partnerships with minority groups. It is not just us on this side that support the sector. Even Minister for Racing Mr Carbines was quoted, saying, 'This report shows how vital the racing industry is to our economy.' We may not agree with the crazy socialist policies on the other side, but I acknowledge the work of Mr Carbines, who in fact used to be my local member a long time ago, and I acknowledge the work that he has done in this space. The fact that the racing industry has long had such a part and will continue to have a critical part of what it is to be Victorian is deeply beneficial to this state.

Two words: the Melbourne Cup. It is the race that stops a nation. Sydneysiders hate that we have the Melbourne Cup; they hate how big it is. But it is so important. It is great that as Victorians that we can champion this as the race that stops the nation, because Melbourne is king, Victoria is king and it is part of who we are in Victoria. I say any plans to disrupt or close down any part of this racing industry would punish the millions of people that work in this industry and enjoy this industry – including those in our multicultural communities, many of whom live in my electorate in Melbourne's northern suburbs. They will not thank those who dare to tread on their turf. That is why I support this bill.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (16:29): Look at this! I am going to make a contribution on this bill, and I am very happy to do so. Mrs McArthur is in for a treat, because she will possibly be unaware about my interest in the racing industry, which goes back to my days at the Australian Services Union as a proud official of that union and the work I did with many fine men and women who work at racing tracks right across the state. I appreciate that there are strong views about the racing industry across this chamber and around this chamber. I appreciate that people have got very strong opinions about animal welfare issues and also of course gambling issues. But of course this bill is not about any of those matters. This bill is about making sure that safety is at the heart of our racing meets right across the state. I have heard a little bit about the Melbourne Cup Carnival, and of course that is a really important event in Melbourne's sporting calendar. It does generate enormous economic activity; it employs a lot of people. But I want to talk about outside the tram tracks, Mrs McArthur, because I would actually argue that the changes that this bill will introduce are needed far more outside the tram tracks than they are in what I would describe as the kind of very well heeled world of group one racing in Melbourne, particularly around the spring carnival.

I am going to make a confession. I have been involved in a protest at a racetrack. None of the activities that I was involved in would have got me into any trouble with respect to the bill before us, but I have been involved in a protest at Flemington. In fact, Mrs McArthur, you were probably one of the people in the members stand booing me at the time. But this protest was actually about the wages and conditions of the people who worked at the TAB on track and advocating for them to receive a fair pay rise after a number of years of what I would describe as wage constraint. So of course I would never condone the kind of protest that we are seeking to deal with through this bill. I do not know how you could possibly find yourself in a situation where a child falls over the barrier, but look, I understand that some country race meets are a family affair and it could be potentially possible. But of course the real aim of this bill is to make sure that no race meeting – whether it is thoroughbred, whether it is greyhound, whether it is any kind of code or in any small town, regional centre or in the city – is disrupted and people's safety and animal welfare are put in jeopardy. So I fully support the intent of this bill.

I would also like to echo some of the comments that people have made today about what an important employer the racing industry is. I think that in metropolitan Melbourne we have a lot of racing clubs that are quite well-off, that do quite well, and I would like to see that right across the state. Unfortunately, I know that some of the smaller racetracks do struggle to be viable. It is a seasonal industry, and so in terms of the workers that work particularly in regional Victoria it is kind of famine and feast in terms of their work. So they will all get plenty of work during the spring carnival and they will get plenty of work in the non-winter months, but they all really struggle for work during winter. I think that what would be great is if there was a little bit more of an even playing field for some of these racetracks around the state.

The one thing I would say is that people who work in the racing industry are really passionate about the industry. They care about animal welfare. They actually really care about the community spirit around a lot of these annual or seasonal events that happen across the state. You will be pleased to know I have been to the Warrnambool Cup a few times, Mrs McArthur; it is a fantastic event. Regardless of your views about the type of racing that goes on, there are literally hundreds of people that travel from right across the state to attend that race meet but also to work at it. There are hundreds

of people that go there for almost a week and get that work. I guess one of the things that I think struck me about the people who work in the racing industry is that they are absolutely the salt of the earth. I think they deserve a little bit more stability in terms of the wages and conditions that they enjoy working in that industry. It is not secure employment. I am sure that the Australian Services Union continues to advocate strongly for them, but the reality is that we need to make sure that these race meets, wherever they might be, are not disrupted by dangerous behaviour, and this is what this bill seeks to do.

I think it may have already been noted today that whilst the eight Victorian race meetings during spring carnival are already covered by that Major Events Act 2009, some of the incidents that have occurred more recently have taken place at some of the slightly smaller tracks, including Cranbourne, Moonee Valley and Penshurst, and those events are not currently covered by the Major Events Act, so what we are seeking to do here is have some consistency. It is very dangerous behaviour – I think Ms Terpstra has touched on that already – in terms of the consequences. Actually doing something that would stop or disrupt a race can have very dangerous consequences not only for the jockeys and the horses or the animals involved in that particular event but also for all the stewards and the barrier staff and all the people that actually work on the track. It can be incredibly dangerous for them. They deserve to have a safe workplace. One of the things that we have to ensure is that no matter what industry you work in, regardless of the nature of it, there is actually a broad responsibility for the employer to provide a safe workplace. I think that the changes that we are making in this bill absolutely go to that very important principle that a safe workplace must be and is an employer obligation, and this is why it is important that this bill is passed, and it is pleasing that it is going to be supported today by the opposition.

I think that in terms of stewards, they are the most appropriate people that are on track to actually carry out enforcement functions in the absence of police. They do have that sort of role in the racing industry already, and some of them are already authorised officers for the purposes of animal welfare legislation. There has been extensive consultation undertaken with the racing controlling bodies to ensure that they are comfortable with the authorised officer arrangements in the bill, and the industry has provided assurances that it will manage rosters and steward workloads appropriately, and that is to ensure the additional enforcement role does not impact delivery of some of the other important integrity services that they undertake at race and trial meetings.

I think that we have traversed this topic pretty well today. It is very important that the main purpose of the bill is not kind of misconstrued. Clearly at the heart of this is the health and safety and welfare of all patrons and participants and of course the workforce – the very diverse workforce – that work in the racing industry, whether that is at a metropolitan racetrack or anywhere else in the state, and of course patrons are also being kept safe through the changes that are in this bill. The bill does this. It is very important in terms of having stronger deterrents in place for this kind of behaviour, such as running onto the track. There will be, as others have outlined already, new offences included in the bill. I think that I might leave my contribution there.

Gaelle BROAD (Northern Victoria) (16:40): I am pleased to stand today to talk about the Racing Amendment (Unauthorised Access) Bill 2022, and I give my support as the Nationals member for Northern Victoria Region to the provisions in this bill. The purpose of this bill is to amend the Racing Act 1958. It aims to prohibit unauthorised access to certain areas of racecourses during race meetings and official trial meetings, prohibit certain disruptive conduct during race meetings and official trials and provide enforcement of these provisions. Evidently these requirements already exist at major racing events, so it is applying the same standards across other racing events. It is important to be consistent and to have consistent safeguards, and that is what this bill does at every thoroughbred, harness and greyhound race meeting and also at official trial meetings right across the state. It will also make illegal disruptive behaviour in and around restricted areas and allow for law enforcement officers to intervene when required. It is going to restrict areas, which include the racetrack, mounting yards, stables and kennels, and it also prevents climbing on fences or barricades that are adjacent to a

restricted racing area. They are very practical, commonsense solutions and amendments here to ensure that our racecourses are safe for people as well as for animals.

These changes have actually been brought forward by the industry, and they have very strong industry support. I am always in favour of consultation with industry, and I am very pleased that the following groups have been consulted in this process, including Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, race clubs, the Victorian Jockeys Association, Victorian thoroughbred owners and breeders associations and also Country Racing Victoria. I also visited the Bendigo racecourse just recently, and it was good to discuss this bill with local committee members. I have enjoyed attending races in the past, and I would love to go to the races with Mrs McArthur as well. I am looking forward to cup day in Kerang on Saturday 8 April, which is Easter Saturday. That is a great event. It has got visitors who love to come and camp along the river, and you will get the opportunity if you would like to come and join me. It is a great day of horseracing. There are activities for the kids. There is fashions on the field; I will not be entering.

Across Victoria we have 2 million people that attend races, which is quite an incredible number. Attending a cup day is a great opportunity to get out and enjoy regional Victoria. If you are looking for something to do, I invite you to come to Wangaratta. The Wangaratta Cup will be held on 4 March, the Towong Cup on 11 March and also the Echuca Cup on 12 March, and then on 11 June we have got Swan Hill Cup Day, or you might want to visit Mildura on 21 July. Then in September we have got the Benalla cup, and November is pretty action packed, which is not surprising; we have got the Bendigo Cup, the Kilmore Cup and the Wodonga cup. It was great to visit Bendigo Jockey Club recently and have a morning with members. Over 300 people attended. There are lots more racing clubs right across northern Victoria, and in fact across our state there are 86,000 people who are members of a racing club. Some of the clubs we have in northern are Wangaratta Turf club and Benalla Racing Club. We have got Kyneton & Hanging Rock Racing Club, the Kilmore Racing Club –

A member: Tatura.

Gaelle BROAD: Tatura – yes, thank you. We have got Racing Wodonga; Kilmore, I may have mentioned; Yea Racing –

Wendy Lovell: Echuca.

Gaelle BROAD: Echuca – yes, thank you, Wendy Lovell – Swan Hill Jockey Club and Mildura Racing Club, and hopefully I have not missed any other names, but I am sure all these clubs would welcome new members. I worked with a lady whose husband was a horse trainer, and I know what hours they work. They are up well before the crack of dawn, so they work extremely hard. They do a lot of travel. It is very impressive the amount of work that goes on behind the scenes in the racing industry.

The Victorian racing industry contributes nearly \$4.7 billion to the Victorian economy. That is incredible. More than 121,000 people are directly employed or volunteer or participate in the racing industry, and the Victorian racing industry, as we have heard today, supports nearly 35,000 full-time jobs, which is crucial. There are some interesting facts that I thought would be worth sharing that I guess summarise the thoroughbred, harness and greyhound racing industry in Victoria. There are nearly 4000 breeders, over 3300 trainers, more than 83,000 people who are owners or syndicate members who are involved and nearly 900 jockeys. In Victoria we have 128 racing clubs and 108 racetracks. We have 2164 race meetings and over 22,000 races. I know Warrnambool has been mentioned recently, and I have not actually been to the Warrnambool race.

Bev McArthur: We can change that.

Gaelle BROAD: Thank you. I will take you up on that. I would love to go along.

Bev McArthur: Only protesters are not coming.

Gaelle BROAD: Well, I am certainly not part of that. I would love to attend. I have certainly stood on the foreshore in Warrnambool. It is a place that our family loves to go to over summer, and to watch the horses being trained in the water is just a beautiful sight – the care and the concern that they take to look after those horses, the amount of work that they do to maintain them and look after them. It is an absolutely stunning early morning in Warrnambool, so I would highly recommend going down to the foreshore and having a look at the floats and the horses.

The racing industry is a very important part of the Northern Victoria Region. It makes a significant contribution, and I particularly want to thank the committees and the volunteers right across the state for their involvement. I am looking forward to a great day out at the Kerang Cup. I certainly will not be entering the fashions on the fields, but I look forward to seeing it. I support the proposed reforms in this bill. They are practical, and they have been put forward to keep our racecourses safe so that everyone can enjoy a great day out.

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:48): I also rise to comment on the Racing Amendment (Unauthorised Access) Bill 2022 and support the objectives of the bill, and I am very proud that the coalition, which is now in opposition – and hopefully will not be for much longer – are very, very pleased to be able to support this bill. The racing industry is home to a lot of people. The Sandown racing area and the Cranbourne racing area fall into the South-Eastern Region, and it is a place where people actually have their livelihoods as well as their leisure time. I have had the great privilege of being in both areas. I am very, very pleased and proud to have had time with members of the community that are in the racing industry, and I know that it is really important for this community to be able to enjoy this form of leisure and to be able to enjoy their livelihoods without concerns about people's safety in terms of protesters or other people that might come into places where they really should not be. So it is my great privilege and pleasure to be able to support this bill for the local people in the community and those that come into our local area in the South-Eastern Region to support the racing industry, the greyhound industry and the horseracing industry in Sandown and Cranbourne and throughout Victoria.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:49): I would like to just take this opportunity to thank members for their contributions, especially new members, many of whom gave their first contributions on this legislative debate. I would also like to thank Minister Carbines and his office for progressing this important legislation through the Parliament which is before us today. This is quite a straightforward bill, and I hope that all members support this bill before us. To restate the main purpose of the bill, it is to ensure the safety and welfare of all patrons and participants, including animals, at all race and official trial meetings across our state.

Extensive consultation has taken place, especially with the racing bodies to ensure that they are comfortable with the authorised officer arrangements in the bill. The industry has provided assurances that it will manage rosters and stewards' workloads to ensure the additional enforcement role does not impact delivery of important integrity measures at races and at trial meetings. I also note that as outlined the bill is about deterrence, and enforcement activity is expected to be very limited. These laws will ensure consistency across the racing industry and puts us into line with other comparative jurisdictions. If members have any questions, I would be happy to take them in the committee stage.

Council divided on motion:

Ayes (29): Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Rikkie Tyrrell, Sheena Watt

Noes (7): Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Motion agreed to.**Read second time.****Committed.***Committee***Clause 1 (16:58)**

Georgie CROZIER: I am just wondering if the minister could provide some examples of the sorts of behaviours that this bill seeks to address. Will it take into consideration anti-racing protesters that sometimes disrupt tracks and antagonise patrons of race meeting events?

Enver ERDOGAN: Thank you, Ms Crozier, for your question and your interest in the debate today. I listened to your contribution and your strong support for the racing industry. I guess, examples of the sort of behaviour that we envisage this bill stopping or disincentivising are protesters throwing or kicking projectiles or causing objects to be thrown onto a racetrack during a meeting or an official trial meeting. I think that is very important. The bill will additionally restrict a person, including protesters, without a reasonable excuse, from climbing on a fence, barrier or barricade within a restricted racing area during a race meeting or an official trial meeting.

Georgie CROZIER: Thank you, Minister. If I could just explore that a little bit, you just said it would restrict people that were climbing on a fence, or protesters, I cannot quite recall your words, but without a reasonable excuse. What sort of excuse would somebody need to climb a fence if they were protesting or they were not allowed onto the track?

Enver ERDOGAN: If it was for the purpose of a protest, that would not be allowed. It is more – the reasonable excuse is where a child runs onto the racetrack. The main purpose of this bill is of course to stop people doing something drunkenly, doing something silly and endangering lives.

Georgie CROZIER: Thank you for that clarification, Minister. Minister, if I could go to the issue around, which the bill does relate to, authorised officers. In the minister's second-reading speech, if you could just bear with me, it says:

The new offences will be enforced by Victoria Police or authorised officers appointed by the Secretary of the relevant department.

Victoria Police will have primary responsibility for the enforcement of the provisions at those race meetings where a sworn officer is in attendance.

However, most Victorian race meetings are conducted without any police presence. In those instances, the offences will be enforced by other authorised officers. The Bill inserts new provisions into the Racing Act that enable the Secretary of the relevant department to appoint racing stewards and persons who have appropriate skills, qualifications, knowledge, or experience as authorised officers. It is intended that at least one authorised officer will be present at every Victorian race meeting or official trial meeting.

So with that in mind, it says that if there is no police presence, then it would be up to the stewards. But often they are very busy so those authorised officers – you are guaranteeing that an authorised officer will be present at every race meeting. Is that what the intention of the bill is, just to free up those

stewards that have got other duties? They are often very busy at a race meeting, and they do not have the capacity to be looking at the issues that might arise if they have got a protester or some other action taking place on the racetrack.

Enver ERDOGAN: I think it is not envisaged that these types of incidents will be a frequent occurrence. In the preparation of this bill there was extensive consultation with racing bodies to ensure that they were comfortable with the authorised officer arrangements. It is envisaged that in most circumstances the stewards will be the ones that will be trained appropriately to take on these duties. Obviously we are not envisaging this to be a frequent occurrence, so it should not add too much to their workload, but I do appreciate they are very busy. But there are also provisions for the secretary to appoint other such officials as authorised officers, as you have outlined – people with the appropriate skill or authority – in consultation with the racing bodies.

Georgie CROZIER: Thank you, Minister, for that response. So in relation to those stewards or other officials that then become an authorised officer that have to have the appropriate skills, qualifications, knowledge or experience, have the government or the department undertaken a skill set at the moment in relation to those stewards that are present? Does the government have any idea how many stewards will have to be trained up to undertake these roles as authorised officers? And then who will be paying for that education for them to do so? Is that up to the racing club or would the government do that?

Enver ERDOGAN: Very good question. Thank you, Ms Crozier. The respective racing bodies will be responsible for the cost of that training. In terms of how many people will be trained, obviously there will need to be enough for every track. In terms of the skill sets, it is envisaged it will be a similar skill set to what other authorised officers have in other similar professions.

Georgie CROZIER: Could I just ask: the second-reading speech says that at least one authorised officer will be present at every Victorian race meeting or official trial meeting. Now, I do not know the numbers of those race meetings or trial meetings that occur throughout Victoria. I am just wondering if you could provide the committee with that number that we are talking about. The reason I ask that is I am trying to ascertain, if you have got a race meet outside, obviously, the major ones that we have spoken about where there is policing undertaken, and when those stewards sometimes have very busy roles but are also trained as the authorised officer, who picks up what? What is the government's intention if that one steward who is also an authorised officer is unavailable? Who fills in? Will there be other authorised officers that will fill that gap? What is the government's intention to assist that race club or race meeting or trial meeting in undertaking that role?

Enver ERDOGAN: Thank you, Ms Crozier. Like you said, it is envisaged that the obligation is on the racing bodies to ensure that they have an appropriately trained authorised officer present. So I guess if someone is not able to attend, they need to make sure that someone that is qualified that has undertaken the training is present and able for that race day.

Georgie CROZIER: Thank you, and you might have to get some advice on this: how many race meetings and trials are we talking about each year in Victoria?

Enver ERDOGAN: Thank you, Ms Crozier. I am informed that there are over 2000 race meetings annually in Victoria – 2300 approximately. There are already race stewards at all those meetings, so they will need to be appropriately trained as authorised officers. We are only expecting a handful of incidents annually, as I said earlier. We are not expecting a large amount of these types of nasty incidents. I hope that answers your question.

Georgie CROZIER: Thank you, Minister. The reason I ask that is we have seen an increase in activity over recent years, unfortunately, around protesters and some of this behaviour that has occurred. I would hope that we would not see a further increase, but has the government identified certain race meetings where they anticipate that those particular clubs will need to have a greater presence rather than just one authorised officer?

Enver ERDOGAN: Thank you, Ms Crozier. We have not seen an uptick in protest activity. This bill is not targeted towards just protest activity; it is more so about drunkenness and misbehaviour in general at racetracks across our state. So we are not expecting an increase to more than the existing incidents that occur annually.

Georgie CROZIER: Just in relation to that, I know that in some country meetings there is quite a large police presence to deal with antisocial or drunken behaviour, and I am particularly aware of some race meetings where that has actually had a big impact, the police presence, on some of these race meetings. So what has the government discussed with police so that they are also aware of working with these authorised officers to ensure that there is appropriate coverage and to enable those 2000 meetings to have at least an authorised officer if there are no police present?

Enver ERDOGAN: As Ms Crozier has pointed out, where there are police present, they will be the main persons responsible for enforcement. As part of drafting this legislation Victoria Police were consulted and they did not raise any concerns.

Nicholas McGOWAN: Just in respect to that answer, where in the bill does it state that?

Enver ERDOGAN: Mr McGowan, are you asking about the consultation? Which clause are you asking about?

Nicholas McGOWAN: That is in respect to the police officer being the officer that would execute the authority.

Enver ERDOGAN: Thank you, Mr McGowan. As you would understand, the definition of ‘authorised officer’ is listed in section 3 as:

- (a) a police officer; or
- (b) a person appointed as an authorised officer ...

In terms of the hierarchy that you are asking about, I guess that is just the practice. Where police are present, they are the ones that are the main people responsible.

Nicholas McGOWAN: So to be clear, it is not in the bill. Is that correct? The order which the minister spoke of – that is, that the police officer would be the officer that would be executing the delegation or the authority and that in preference and over the other delegated officers, the police officer would be the first – is correct?

Enver ERDOGAN: Yes. Mr McGowan is correct that they are both authorised officers under the definition.

Clause agreed to; clauses 2 to 7 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:17): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:17): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

*Rulings from the Chair***Notices of motion**

The PRESIDENT (17:18): Some outstanding business from today: now having had the opportunity to look at Mr Davis's notice of motion from this morning, I will rule the notice out. The way the notice of motion is currently drafted I do not believe it is in order, because the action it seeks is clearly not within the competency of the house to achieve. Furthermore, requiring the Clerk to transmit a message to the Assembly is not in accordance with joint standing order 2, which stipulates how messages between houses are to be transmitted. Mr Davis has the opportunity to give a new notice of motion next sitting week. I remind members that while it is not compulsory it has been a common practice to provide the clerks with copies of notices of motion before they are given to the house.

*Questions without notice and ministers statements***Written responses**

The PRESIDENT (17:18): On another matter, Ms Blandthorn raised a point of order today at the end of question time. I have reviewed *Hansard* and I am now satisfied the minister answered the supplementary question. I now confirm there is no need for a written response, because I was wrong.

*Bills***Health Legislation Amendment (Information Sharing) Bill 2023***Introduction and first reading*

The PRESIDENT (17:19): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Health Services Act 1988** to establish a centralised electronic system to enable public hospitals and other specified health services to share specified patient health information, to make consequential amendments to the **Health Records Act 2001** and for other purposes'.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:20): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:20): 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 with respect to the Health Legislation Amendment (Information Sharing) Bill 2023

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

Overview of the Bill

The Bill amends the *Health Services Act 1988* (HS Act) to provide for the establishment of a secure electronic system to enable public hospitals and specified health services to share specified patient health information for the purpose of providing medical treatment to patients. The Bill also permits information access, use and disclosure for system establishment and maintenance, and makes consequential amendments to the *Health Records Act 2001* (HR Act).

Human Rights Issues

The Bill engages the Charter rights to privacy (s 13(a)), freedom of expression (s 15) and rights in criminal proceedings (s 25(1)). To the extent that the Bill limits any Charter rights, such limits are reasonable and justifiable in accordance with section 7(2) of the Charter.

Electronic Health Information Sharing System

The Bill amends the HS Act to require the Secretary to the Department of Health to establish and maintain an Electronic Patient Health Information Sharing System (the System) (cl 4). The System must contain any specified patient health information that the Secretary requires to be collected. The Secretary can, by notice published in the Government Gazette, specify health information to be given by a participating health service for the purposes of the System, and a relevant date in relation to that health information. A participating health service must give to the Secretary prescribed health information and unique identification numbers assigned to persons the subject of the information, if the information was collected on or after the date specified, within certain timeframes. Where a relevant health service does not comply with a gazetted notice, the Bill provides for the Secretary to give written directions to a participating health service to give the specified health information or unique identification numbers required.

Under the Bill, the Secretary and participating health services may collect, use and disclose specified patient health information as permitted or authorised by the Bill without the consent of the person to whom the information relates. Access to and use of prescribed information held on the System is limited to persons who are employed or engaged by a participating health service and who are authorised by that service to access the System and use and disclose specified patient health information for the purposes of providing medical treatment to that patient. The only other reasons that persons authorised by a participating health service may access information on the System are for the purpose of giving the information to the Secretary as required by the Bill or for information security and data management purposes. The Secretary, or a person employed or engaged and authorised in writing by them, may also access the System to use and disclose specified patient health information or unique identification numbers for the purposes of establishing, maintaining and operating it, undertaking information security and data management, and otherwise ensuring that the System operates securely and effectively.

Privacy (s 13(a))

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

The amendments contained in the Bill will allow for the interference with the privacy of persons to whom specified patient health information or identifiers stored on the System (System information) relates. System information may be 'health information' under the HR Act. Health information can include information on the physical, mental or psychological health of a person, or other personal information collected in the course of providing them a health service. Compulsorily collecting such information from health services and providing access to it without consent or an option to opt-out will engage the right in section 13(a) of the Charter.

However, to the extent that the amendments which provide for the System interfere with the Charter right to privacy, I consider that the right will not be limited. Any interference will be authorised by legislation that is appropriately circumscribed. Where the Bill provides for matters relevant to the collection or use of information for the System to be prescribed by notice in the Government Gazette, such as specified health information to be given by participating health services, these powers are appropriately constrained. In accordance with the provisions of the Bill, the Secretary may only prescribe, for collection for the System, the health information of a person who has received treatment from a participating health service, and that health information is being collected for the purpose of providing medical treatment to the person. Reasonable time limits apply to the retrospective application of gazetted notices which provide certainty as to the scope of health information that is collected for the System. Although the Bill does not further restrict the categories of information that may be prescribed, I am satisfied that this formulation is necessarily flexible to allow for the Secretary to prescribe emerging types of health information required for medical treatment and care, whilst being clearly connected to the purpose of the System. I am therefore satisfied that such interferences with privacy will be lawful.

I am also satisfied those interferences with individuals' privacy that may occur under these provisions will be predictable and proportionate to the objects of the System and will therefore not be arbitrary. The amendments will not require the collection of new information from individuals but rather facilitate the transfer of copies of existing information, already collected and held by public hospitals and health services, to a central platform. Access to the System will be limited to persons working at participating health services, who would have been able to access the same information through the records of the participating health service, or to seek the information from other health services, albeit on a one-to-one, rather than one-to-many information-sharing basis. Use of System information will only be permitted for the important purpose of providing medical treatment, or for System maintenance. The Bill also contains safeguards to protect against misuse of System information, including by creating offences for:

- unauthorised persons knowingly accessing the System unless authorised to do so under new Part 6C of the HS Act (Part 6C), otherwise unless the person was authorised or required under the Bill or another Act to do so, or required by law;
- authorised persons accessing the System other than in accordance with Part 6C, unless the person did so as authorised or required by the Bill or another Act, or as required by law; and
- authorised persons accessing the System using and disclosing specified patient health information obtained by that person other than in accordance with Part 6C, unless expressly required authorised or required by the Bill or any other Act, or required by law.

The legislative protections that apply to health information in the HR Act, and to personal information under the PDP Act will remain largely unaffected by the Bill (subject to the amendments discussed below). Any interference with privacy occasioned by the establishment and operation of the System is for the beneficial purpose of improving medical care by providing clinicians with better access to persons' medical records held across multiple health services to improve patient safety and quality of care.

To the extent that the security and protection of information is related to the privacy of information, I note that strong technical measures in addition to the safeguards provided in the Bill will apply to the System to protect against any unauthorised access. Furthermore, the System will be subject to the Victorian Protective Data Security Standards.

Accordingly, I consider that the provisions in the Bill providing for the establishment and use of the System will not limit the Charter right to privacy.

Limits on access to System information

The Bill amends the HR Act to exclude the System from the requirements in Health Protection Principles (HPP) 1.3 that organisations only collect health information from the individual the subject of the information, and the requirement in HPP 1.5 that where organisations collect health information about individuals from other parties, that they make those individuals aware of the third-party collection and other factors (cl 5). The Bill also amends the HR Act to exclude persons' right of access to and correction of System information in HPP 6 and Part 5 (cl 5), and amends the HS Act to provide that the *Freedom of Information Act 1982* (FOI Act) (cl 4) does not apply a document given to the Secretary for the purposes of complying with new Part 6C or the System and therefore not subject to requests for access under the FOI Act. A consequential effect of this amendment is that a person's right under s 39 of the FOI Act to request the correction or amendment of documents that contain personal information will not apply.

Privacy (s 13(a))

The Charter right to privacy in s 13(a) is based on Article 17 of the International Covenant on Civil and Political Rights. The United Nations Human Rights Committee has issued guidance on Article 17 which

provides that persons should have the ability to ascertain which public authorities control their data, and to request the correction or deletion of personal data that contains incorrect information.

The right to privacy may appear relevant to clauses 4 and 5 of the Bill because they limit individuals' right of access to and correction of their personal information held on the System. However, any interference with privacy occasioned by these limits will be authorised by legislation, and appropriately tailored to achieve their purpose. The System will only contain copies of information already stored by public health services. Limiting access to, and the right to seek correction by a person of System information relating to them, is to ensure the coherence of individual's health information. Information relating to a person that is held on the System may only capture part of their health information, whereas it is more likely that individual health services hold information that is complete and in context. Should an individual wish to access or amend their health information, or had concerns about incorrect information being recorded, they can access and correct the information through their health service provider. If this occurs, a participating health service would be required to share that updated information with the System. Therefore, correcting information through a participating health service will effectively trigger an automatic update to System records.

Clauses 4–5 therefore do not restrict the ability of persons to access their own information or frustrate their right to correct it, but rather just ensure that information is accessed or corrected through a health service. This will ensure that, in substance, only health services can amend System information, requiring that health services vet information that is collected by the System. This avoids the risk that the System would become a 'source of truth' for health records that are the responsibility of health services, or of System information about a person being amended without the person's health service provider being notified. Therefore, in my view, these clauses do not engage the right in s 13(a) of the Charter. Even if clauses 4–5 were found to interfere with the privacy right in s 13(a), I consider that the right would not be limited because the interference is both lawful and not arbitrary - particularly because persons would have alternative means of accessing and correcting the same information as contained on the System and, moreover, that the establishment for the System is for the beneficial purpose of improving medical treatment and care by providing clinicians with better access to a persons' medical records.

Freedom of expression (s 15)

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. This has been interpreted to include a positive right to access information held by the government. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

Clauses 4–5 may engage the right to freedom of expression by limiting access to information on the System. However, the same information will be accessible from the participating health service. As above, persons will have the ability to access information through a public health service. Therefore I consider that although the right to freedom of expression may be relevant to these clauses, the right will not be limited. Even if these provisions were considered to limit the right in s 15 of the Charter, I consider that any limit would be reasonable and justifiable under s 7(2) of the Charter. This is because the clauses will not restrict the information actually available to persons, just the sources from which they could seek to obtain and correct it. Any such limitation is considered to be necessary for the efficient operation of the System, having regard to its overall beneficial purpose, and therefore is compatible with the Charter.

Criminal penalties

As mentioned, the Bill will amend the HS Act to insert three new offences for unauthorised use of the System, or unauthorised access, use and disclosure of System information, to protect the privacy of System information. Relevantly, the offences will incur penalties of 240 penalty units or two years imprisonment. Each offence will not apply if the person was authorised or required by the Bill or another Act, or required by law, to access the System. For the offence of unauthorised use or disclosure of System information, the threshold is "expressly" authorised or required by or under the Bill, another Act, or by law.

Rights in criminal proceedings (s 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

The right to presumption of innocence may appear to be relevant because for each new offence in the Bill, the offence provision will not apply if the person was authorised or required by the Bill, or required by law, to access the System. Because these provisions prohibit an act from being done unless it is committed by persons with specified authorisations, it may be viewed as imposing an evidential burden on the accused.

However, in doing so, these provisions do not transfer the legal burden of proof. Rather, they provide a carve-out which will enable an accused to escape liability where they had a lawful basis for accessing the System. The prosecution is still required to prove all the other elements of each offence. I do not consider that an evidential onus such as is contained in these provisions limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

For the reasons set out in this Statement, in my opinion, the Bill is compatible with the human rights as set out in the Charter.

The Hon. Lizzie Blandthorn MP
Minister for Child Protection and Family Services
Minister for Disability, Ageing and Carers

Second reading

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:20): I move:

That the bill be now read a second time.

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

Introduction

Most Victorian patients will visit more than one health service for health care and treatment. The availability of complete and accurate health information at the right time and at the right place will save lives and is essential for providing the very best care for patients.

Currently in Victoria, critical health information is spread across different health services, in separate systems and in paper-records.

This fragmentation of patient health information often means that clinicians manually gather patient health information, through fax or phone calls. This is inconsistent with modern health record sharing standards, and the approach taken by other Australian jurisdictions such as New South Wales, Queensland, ACT and South Australia, which have successfully implemented health information sharing at the point of care.

The Health Legislation Amendment (Information Sharing) Bill will enable information-sharing between specified health services, through a secure platform operated and managed by the Department of Health (the Department).

The Department would have the authority to securely hold and share health information between and across public health services electronically.

The Bill will amend the Health Services Act 1988 to establish a health information platform, for relevant health services to share certain health information for the purpose of providing medical treatment and care to patients.

The amendments will also authorise collection and disclosure of health information to the Secretary for the purpose of establishing and maintaining the electronic health information platform.

The Bill changes will apply to the following specified entities:

- public hospitals,
- multi-purpose services,
- denominational hospitals,
- metropolitan hospitals,
- prescribed health services,
- registered community health centres,
- the ambulance service,
- the Victorian Institute of Forensic Mental Health; and
- the Victorian Collaborative Centre for Mental Health and Wellbeing.

The application of the Bill recognises the challenges of siloed information across the Victorian public healthcare system, and the importance of strengthening the system for the health and wellbeing of all Victorians. We recognise that a consolidated picture of a patient's medical and health history is essential to the provision of the safe and high-quality care in our public hospitals.

The main objectives of the Bill are to establish a single, secure platform for health records, enable interchange of information between health services when required, improve patient safety, decrease avoidable harm and deliver person-centred care. The patient's care journey can take them to many different public health services over the course of their illness or condition. There are risks to the quality and safety of patient care when information is fragmented or missing across that journey.

Failure to correctly identify patients across health services, match their information, and accurately share that information can lead to poor health outcomes for patients. These include unintended injury, infections, problems with medications, as well as unnecessary duplication of diagnostic tests.

In urgent situations and emergencies where the patient and their family are not able to provide a full and clear picture of their past medical history, this can compromise and delay the delivery of safe, timely and high-quality care.

Creating an easier, safer, and more secure way of sharing of health information between public health services will ensure that treating clinicians have a complete and integrated picture of a patient's history.

This will support clinical decision-making and reduce the risk of missing important medicines information and allergies. It will let the treating clinician see important medical images and laboratory results, to manage the patient more safely.

The reforms are fundamental to strengthening the Victorian healthcare system and delivering on key government commitments as outlined in the 2016 Targeting Zero Report. The Royal Commission into Victoria's Mental Health System also acknowledged the lack of information sharing culture.

More recently, both the flood crisis and the COVID-19 pandemic demonstrated where better health information sharing practices could have been used to support doctors, nurses, and allied health staff with their clinical decision making, benefitting the whole community.

The COVID-19 pandemic has exposed the barriers to health information sharing and some consequences of those barriers for patients and clinical staff. Clinicians in our hospitals can only access COVID test results where that test was done by their own pathology service.

More than 15 laboratories contribute to COVID testing across Victoria, however. This means that the majority of COVID test results are not available to treating clinicians in their health service record systems. COVID test results done in a drive-through or in another other health service must be individually requested. This delays patient care, increases the risk of exposure of patients and staff to COVID, and adds a further administration burden to the processes of patient care.

The recent floods caused damaged to hospitals and loss of paper records. During these difficult circumstances, flood-affected Victorians were treated at facilities where they did not normally attend. Many patients were also seen by telehealth services provided by Victoria's virtual ED. The inability to access a single information sharing platform meant that sometimes access to timely healthcare was delayed in these circumstances until health professionals could get a better understanding of a patient's medical history.

Enabling information sharing through state-of-the-art technology operated by the Department is critical to supporting the reforms under way to modernise and future-proof our health system for the health and wellbeing of all Victorians.

The Victorian Government recognises both the sensitive nature of health information and the importance of having critically strict safety, security and privacy measures put in place to ensure it is protected.

To deal with this, extra safety steps will be taken when handling personal health information. Only authorised health service staff will be able to view this information for the purposes of treating a patient. This Bill introduces three new criminal offences to specifically deal with unauthorised access to the platform, access to the platform for unauthorised purposes and unauthorised use or disclosure of information contained in the system.

These criminal offences will attract a fine of 240 penalty units or a maximum term of imprisonment of two years.

The Bill also continues the current position set out in Victorian privacy laws that permit sharing health information for the provision of care and treatment. Rights to access health information and correct it will also be unchanged.

The new platform will improve the way data is stored, making it a safer and more secure system than faxes and phone calls.

Central to these changes of creating a stronger, healthier, and more connected Victoria by sharing information responsibly, safely, and appropriately are robust safeguards and audit processes to securely manage data and protect patient privacy.

There will be real-time business processes and audit checks in place to ensure that health information remains safe and protected. Strong and secure technical measures, including Next-Generation antivirus tools, will protect against any unauthorised access.

The Bill will also provide for an independent review of its effectiveness two years from its commencement. This will allow the impact of the Bill to be assessed and potential improvements to be made.

The government will continue to work with partners including health and legal advocates, health care providers, clinician, and consumer groups to ensure our public hospital system has efficient and connected information sharing that safeguards data, security, and privacy.

In addition, the Department will establish an oversight body to advise the Secretary on key decisions for the safe and secure operation of the health information sharing platform.

Strong clinical governance will be in place to ensure patient safety and quality of care is at the centre of the operation of the platform. These arrangements place the consumer experience at the forefront.

The Department will build on the current practices within Victorian public hospitals to safeguard the sharing of sensitive information by putting in place a privacy management framework. This will limit access to information to designated health service staff who need to see the information for clinical decision-making purposes.

It would provide additional protections for vulnerable groups for issues such as family violence, child protection. It will maintain higher levels of confidentiality for highly sensitive information such as sexual and mental health.

Importantly, the Bill limits the use of the system to the purposes of patient care, treatment and any necessary system maintenance. Robust and effective mechanisms are already in place to support service planning, policy development and research.

The availability of complete and accurate health information at the right time and place saves lives. It is essential to providing the best care and treatment for patients across Victoria.

The Department of Health will continue to work closely with health services to support them in this transition as the new platform is implemented to ensure privacy management compliance and to optimise patient safety, and continuity of care.

Sharing information safely and securely is the foundation of a modern health care system. Through this Bill the Victorian Government continues to put the health, privacy, and security of Victorians first.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:21): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Human Source Management Bill 2023

Introduction and first reading

The PRESIDENT (17:21): I have a second message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to provide for the registration, use and management of human sources by Victoria Police, to provide for the external oversight of the use of human sources, to consequentially amend the **Victoria Police Act 2013** and for other purposes'.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:22): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:22): 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 Human Source Management Bill 2023 (**the Bill**).

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

Overview

The Bill establishes a legislative framework to regulate the registration, use and management of human sources by Victoria Police, conferring relevant duties, functions and powers on Victoria Police personnel. Victoria Police will be required to register a person as a human source if their identity is known to Victoria Police; Victoria Police wishes to obtain or use information or assistance from the person to assist a criminal investigation or with the gathering of criminal intelligence; and the person has a reasonable expectation their identity or relationship with police will remain confidential. A person will be defined as a human source from the time they are registered and Victoria Police will be prohibited from using information or tasking the person until they have been registered. This is subject to some narrow exceptions (outlined below).

The Bill also establishes an external oversight framework, where the Independent Broad-based Anti-corruption Commission (**IBAC**) and the Public Interest Monitor (**PIM**) provide oversight of Victoria Police's human source management program, and the Victorian Inspectorate (**VI**) in turn provides oversight of IBAC and coercive powers exercised by the PIM.

Human Rights Issues

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

The Bill engages the following human rights under the Charter:

- right to life (section 9)
- right to privacy and reputation (section 13)
- right to protection of children in their best interests (section 17(2))
- right to freedom of expression (section 15)
- right to security of person (section 21)
- right to 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, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to section 7(2) of the Charter.

Registration of human sources to assist in gathering criminal intelligence or to support a criminal investigation

The Bill will require Victoria Police to go through a formal registration process before using a person as a human source to assist with the gathering of criminal intelligence or to support criminal investigations.

A Victoria Police officer must apply to the Chief Commissioner of Police (**CCP**) or their delegate to register a person as a human source if:

- Victoria Police wishes to obtain information from the person, task the person, or use or disseminate information obtained from the person; and
- the person's identity is known to Victoria Police and they have a reasonable expectation that their identity or assistance to Victoria Police will remain confidential. Whether a person has a 'reasonable expectation of confidentiality' will be an objective test based on the circumstances, rather than the subjective views of the person or Victoria Police personnel.

The registration process will involve a police officer submitting a registration application to the CCP or their delegate, outlining the reasons for the application and including sufficient information for the decision-maker to determine whether to approve the registration. The Bill will enable the CCP or their delegate to verbally register a non-reportable human source in urgent circumstances, where a delay caused by requiring a registration decision to be made in writing would defeat the purpose of the registration. The Bill will also include a streamlined process for registering a person in 'emergency circumstances.' That is, where there is a serious and imminent threat to national security, the community, or the life and welfare of any person, and the information the person is expected to provide cannot be obtained through any other reasonable means.

The Bill will enable the CCP or their delegate to register a person as either a lower risk 'non-reportable' human source, or, if the registration or use of the person as a human source poses a greater risk, as a 'reportable' human source who will be subject to more stringent regulation. The Bill will require the following people to be registered as reportable human sources:

- those who are under the age of 18
- those who have a serious medical or mental health condition, or
- those reasonably expected to have access to privileged information.

The Bill will not require Victoria Police to apply to register a person who proactively volunteers information to Victoria Police on a discrete occasion if the police officer is reasonably satisfied that the person is not under the age of 18, does not have a serious medical or mental health condition, and is not reasonably expected to have access to privileged information.

Right to life and right to security of a person

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. Section 21(1) of the Charter further provides that every person has the right to liberty and security.

I consider that the rights to life and security are engaged by the provisions in the Bill enabling Victoria Police to register and use people as human sources. The Royal Commission into the Management of Police Informants (**Commission**) noted there are significant risks to a person's safety that may arise when they are used as a human source.¹ If a person provides information or assistance to Victoria Police covertly, particularly about a criminal associate, there is a risk of retaliation against that person should the nature of the person's human source relationship with Victoria Police be suspected or uncovered.

However, for the following reasons, I am satisfied that any interference with the rights to life and security is reasonable and demonstrably justified, and therefore that the Bill is compatible with the Charter.

Providing a legislative framework ensures an appropriately structured pathway for Victoria Police to use human sources to gather criminal intelligence and investigate crime. The Commission noted that human sources play a critical role in detecting and preventing serious crime, particularly as technological advancements and the sophistication of organised crime groups limit the effectiveness of other law enforcement techniques.² There are benefits to policing and community safety that arise from Victoria Police being able to use human sources.

The Bill includes mechanisms to ensure Victoria Police's power to register and use people as human sources is proportionate to the anticipated impacts on their rights to life and security.

The registration process itself is a key mechanism to manage the risks of using a person as a human source. Until an application to register a person as a human source is approved by the CCP or their delegate, Victoria Police will be prohibited from using a person as a human source. This will prevent Victoria Police from acting on information or covertly tasking the person in a way that may engage the person's rights to life or security, until such activity has been properly considered by a senior decision-maker within Victoria Police.

Victoria Police will be required to obtain informed consent from a person before they are registered as a human source. If the person who Victoria Police wishes to register is under the age of 18, both the child and their parent or guardian will be required to provide informed consent for the child to be registered, unless it is inappropriate in the circumstances for the parent or guardian to do so (e.g. if the child is providing information to Victoria Police about the parent or guardian). The Bill includes further safeguards for people under the age of 18 (outlined below) to ensure children are appropriately protected if their parent or guardian's consent is not obtained. These consent requirements will ensure that the human source management framework is voluntary for people to participate in, and that engagement with their rights to life and security is more reasonable.

This consent requirement is subject to only one narrow exception, when a person requiring registration as a human source proactively volunteers information to Victoria Police on a discrete occasion where it is also an emergency. In such cases, the CCP or their delegate will be able to register the person and act on the

information without obtaining informed consent, ensuring that Victoria Police can respond quickly to the emergency. Other safeguards will apply to appropriately manage the risks involved, including:

- the requirement to satisfy the high threshold for emergency registrations, outlined above
- an emergency registration will only be valid for the duration of the emergency. Once the emergency circumstances have subsided, Victoria Police must either temporarily suspend the human source's registration pending a further application, or permanently deactivate the human source, and
- retrospective external oversight of emergency registrations by IBAC and the PIM, with the PIM responsible for overseeing emergency registrations of reportable human sources (see further below).

The registration process will also specifically require the CCP or their delegate to consider the risks of registering and using the person as a human source before approving a registration application. The decision-maker must be satisfied that:

- using the person as a human source is necessary and proportionate to achieving a legitimate law enforcement objective
- the risks associated with registering the person have been identified and are capable of being adequately managed, and
- registration is otherwise appropriate and justified.

In determining whether the 'appropriate and justified' threshold is satisfied, the CCP or their delegate are required to consider several factors, including the seriousness of the offence to which the person's information relates; the likelihood of being able to obtain the information through other investigatory or intelligence methods; and conditions that would be imposed on the person's registration. The Bill also draws attention to the CCP's existing obligations under section 38 of the Charter, to ensure proper consideration is given to the potential impact of registration on a person's human rights.

The Bill will include additional requirements for registering a person as a reportable human source. These decisions may only be delegated by the CCP to an officer at or above the rank of Assistant Commissioner. By aligning the seniority of the decision-maker with the level of risk posed by the registration, the Bill provides a clear process to ensure that the use of a person as a human source is appropriate and justified.

In addition to the 'appropriate and justified' threshold outlined above, the CCP or their delegate will only be able to register certain reportable human sources in exceptional and compelling circumstances. To register either a child, or a person for the purposes of obtaining or using privileged information, the CCP must be satisfied that:

- there is –
 - to register people to obtain privileged information – a serious threat to national security, the community, or life and welfare of any person, or
 - to register children – either a serious threat as outlined above, or a need to investigate a serious offence, and
- in both cases – the information the person is expected to provide cannot be obtained through any other reasonable means.

This additional requirement will assist in ensuring vulnerable people, or those whose registration poses a higher level of risk to the administration of justice or personal safety, will only be registered as human sources where it is proportionate to the risks involved and where there are no other policing methods available to achieve the law enforcement objective.

When considering whether to register a person as a reportable human source, the CCP or their delegate will also need to consider specialist advice. For children, this could be advice from a social worker or adolescent psychologist. For a person with a serious medical or mental health condition, this will be advice from a mental health or medical specialist. For a person reasonably expected to have access to privileged information, this will be legal advice.

The PIM may also make recommendations that the CCP or their delegate must consider before making a decision to register a person as a reportable human source. Victoria Police must notify the PIM of the application to register a person as a reportable human source and provide the PIM with all relevant information to assist the PIM in making recommendations to Victoria Police.

The PIM will provide retrospective oversight of emergency registrations of reportable human sources, noting that these registrations are time critical and require Victoria Police to respond urgently. The CCP or their delegate will be required to provide the PIM with all information relevant to the emergency registration within two business days after registration, to enable timely oversight.

The provision of specialist advice, as well as advice and recommendations from the PIM, will further ensure Victoria Police's decision to register a person as a human source is informed by a thorough risk assessment and is proportionate to any human rights impacts.

When approving a registration, the CCP or their delegate may impose conditions on how the human source will be used. This will enable Victoria Police to tailor the planned activities of the human source in a manner proportionate to the potential criminal offences being investigated and risks posed to their life and security.

The Bill also includes maximum periods for which a person may be registered as a human source (12 months for a non-reportable human source and six months for a reportable human source), and minimum periods for registration to be reviewed during that time (quarterly reviews for non-reportable human sources and monthly reviews for reportable human sources). The Bill enables Victoria Police to re-register a person upon the expiry of a registration period. Maximum registration periods and required review periods ensure that the risks to a human source's life or security are managed appropriately, including where those risks change over time.

IBAC will also provide broad external oversight of the human source management framework by retrospectively monitoring Victoria Police's compliance with the Bill, any regulations, and relevant Victoria Police policies. IBAC's oversight will ensure that the Bill's requirements in relation to registering and using people as human sources are upheld by Victoria Police and that any trends towards non-compliance that might endanger a human source's life or security are identified and addressed.

Right to privacy, right to fair hearing and protection from self-incrimination

Section 13(1) of the Charter provides that every person has a right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 24(1) of the Charter provides that a person charged with a criminal offence has the right to a fair and public hearing by a competent, independent and impartial court or tribunal. Section 25(2)(k) protects the right of a person charged with a criminal offence not to be compelled to testify against themselves or to confess guilt.

While section 25(2)(k) of the Charter refers to 'a person charged with a criminal offence', courts have interpreted the protections as extending to a person who has not been charged.³ This interpretation acknowledges that the privilege against self-incrimination can be infringed by using evidence in criminal proceedings that a person was compelled to give prior to being charged.

I consider that these rights may be engaged by the Bill in relation to persons whom human sources are used to investigate (**targets**). The Bill provides a legislative framework for Victoria Police to use human sources to covertly gather information about a target, without the target's knowledge, to assist with criminal investigations. The target may unwittingly provide self-incriminating information to the human source. However, for the following reasons, I am satisfied that any limitation on the target's right to privacy is lawful and not arbitrary. Any limitation on rights to a fair trial or freedom from self-incrimination is reasonable and demonstrably justified, and therefore the Bill is compatible with the Charter.

As noted above, the CCP or their delegate may only approve an application to register a person as a human source if satisfied that it is necessary and proportionate to achieving a legitimate law enforcement objective; the risks can be adequately identified and managed; and registration is otherwise appropriate and justified. Additionally, one of the factors to be considered when determining whether the registration is 'appropriate and justified' is the likelihood of being able to obtain the information through other investigatory or intelligence methods. The elements of the registration test ensure that the use of human sources to obtain information is proportionate to the offences being investigated, and is proportionate to any limitation on the rights of persons being investigated.

Registration and use of people under the age of 18 as reportable human sources

As noted above, the Bill empowers the CCP or a delegate at or above the rank of Assistant Commissioner to register children as reportable human sources, where satisfied that certain criteria have been met. The Commission urged Government to include children as reportable human sources in the legislative framework, recognising the welfare and ethical risks associated with their use as human sources and the framework's role in mitigating these risks.⁴

Right of children to protection in their best interests

Section 17(2) of the Charter states that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

I consider that the right of children to protection in their best interests is limited by the provisions in the Bill enabling Victoria Police to register and use children as human sources, given the risks to individual safety that arise when doing so. However, for the following reasons, I am satisfied that any limitation with the right is reasonable and demonstrably justified, and therefore that the Bill is compatible with the Charter.

The Bill provides for the registration, use and management of children as human sources, to ensure they are afforded the important safeguards offered by the legislative framework, including the more stringent protections for reportable human sources. If a child provides information to Victoria Police and Victoria Police are prohibited from registering them as a human source, those protections would not be guaranteed and the interactions with Victoria Police would lack both internal and external oversight.

The Bill includes measures to ensure that using a child as a human source is proportionate and justified, recognising that it may limit the right to protection in their best interests. As outlined above, the registration process itself serves as a key mechanism through which the rights of children are safeguarded in the Bill. The registration process ensures that Victoria Police must first go through a formal risk assessment and approvals process before using a child as a human source. As part of this process, Victoria Police will securely store information about the child to protect their identity. Registration therefore provides strong protections to prevent the child's identity and status as a human source from being disclosed in an unauthorised way. It is also an offence under the Bill to disclose a person's status as a human source (see below), which is an additional protection for all human sources, including children.

The Bill also provides a range of robust safeguards at the registration phase. In addition to those outlined above (e.g. the 'exceptional and compelling circumstances' threshold and the requirement to consider specialist and PIM advice), the Bill requires the CCP or the delegate determining a registration application to specifically consider whether:

- the person subject of the application is a child and if so, whether the registration is in best interests of the child, and
- the expected impacts on the child's wellbeing.

Further protections are also provided in the Bill for children following registration (e.g. maximum registration and minimum review periods). Together, these safeguards serve to protect the right of children to protection in their best interests by:

- narrowing the circumstances in which a child can be registered and used as a human source
- ensuring the registration and use of children as human sources is informed by advice and consideration of factors that specifically address the risks to children, and
- ensuring the conditions governing the use of a child as a human source remain commensurate to the risks.

Given the particular vulnerabilities of children aged 14 or younger, the Bill will limit Victoria Police's ability to use children in this age range as human sources. The Bill will prohibit Victoria Police from initiating contact with children aged 14 years or younger for the purpose of requesting, inducing or procuring them to become human sources, only enabling such children to be registered as human sources where they have approached Victoria Police. If a child aged 14 years or younger is registered as a human source, Victoria Police will be prohibited from tasking the child to gather information or provide assistance, and may only obtain or disseminate information where the child has proactively approached Victoria Police with that information. These safeguards ensure that the use of children aged 14 years or younger as human sources is strictly confined and proportionate to the risks involved.

Additionally, children will be entitled to have either a parent, guardian or independent person present during interactions with Victoria Police. The child will also have an entitlement to a lawyer for interactions relating to registration, tasking or deactivation, recognising that these are points in the human source relationship where key decisions are made, and significant risks arise. Victoria Police will be required to notify the child of their right to have a lawyer present prior to any interactions where the entitlement arises. These provisions will ensure Victoria Police's ability to use a child as a human source is reasonable, by providing children with adequate support and protection in the process.

Functions and powers of IBAC and the PIM

To assist in performing their oversight functions under the Bill, both IBAC and the PIM will have the power to:

- access or inspect relevant material
- request information from Victoria Police personnel, and
- require Victoria Police personnel to provide them with answers or documents if necessary.

Victoria Police will also have obligations to report proactively to the PIM on any applications to register a person as a reportable human source and to IBAC on:

- general registration application matters, such as the total number of registration applications submitted and total number of applications approved

- emergency registrations and urgent registrations, and
- emerging issues, such as material contraventions of the human source management framework, instances where Victoria Police used a human source to access to privileged information, and Victoria Police's implementation of IBAC's recommendations.

To facilitate the full and free provision of information by Victoria Police to oversight agencies and best ensure they are able to perform their functions, the Bill overrides secrecy laws and does not allow for Victoria Police to claim client legal privilege or public interest immunity (**PII**) where information is required, requested or directed to be provided by Victoria Police to the PIM or IBAC.

Where the PIM or IBAC direct Victoria Police personnel to provide information, the privilege against self-incrimination will also be specifically abrogated.

Both the PIM and IBAC are required to report annually to the Attorney-General on the performance of their functions under the Bill. For the PIM, annual reporting obligations will include reporting on the number of times they have been notified about an application made by Victoria Police to register a person as a reportable human source, including in emergency circumstances. For IBAC, annual reporting obligations will include reporting on the extent of Victoria Police's compliance with the human source management framework. Both IBAC and the PIM are empowered to provide special reports to the Attorney-General at any time outside of this reporting period, on any of the same matters. Following provision of their reports, the Attorney-General is required to table these in Parliament within 14 sitting days.

Additionally, IBAC and the PIM are required to notify the VI where they have exercised a power to require Victoria Police personnel to provide them with information to support their oversight functions. In turn, the VI is required to report on the performance of its functions in its annual report.

Right to fair hearing and right to freedom from self-incrimination

I consider that the Bill's abrogation of the privilege against self-incrimination where the PIM or IBAC requires Victoria Police to provide material may engage the right to fair hearing in section 24(1) and the right to be free from self-incrimination in section 25(2)(k) of the Charter. However, for the following reasons, I am satisfied that any limits imposed by those clauses on those rights are reasonable and demonstrably justified.

Enabling IBAC and the PIM to compel information from Victoria Police personnel is critical to ensure the oversight agencies can access the material required to perform their oversight functions. Preventing claims of privilege in these instances will also give Victoria Police personnel comfort that they may provide sensitive human source information to oversight agencies lawfully, and without breaching statutory secrecy provisions. The power to obtain necessary information to perform the oversight functions will ensure improved accountability in Victoria Police's human source management framework.

The Bill includes four significant protections for Victoria Police personnel who are compelled to provide information to the PIM or IBAC where the privilege against self-incrimination is abrogated.

First, the abrogation of the privilege against self-incrimination is limited to instances where either the PIM or IBAC direct Victoria Police personnel to provide answers or documents, rather than where information is requested by oversight agencies. This provides the PIM and IBAC with an avenue to access information from Victoria Police personnel without abrogating this privilege (that is, by requesting the information first) and discretion over when the privilege against self-incrimination is abrogated.

Second, the Bill also limits how information can be used where the privilege against self-incrimination has been abrogated. Consistent with other legislative schemes (e.g. section 84 of the *Independent Broad-based Anti-corruption Commission Act 2011*), if a member of Victoria Police personnel is compelled to provide information, the Bill expressly prohibits that information being used as evidence against the person who provided it before any court or person acting judicially, except in proceedings for:

- perjury or giving false information, or
- breach of discipline by a police officer.

Third, in addition to the information itself being largely inadmissible, the Bill also provides a derivative use immunity, which prevents any evidence obtained as a direct or indirect consequence of the coercively obtained material from being admissible as evidence against the person who provided it in a criminal proceeding or proceeding that imposes a penalty.

These immunities recognise that, while it may be appropriate for the privilege against self-incrimination to be abrogated to enable the PIM and IBAC to perform their oversight functions under the Bill, it would disproportionately limit a person's rights to a fair hearing and freedom from self-incrimination to enable such information to be used to prosecute or gather further evidence against them.

Fourth, the Bill further provides that both the PIM and IBAC must notify the VI when they have exercised a power to compel Victoria Police personnel to provide material. This requirement will ensure the VI can monitor the lawfulness of the PIM and IBAC utilising coercive powers. Once the VI has assessed the exercise of these coercive powers, it may make recommendations to the PIM or IBAC around any action they should take to remedy conduct that may have been unlawful. This will assist in ensuring coercive powers are exercised in a way that is proportionate to a person's rights under sections 24(1) or 25(2)(k) of the Charter.

Right to privacy

In my opinion, the right to privacy is engaged by the Bill providing for Victoria Police to give information to IBAC and the PIM where required, requested or directed to do so. Given the provision of information in these circumstances is subject to the abrogation of certain privileges and an overriding of secrecy laws restricting information sharing, the material could include personal information relating to individuals involved in the human source management program.

The right to privacy is also engaged by the requirement in the Bill for IBAC and the PIM to provide information in their reports to both the Attorney-General and the VI, and by the VI being required to include information on the performance of its functions under the Bill in its annual report. Such reports could include a limited or high-level form of material provided by Victoria Police personnel and, in subsequently being tabled, could result in that material being made publicly available.

However, for the following reasons, I consider that any interference with this right is lawful and not arbitrary, and therefore that the Bill is compatible with section 13 of the Charter.

The requirements for Victoria Police to provide information about human source management to IBAC and the PIM, as well as the oversight agencies' reporting requirements, are intended to promote greater accountability and transparency of Victoria Police's human source management program.

Information relevant to a decision to register a person as a reportable human source is likely to be subject to PII. Legal or specialist advice obtained as part of the registration process may also be subject to client legal privilege. Preventing claims of privilege is therefore critical to the PIM and IBAC's ability to perform their respective oversight functions.

To balance these objectives with human rights, the Bill includes protections to safeguard the right to privacy for a person involved in Victoria Police's human source management program.

The Bill explicitly prohibits IBAC, the PIM and the VI from including in their annual reports information that could tend to reveal the person's involvement in the human source management program. Agencies are required to omit from their reports information that could reasonably be expected to disclose a person's identity or location, or otherwise compromise their security, if:

- Victoria Police has applied to register the person as a human source (including where an application is yet to be determined or has been rejected), or
- the person is currently or was previously registered as a human source.

Before reports are provided to the Attorney-General, the PIM and IBAC will be required to provide a copy to the CCP, who may recommend the removal of sensitive information outlined above.

Offence of unauthorised disclosure of human source information

The Bill creates offences for a person to disclose information that reveals, or is likely to reveal, that another person is registered as a human source, has previously been registered as a human source (but has since been deactivated), or is someone who Victoria Police has applied to register as a human source. The purpose of these offences is to ensure that a person's potential, current or former involvement in Victoria Police's human source management program is not made publicly known in a way that could jeopardise their safety. This offence protects the identities of individual human sources or people who have been involved in the human source process without limiting transparency around Victoria Police's use of human sources.

The offence is modelled on section 30 of the *Crimes (Assumed Identities) Act 2004* (**Assumed Identities Act**), which makes it an offence for a person to disclose any information that reveals, or is likely to reveal, that an assumed identity acquired or used by another person is not the other person's real identity. The offence in the Assumed Identities Act provides a relevant model for the offence in the Bill, given both legislative schemes deal with circumstances where a person is involved in covert activity with Victoria Police and their true identity and the nature of the assistance they are providing is hidden from the public.

The Bill includes exceptions to the offence where a person discloses information for a purpose permitted under the Bill. These exceptions include disclosing information for the administration of the Bill, for the purpose of legal proceedings (including obtaining legal advice), or where the information is disclosed in accordance with any other law.

Rights to life, privacy and security of a person

In my opinion, the new offences will assist in promoting a human source's right to life (section 9), right to privacy (section 13) and right to security of person (section 21).

By broadly prohibiting disclosure of information that could reveal their involvement in Victoria Police's human source management program, the Bill will protect human sources against the risks to their life or security that could arise if this information is disclosed. By capturing information about people who Victoria Police has applied to register as human sources and people who were previously registered as human sources (rather than only people who are currently registered as human sources), the offence appropriately mitigates these risks at all points where they may arise throughout the human source relationship with Victoria Police, not just from the point of registration.

Right to a fair hearing and freedom from self-incrimination

In my opinion, the operation of the offence provisions in the Bill will also help promote the right to a fair trial (section 24) and freedom from self-incrimination (section 25) for persons who human sources are used to investigate.

The exceptions to the offence provisions ensure that information about the use of a human source may still be disclosed where this is required in criminal proceedings.

Right of freedom of expression

Section 15 protects a person's right to seek, receive and impart information freely. Section 15(3) states that lawful restrictions on this right may be necessary to respect the rights and reputation of other persons, or to protect public safety, order, health or morality. By prohibiting the unauthorised disclosure of information revealing or tending to reveal a potential, current or former human source relationship, the Bill may limit the right of freedom of expression in section 15 of the Charter.

However, in accordance with section 15(3) of the Charter, I am satisfied that the offences of unauthorised disclosure in the Bill are lawful restrictions on a person's rights under section 15 that is reasonably necessary to protect the rights of other persons. Accordingly, I consider the unauthorised disclosure offences to be compatible with the right to freedom of expression.

The Commission recommended the creation of these offences, given 'the critical need to protect the identities and safety of human sources.'⁵ If disclosure of such information was permitted under the Bill, there would be a real risk of retaliation against the person, endangering their rights to life, security and privacy.

The scope of the unauthorised disclosure offence is narrowly confined in its application to information that reveals or is likely to reveal a person's potential, current or former human source relationship with Victoria Police. This ensures the offence targets information that poses the greatest risk to a person's safety if disclosed, rather than broad categories of information which might not necessarily reveal a person's particular relationship with Victoria Police (e.g. a person's name or location alone).

Consistent with the offence under section 30 of the Assumed Identities Act, the unauthorised disclosure offence applies only to a person who reveals information about *another person's* relationship with Victoria Police. That is, the offence does not capture disclosure of information by a person that reveals *they* could be, are, or were previously a human source. This ensures the offence does not unreasonably infringe on the freedom of expression of those it is specifically designed to protect.

Additionally, the exceptions to the offence included in the Bill ensure that information about Victoria Police's use of human sources can be disclosed where there is a legitimate reason to do so, or where disclosure is otherwise permitted by law. Circumstances in which disclosure will be permitted include where:

- a person wishes to make a public interest disclosure to IBAC about a member of Victoria Police personnel engaged in the human source management program, or
- the use of human sources is required to be disclosed in criminal proceedings.

To ensure the exceptions to the offence continue to appropriately capture reasonable and justified disclosures, the Bill will enable regulations to prescribe further exceptions to the offence. As noted above, the exceptions to the offence ensure it remains focused on protecting the safety of people who could potentially be, are currently, or have previously been registered as human sources, rather than unreasonably infringing on freedom of expression around Victoria Police's use of human sources. In my opinion, the Bill therefore appropriately balances the interest in protecting the safety of human sources with the Charter rights to freedom of expression.

The Hon. Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

¹ Royal Commission into the Management of Police Informants, *Final Report*, 30 November 2020, volume III, 131.

² Royal Commission into the Management of Police Informants, *Final Report*, 30 November 2020, volume III, 131.

³ See, for example, *Re an application under the Major Crime (Investigative Powers) Act 2004* (2009) 24 VR 415, [162]–[163].

⁴ Royal Commission into the Management of Police Informants, *Final Report*, 30 November 2020, volume III, 138.

⁵ Royal Commission into the Management of Police Informants, *Final Report*, 30 November 2020, *Final Report*, volume III, 138.

Second reading

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:22): I move:

That the bill be now read a second time.

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

Introduction

The Human Source Management Bill 2023 (**the Bill**) is an important step to fulfil the Victorian Government's commitment to implement all recommendations of the Royal Commission into the Management of Police Informants (**the Commission**).

This Bill delivers recommendations 8–18, 44–56 and 58 of the Commission by establishing a legislative framework to regulate Victoria Police's use of human sources.

The Bill is the first of its kind in Australia. It sets out the process for the registration, use and management of Victoria Police's human sources and establishes an external oversight model to ensure that human sources are used in an ethical and justifiable manner.

I note that the Bill is substantially the same as the Bill of the same name that was introduced to the Legislative Assembly on 16 August 2022, which lapsed upon expiry of the last Parliament. Apart from minor technical amendments, the only substantive change that has been made to the Bill is to update the default commencement date from 30 June 2024 to 30 September 2024. The updated commencement date reflects the time that has passed since the Bill's initial introduction into Parliament.

The Commission's recommendations

The Government announced the establishment of the Commission on 3 December 2018. This announcement followed the publication of the High Court's decision in *AB v CD*, *EF v CD* [2018] HCA 58, which revealed former criminal defence barrister, Ms Nicola Maree Gobbo, was a registered Victoria Police human source.

The Commission delivered its final report containing 111 recommendations on 30 November 2020. On 7 May 2021, the Government released its response to the Commission's final report and reiterated its commitment to implement the Commission's recommendations.

The Commission found that while human sources play a critical role in investigating and preventing crime, the use of a person as a human source can also create substantial risks. Victoria Police's use of Ms Gobbo as a human source exposed systemic issues within Victoria Police and had far-reaching and detrimental consequences for the Victorian justice system.

The Commission identified that the covert nature of the human source relationship increases the risks of Victoria Police officers engaging in corruption and misconduct and can expose individuals to significant safety risks. Using human sources with access to privileged information can also undermine public trust in important professional relationships, such as the relationship between a lawyer and their client.

The Commission noted that while Victoria Police has made significant progress in updating its internal human source management policies since the Commission, Victoria Police's internal policies are insufficient on their own to prevent the recurrence of the events that gave rise to the Commission. In contrast with other covert powers exercised by Victoria Police, there is no statutory regulation or independent external oversight of Victoria Police's human source program.

The Commission emphasised the importance of a clear legal framework to facilitate the effective use of human sources to investigate and prevent criminal activity, while simultaneously ensuring that their use is ethical, proportionate and justified. The Commission also emphasised that independent, external oversight is

an important check and balance on the use of police powers, ensuring that Victoria Police is held accountable while maintaining public trust and confidence.

The Commission therefore recommended that the Government introduce legislation to regulate the use and management of human sources by Victoria Police and establish an external oversight regime.

I now turn to the Bill.

Registration and management processes

The Bill requires Victoria Police to go through a formal registration process before they can use a person as a human source. Victoria Police is required to register a person as a human source if Victoria Police wishes to use the person to gather information or provide assistance to Victoria Police, and the person has a reasonable expectation that their identity or relationship with Victoria Police will be kept confidential.

The purpose of the registration process prescribed in the Bill is to ensure a senior officer within Victoria Police formally assesses whether using a person as a human source is appropriate and justified. To achieve this, the Bill includes robust safeguards in the registration process, including requiring:

- registration decisions to be made by an officer whose seniority aligns with the level of risk posed by the registration
- the decision-maker to be satisfied that the registration of the person as a human source is necessary to achieve a legitimate law enforcement purpose and that any risks have been identified and can be adequately managed
- the person's informed consent to be registered as a human source to be obtained prior to registration, and
- appropriate boundaries to be set for the human source relationship, including establishing the purpose of the registration and any conditions to be placed on the registration.

The Bill has been carefully constructed to recognise the numerous ways in which people provide information to police, to ensure it does not inappropriately capture circumstances that do not pose the level of risks inherent with using human sources. The Bill does not require a person to be registered as a human source who falls within other categories of people who provide information to Victoria Police such as witnesses and anonymous tip-offs. A person who approaches Victoria Police to confidentially volunteer information on a discrete occasion is also not a human source under the Bill, unless they are reasonably expected to have access to privileged information, are under the age of 18, or have a serious medical or mental health condition.

The Bill prohibits Victoria Police from using a person as if they are a human source unless the person has been registered as a human source. The Bill also prohibits Victoria Police from using a human source for a different purpose from the purpose approved at registration.

Reportable human sources

The Bill requires Victoria Police to apply to register certain categories of people as 'reportable human sources' because they are particularly vulnerable or using them as a human source poses a heightened level of risk to the administration of justice. The Bill specifies more stringent registration requirements for reportable human sources, including approval by a more senior officer within Victoria Police, requirements to consider legal, medical or other specialist advice, and involvement of the Public Interest Monitor (**the PIM**) in registration decisions.

Stricter registration requirements for people who are reasonably expected to have access to privileged information

The Bill requires a person to be registered as a reportable human source if they are reasonably expected to have access to privileged information. This reflects the significant risk to the administration of justice if Victoria Police use a human source to obtain information in breach of obligations of privilege, as demonstrated by the use of Ms Nicola Gobbo as a human source.

If a person is reasonably expected to have access to privileged information, the Bill requires the decision to register the person as a human source to be made by the Chief Commissioner or a delegate of or above the rank of Assistant Commissioner. The Bill also requires the Chief Commissioner or their delegate to consider formal legal advice and any recommendations by the PIM when making a registration decision.

The Bill only allows Victoria Police to intentionally use a human source in breach of obligations of privilege in very rare circumstances. If the person will be registered as a human source for the purpose of obtaining privileged information, the Bill only permits registration if the Chief Commissioner or their delegate is satisfied that there is a serious threat to national security, the community, or the life and welfare of a person, and that the information cannot be obtained through any other reasonable means.

Stricter registration requirements and additional safeguards for people under the age of 18 and people with a serious medical or mental health condition

The Bill also requires a person to be registered as a reportable human source if they are under the age of 18, or they have a serious medical or mental health condition. This requirement reflects the additional welfare and human rights risks associated with using people in these categories as human sources.

If children and people with a serious medical or mental health condition provide information to Victoria Police, it is important that the Bill allows them to be registered as human sources. Registration will ensure Victoria Police can give children and vulnerable adults certain protections, including concealing their identity and ensuring their relationship with Victoria Police is overseen by the PIM and the Independent Broad-based Anti-corruption Commission (IBAC).

If a person is under the age of 18 or has a serious medical or mental health condition, the Bill will permit only the Chief Commissioner or their delegate at or above the rank of Assistant Commissioner to make the decision to register the person as a human source. The Bill requires the consideration of advice from a medical professional or other specialist, as well as any recommendations made by the PIM, before registration.

Importantly, the Bill includes additional protections for children. The Bill only permits a person under the age of 18 to be registered as a human source for the purpose of investigating a serious offence, or where there is a serious threat to national security, the community, or the life and welfare of a person, and the information cannot be obtained through any other reasonable means. The Bill also prevents Victoria Police from approaching a child aged 14 years or younger for the purposes of recruiting them as a human source or tasking them to seek out further information. The Bill entitles all children to have a lawyer and a parent, guardian or independent person present during key interactions with Victoria Police.

Streamlined processes in emergencies or urgent circumstances

The Bill recognises the need for Victoria Police to act quickly in emergencies to respond to imminent and serious threats to the community, national security, or the life and welfare of a person. The Bill includes a streamlined process for registering a person as a human source in these circumstances, allowing the registration decision to be made verbally and removing requirements to obtain legal, medical or specialist advice before registration.

As soon as the emergency circumstances have passed, Victoria Police must deactivate or suspend the registration, and cannot continue to use the person as a human source until they are re-registered through the standard registration process for either reportable or non-reportable human sources.

To ensure that the emergency registration process is only used where appropriate, the Bill requires Victoria Police to notify the PIM within two business days of all emergency registrations of a person as a reportable human source. The Bill then empowers the PIM to make retrospective recommendations to Victoria Police about the appropriateness of the registration. The Bill also requires Victoria Police to notify IBAC of all emergency registrations on a quarterly basis. The Bill then empowers IBAC to select a sample of emergency registrations to assess whether Victoria Police has complied with the Bill and whether the emergency registrations should have been made.

Normally, the decision to register a human source must be made in writing. The Bill will allow verbal registrations of non-reportable human sources if a person provides time-critical information that would assist police to respond in urgent circumstances. Like emergency registrations, urgent registrations will be reviewed by IBAC quarterly.

Requirements for ongoing management of human sources

Once a human source has been registered, the Bill recognises the importance of ongoing risk management throughout a human source's involvement with Victoria Police.

The Bill therefore requires Victoria Police to conduct regular reviews of a human source's registration to ensure it remains appropriate and justified. The Bill requires a human source to be deactivated after 6 months if they are a reportable human source, or 12 months if they are a non-reportable human source. However, Victoria Police can re-register a human source after these periods in line with the risk assessment, decision-making and oversight processes in the Bill.

The Bill also includes safeguards if a human source unexpectedly provides privileged information during their registration, or if a human source develops a serious medical or mental health condition. In these circumstances, the Bill requires Victoria Police to immediately quarantine the information the human source provided and either deactivate the human source or suspend their registration until a fresh registration application is approved.

External oversight

The Bill also establishes an external oversight regime involving tiered levels of oversight by the PIM and IBAC across all human source activity involving Victoria Police. The Bill empowers the PIM to be involved in Victoria Police's decision-making process for registering reportable human sources. The Bill also empowers IBAC to retrospectively monitor Victoria Police's compliance with the human source management framework, including the Bill, any regulations and Victoria Police's internal policies. Finally, the Bill empowers the Victorian Inspectorate to have oversight of some of the PIM and IBAC's oversight powers under the Bill.

PIM involvement in registration decisions

The Bill gives the PIM new functions and powers to support their oversight role. The Bill gives the PIM new functions to:

- inform Victoria Police's decisions to register a person as a reportable human source by assessing registration applications and making recommendations about whether the registration is appropriate and justified, and
- provide retrospective oversight of Victoria Police's decisions to register a person as a reportable human source in an emergency by assessing the registration application and making recommendations to Victoria Police on whether the person should have been registered.

The Bill places certain obligations on Victoria Police to assist the PIM to perform these functions. The Bill requires Victoria Police to notify the PIM of an application to register a person as a reportable human source, provide the PIM with all information relevant to that application, and provide any other reasonable assistance the PIM might require. The Bill also empowers the PIM to ask questions, require Victoria Police personnel to provide information, and share information with IBAC.

IBAC compliance monitoring

The Bill also gives IBAC new functions and powers to support its oversight role.

Under the Bill, IBAC will retrospectively monitor Victoria Police's compliance with the Bill and Victoria Police's internal policies and procedures in relation to the registration, use and management of human sources. These functions include conducting regular inspections, receiving regular reports, and making recommendations to Victoria Police to support compliance with the Bill.

The Bill empowers IBAC to conduct regular inspections of Victoria Police records relating to human sources. As part of each inspection, the Bill requires IBAC to select a sample of human sources and assess whether the decisions relating to each of those human sources complied with the Bill and should have been made.

The Bill also requires Victoria Police to provide regular reports to IBAC about the receipt of privileged information from human sources and any material contraventions of the human source management framework. A material contravention is any breach of the human source management framework that is likely to undermine the integrity of Victoria Police.

After receiving these reports, IBAC must assess whether Victoria Police has put in place adequate measures to manage the risks associated with receiving privileged information and whether they have taken appropriate steps to prevent a recurrence of the material contravention.

To support its compliance monitoring functions, the Bill gives IBAC broad powers to require Victoria Police personnel to provide it with information or assistance, and to make any recommendations IBAC considers appropriate.

Victorian Inspectorate oversight of PIM and IBAC's coercive powers

The Bill gives both the PIM and IBAC the power to compel a member of Victoria Police personnel to provide information to support their oversight functions. While unlikely, it is possible that the information a member of Victoria Police personnel must provide may incriminate them. To protect the human rights of Victoria Police personnel, the Bill ensures that any self-incriminating information a person is compelled to provide cannot be used in legal proceedings against that person. The Bill also requires the PIM and IBAC to notify the Victorian Inspectorate whenever they exercise this power to compel information. The Bill empowers the Victorian Inspectorate to make recommendations to the PIM and IBAC to ensure the powers are only exercised lawfully.

Protecting sensitive information in the oversight regime

The Bill also includes safeguards to ensure that sensitive information that Victoria Police provides to the PIM and IBAC is handled securely. The Bill requires the PIM and IBAC to return documents to Victoria Police as soon as reasonably practicable after performing their functions.

Reporting functions

The Bill requires the PIM and IBAC to prepare annual reports to the Attorney-General on the performance of their functions. The PIM and IBAC may also report directly to the Attorney-General, at any time considered appropriate, on any matters relating to the performance of their duties and functions.

The Bill requires the Attorney-General to table these reports in the Victorian Parliament and publish them on a Victorian Government website.

Given the sensitivity of human source information overseen by the PIM and IBAC, the Bill prohibits sensitive information from being included in reports to the Attorney-General, including information that could identify a human source. The Chief Commissioner of Police must also be provided with the reports and may recommend sensitive information be removed before they are provided to the Attorney-General.

Criminal offences

The Bill creates new offences to protect the safety of human sources and the integrity of investigations involving human sources. These offences prohibit the unauthorised disclosure of human source information, which includes information that is likely to reveal that a person is a human source, or has previously been registered as a human source, or that Victoria Police has applied to register the person as a human source. The Bill includes a more serious offence if a person discloses human source information with the intention of prejudicing a criminal investigation, intelligence-gathering, or a criminal prosecution.

The Bill provides appropriate exceptions to these offences. For example, it will not be an offence to disclose human source information when required to in criminal proceedings or between law enforcement agencies.

Conclusion

This Bill introduces a comprehensive regulatory framework to ensure Victoria Police uses human sources in an ethical and justifiable manner, subject to external oversight.

The Bill includes robust safeguards where Victoria Police wishes to use vulnerable people as human sources or where the use of a person as a human source could result in a breach of privilege.

The Bill represents another important step forward in increasing confidence in Victoria's justice system and ensuring that the events that led to the Commission can never occur again.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:23): I move, on behalf of my colleague Dr Bach:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:23): I move:

That the house do now adjourn.

E-cigarettes

Georgie CROZIER (Southern Metropolitan) (17:23): (59) My adjournment matter this evening is for the Minister for Health in relation to the increasing rates of vaping in the community, especially by children. As you are aware, I raised this issue a number of times going into the state election last year, and what the Liberals and Nationals were putting forward was to crack down on illegal sales of vaping products to children – a really important issue that the government has failed to address. Key stakeholders such as the AMA, Quit, VicHealth, the Cancer Council and the Royal Australian College of General Practitioners, amongst many others, are calling for tighter regulations on vaping in response to the surging use of e-cigarettes. I know some people will use e-cigarettes, but this is increasing, and I am particularly concerned about those children who are taking them up, some at a very young age. While selling vapes to children is illegal and products containing nicotine are only available to adults at pharmacies with a prescription, lack of enforcement and high demand are driving a booming black market, with retailers openly flouting the law. Marketing of vaping devices is clearly aimed at targeting children, especially vulnerable children, and as I have just previously mentioned, some at a very young

age are taking up vaping. Because they have got bright packaging and sweet flavours, they are very attractive to kids.

Recent media reports are highlighting alarming trends, including widespread vaping by students as young as 12 who are becoming addicted, and just recently it was reported that the Department of Education has been alerted to dozens of serious vaping incidents in schools, sometimes calling for police and ambulances to attend. This is completely unacceptable. The government has been asleep at the wheel. They need to be educating and doing as much as they can to prevent dangerous vaping being taken up by such large numbers of kids. Experts are warning that the long-term consequences are extremely dangerous. As well as nicotine, vaping devices have been found to include a dangerous mix of toxic and harmful chemicals like formaldehyde and heavy metals. There is also evidence that vaping triples the risk of taking up smoking by non-smokers who vape.

It is a gateway to smoking, there is no doubt, especially among young children, who are easily influenced. The AMA has described vaping as a gateway to smoking. So it is not just me, it is the AMA who is calling this out. Easy access to cheap, illegally imported nicotine products is creating a new generation of young people addicted to nicotine and exposed to a range of harmful chemicals which pose significant health risks. The action I seek is for the government to take immediate steps to tackle these illegal retail practices to prevent this unfolding health crisis from deepening and to assist in securing the health of a generation of young children who are looking at vaping as something that they want to do.

Duck hunting

Jeff BOURMAN (Eastern Victoria) (17:26): (60) My adjournment matter is for the Minister for Outdoor Recreation, Minister Kilkenny. Minister, I have been told many times there is a process to be followed in regard to duck season considerations. This year's have not been released – with less than three weeks before the start of the season, by the way. At the end of that process we will get a result. The action I seek is: can the minister release what the process is?

South-Eastern Metropolitan Region water

Michael GALEA (South-Eastern Metropolitan) (17:26): (61) My adjournment matter is for the Minister for Water, Harriet Shing. The action I am seeking is that the minister provide me with an update on how the integrated water management program and the *Central and Gippsland Region Sustainable Water Strategy* will benefit local communities in the South-Eastern Metropolitan Region.

On 10 February I joined the minister at the Frankston Pines Soccer Club in Frankston North for the announcement of \$1.3 million for the Monterey Recycled Water Scheme, being one of the nine projects sharing in \$4.9 million in funding as part of the integrated water management grants program. Funding for the Monterey Recycled Water Scheme in Frankston North will provide 73 megalitres of water each year. The green spaces that will benefit from the recycled water include Eric Bell Reserve, Monterey Reserve, Pat Rollo Reserve and the National Golf Club at Long Island. I am particularly eager to see how the facility once built will be able to benefit local schools, community sporting facilities and other open spaces in Frankston beyond only primary areas that will benefit from this scheme.

I know that in the South-Eastern Metropolitan Region and across Victoria access to water is an ongoing concern. My electorate is a growth area, with increased needs for water for households, community spaces and infrastructure. The *Central and Gippsland Region Sustainable Water Strategy* outlines the need for water not only as a product of population growth but also as a safeguard against an expected drier climate generally and specifically to combat inevitable periods of drought. That is why I commend the scheme, which will cost a total of \$4 million, partly funded by South East Water, Frankston council and the National Golf Club. It is expected to be completed by 2024, and I note that my colleague in the other place Paul Edbrooke, the member for Frankston, has been an advocate for this project too.

I am committed to advocating for and delivering better outcomes for communities in the South-East, which extends to ensuring better water sustainability as well as access to water these communities need. That is why I am seeking that the minister provide me with an update on how the integrated water management program and the *Central and Gippsland Region Sustainable Water Strategy* will benefit local communities in the South-Eastern Metropolitan Region.

Greater Shepparton school bus services

Wendy LOVELL (Northern Victoria) (17:28): (62) My adjournment matter is for the Minister for Education. It again concerns the current inadequacies of the school bus program in Greater Shepparton. The action that I seek is for the minister to work with the Minister for Public Transport and once and for all sort out the mess this government has created in school bus transport for Greater Shepparton Secondary College students by conducting a full audit of Shepparton's school bus transport to ensure adequate buses are provided to accommodate all students' transport needs.

One of the major problems since the creation of the Greater Shepparton Secondary College has been the inadequate number of buses operating to safely transport students to and from school. My office is constantly hearing stories of buses being overcrowded, with the unsafe practice of students being forced to stand in aisles a regular occurrence. I have raised the issue many times with the previous minister and also with the current Minister for Public Transport, but each minister just points a finger at the other with neither taking responsibility.

Parents have lodged official complaints with Public Transport Victoria and the Greater Shepparton Secondary College, but no action has been taken to rectify the problem and concerning incidents continue to occur. The latest disturbing incident occurred in just the second week of the school year and involved several children at a bus stop in Kialla. On Monday 6 February several students were at the bus stop and were lining up to board an already overcrowded bus. The bus driver advised the children to enter the bus via the rear door, but as the students were walking to the rear door the driver reportedly closed all the doors and departed, leaving the students stranded on the side of the road.

This incident was reported in the *Shepparton News*, who approached the school, the department of education and the department of transport for comment on the issue. The department of transport referred the *News* to the department of education, and the department of education said public transport to and from school in the urban areas of Shepparton and Mooroopna is run by the department of transport. Does that sound familiar? The department of education did say Greater Shepparton Secondary College was working with the department of transport and the local bus company to investigate this complaint, but questions from the newspaper to both departments about safety, overcrowding and more were left unanswered.

These incidents and the ongoing transport problems with the Greater Shepparton school bus program are impacting the emotional health of some students, who feel unsafe and intimidated when travelling on such crowded buses each day. The Andrews Labor government has a duty of care to ensure that all students using the school bus program get to school and home safely. I call on the minister to address these issues.

Port Melbourne public housing

Katherine COPSEY (Southern Metropolitan) (17:32): (63) My adjournment matter tonight is for the Minister for Housing and relates to the future of the Barak Beacon public housing estate in Port Melbourne and its current residents. The action that I seek is for the minister to meet with residents of Barak Beacon and representatives of Office to discuss the 'retain, repair and reinvest' proposal.

The proposed redevelopment of the 40-year-old Barak Beacon site as part of the purported Big Housing Build is painted by Homes Victoria as an efficient solution to providing more housing options for people on low and medium incomes. They also claim that they are committed to supporting current residents to relocate. Last week I met with residents of Barak Beacon, who shared with me their

experiences of the relocation process. We know that Victoria is experiencing a severe housing shortage, and many of these residents with complex needs are being pressured at the moment to relocate. Chronic health issues, older age and domestic violence risk were just some of the complexities that were shared with me. We can and we must do better for people who are currently living in our public housing system. Since the government abruptly announced to the residents that it would demolish their homes in late 2021, the number of Victorians on the waiting list for public housing has soared past 120,000, and yet the ground lease model being used for this and other like projects will allow portions of that redevelopment to be market rental homes – that is, places of profit, not homes for people.

If you visited Barak Beacon, Minister, you would be aware of the land's draw. It is positioned close to public transport, schools, shops, services and employment opportunities, as well as being a short distance from the beautiful foreshore and Melbourne CBD. Redeveloping the land in this way is not a coincidence, it is a political choice to put profit before people. This government may claim that we cannot get any better than the Big Housing Build, but the community is stepping up and presenting realistic solutions that are more compassionate and more cost-effective and will also keep essential housing publicly owned.

The retain, repair and reinvest proposal asserts that we can do better, and it lays out in the finest detail the refurbishment potential of this existing public housing. It ensures housing as a basic human right through retaining existing communities, not relocating; repairing existing buildings to reduce carbon emissions; and reinvesting savings to improve comfort and upgrade public housing. Office, the creators of this report, have put forward a plan that retains the existing buildings and still achieves increased density through infill development. It details how it is economically, environmentally and socially more efficient to retain the existing buildings when compared with the evict, demolish and rebuild proposal through the ground lease model.

Office and residents of Barak Beacon have been unable so far to secure a meeting with the minister. Minister, the residents of Barak Beacon have invited you to join them and representatives of Office to discuss the retain, repair and reinvest report, and I ask you to accept this invitation.

Electronic land transfers

David DAVIS (Southern Metropolitan) (17:35): (64) My adjournment tonight is for the attention of the Minister for Planning, and it concerns the decision by the government, presumably with the minister's knowledge – the Minister for Planning in this case, and possibly the Treasurer, but this is directed to the Minister for Planning – and the decision of the titles office to abolish paper titles and to not provide people with paper titles for their land, for their homes and for their businesses. I think this is a very serious matter. I am all in favour of more electronic activity, but we know the weaknesses of electronic systems. We have seen hacking into systems in recent times. We have seen foreign authorities and others digging into government data sources and so forth. And given the importance of people's homes to them, I think where you have got a \$1 million home – let us pick a number not far from the median price of houses in Melbourne – or even a \$600,000 or \$800,000 home, it is the major asset for that family. I think they are entitled to have a paper title, and to keep that paper title in a safe place, where they are assured that that paper title will remain intact.

The idea that hacking or tampering could occur with the title and that the only source of the title would be an electronic version held in some central repository in the city is, I think, concerning. What the Minister for Planning needs to do is instruct the titles office not to proceed with this approach. I think it is outrageous. I think it is retrograde, and I think people are entitled to have clarity of title and to have that paper title kept in their bank's vault, in their safekeeping or at their solicitor's office or other source where they are able to feel assured that it is not able to be tampered with. It will be, in the final analysis, the final record if some destruction occurs of an electronic repository. The titles office is a very important body, with surveying and all the work that they do – I am not in any way denigrating them. At the time we were cautious, and the Environment and Planning Committee in a previous

Parliament had an inquiry looking at the commercialisation of the titles office. We were not opposed to that in principle, but we saw really significant risks, and there needed to be checks and balances. This is one of those occasions where it is hard not to believe that the commercialisation is linked with this decision to move to electronic-only titles. It gives a monopoly control to the titles office. It means there is no other repository that can ever question their information and their data, so please intervene and say no.

TaskForce program funding

Rachel PAYNE (South-Eastern Metropolitan) (17:38): (65) My adjournment matter is for the Treasurer and relates to the funding of two unique programs operated by TaskForce in my electorate, U-Turn and Living Free. U-Turn is a men's behaviour change program for first-time family violence perpetrators where alcohol or a drug was involved. It is a group-based behaviour change program that is delivered from Moorabbin and has been abundantly successful. Living Free is a multisectoral response that supports young girls at risk, who have been reported missing or who are at risk of justice system contact and women aged 18 to 30 who are already in contact with the justice system. This program just works, with an incredibly low 11 per cent recidivism rate for women who engage in the holistic long-term case management it provides. The action I seek is a simple one: that the Treasurer give due consideration to funding these life-changing and potentially life-saving programs as part of the forthcoming state budget.

Adoption

Matthew BACH (North-Eastern Metropolitan) (17:39): (66) I honestly could not believe my ears when I was listening in to question time in the other place earlier today. The Premier got to his feet and started talking about adoption – adoption of all things. He was talking about how fabulous it is that LGBTI Victorians can adopt children. LGBTI Victorians cannot adopt children. Nobody can adopt children in this state. The latest data from the Australian Institute of Health and Welfare shows that in the year 2020–21 exactly 14 children across our state of 7 million people were adopted. This is at a time of an appalling child protection crisis. Record numbers of vulnerable children are dying in the care of the state. There is massive Indigenous over-representation, and this government has done nothing about it.

A member: Shame.

Matthew BACH: Indeed. Indigenous over-representation has increased 63 per cent under Labor. And at the same time, Labor since 1999 has been waging war on adoption, making it harder and harder and harder for children to gain either permanent care or the next step: adoption. We have been talking this week about foster care and the shocking bloody-mindedness of this new minister – the fifth minister I have faced off against in this portfolio, none of whom have seen fit to raise the meagre allowance for foster carers. Well, if you are a permanent carer, the allowance is even less, and permanent care is an essential step on the pathway to adoption. It is just one of the many ways that this government has made adoption impossible for LGBTI people, for other Victorians – it does not matter.

You may not have heard, President, but I was adopted in this state under a Labor government. That Labor government perhaps did not have the best financial track record, but that Labor government cared desperately about vulnerable children and knew that sometimes – sometimes – it is not the best thing for that child to reunify with their family. Normally, that is the best thing, but it is not the best thing in every case. Right now what happens with vulnerable children, far too often vulnerable Indigenous children, is they bounce around from temporary placement to temporary placement, increasing their trauma, brutalising them further. Adoption is simply not an option. The Premier today was perpetrating a cruel hoax on the LGBTI community.

Ingrid Stitt: On a point of order, President, I did not hear who Dr Bach's question was directed to. I don't think he said.

Matthew BACH: On the point of order, President, that was directed to the Minister for Child Protection and Family Services, and the action was to seek access to information about how many children were adopted by LGBTI people in the last financial year. I am sure I recall saying that at the outset.

Privatisation policy

Evan MULHOLLAND (Northern Metropolitan) (17:41): (67) I seek the action of the Minister for the State Electricity Commission to reconsider her constant talking down of privatisation in Victoria, especially given Labor's long and proud history of selling public assets for the economic good of this state. If there is one thing that people hate, especially from politicians, it is hypocrisy, and that is what we are seeing from the Labor Party in Victoria. We see the Premier over and over again talking about 'nasty Liberals' and their privatisation. Like, last year we had the charade of the Minister for the State Electricity Commission furiously complaining in a tweet about how it was 30 years ago that the Liberals privatised our electricity – how terrible is that! Well, I am here to tell Labor: you should be proud of your privatisation legacy. As history shows – just check *Hansard* – it was just over 30 years ago that the government of Joan Kirner began the privatisation of power assets when they sold 51 per cent of Loy Yang B in 1992, and I ask those opposite to look that up.

If Labor hated privatisation so much, why did they do nothing during the Bracks and Brumby years to reverse the privatisation of the Kennett era? Labor of course sold the State Bank to Keating; Keating then flogged it off to the Commonwealth Bank. And who can forget it was the Gillard government, that great Labor government, who sold the last of the Telstra shares in 2011. What else have they privatised over this side of the house? How about the \$9.7 billion lease of the Port of Melbourne in 2016 to pay for level crossings – they are going to need to lease it for another hundred years to pay for the cost blowouts there – or how about the sale of the Land Titles and Registry office in 2018, which the Victorian Treasurer described as an outstanding result. The Premier seems to have a different view of privatisation. In 2018 they also sold our share of the Snowy Hydro scheme. They have privatised even Federation Square, this government, and there was partial privatisation of VicRoads in a 40-year deal for \$7.9 billion. We see a lot from the other side.

It was New South Wales Labor that were screaming over the privatisation of poles and wires in New South Wales, but who ended up buying the poles and wires in New South Wales? That would be the industry super funds, many of which happen to have former Labor MPs on the board. Indeed we have seen over and over again that when these things are sold they are sold to industry super funds with former Labor MPs on the boards. So I say to the Minister for the State Electricity Commission, and I say to the Premier, be proud of your legacy of privatisation. It runs long and deep in Labor history. I am proud of our history of privatisation in this place, as should you be.

Warragul and Drouin traffic congestion

Renee HEATH (Eastern Victoria) (17:45): (68) My adjournment matter is for the Minister for Transport and Infrastructure and addresses the critical issue of arterial road networks in the towns of Warragul and Drouin. The residents and businesses of these towns have been urging the council to address the issues of traffic and congestion for the past decade, and it is time for the government to take action. As the minister for infrastructure, it is your responsibility to ensure that state road networks are efficient and able to meet the demands of the growing population. However, the current arterial system in Warragul and Drouin is unable to cope with the current congestion and growth, which places a significant burden on residents and businesses around the town. The projected construction of almost 20,000 homes in the next few years will result in even more use of the roads, and the government investment in roads is not keeping up to handle the current volume, let alone the future volume. Furthermore, growing demand for Gippsland's agriculture products and resources, combined with inefficient freight routes, is contributing to the road congestion and the disproportionate numbers of heavy vehicles in town centres. Without action, the existing congestion will only worsen, leading to further delays and economic losses.

Road planning is essential to safeguarding to key transport routes and mitigating the impacts of road closures in the event of natural disasters. Failure to plan adequately for further growth and emergencies will result in unnecessary disruption to the lives and livelihoods of people in these towns. Economic modelling indicates arterial congestion is a major factor hindering commercial growth in our major towns, and current networks are simply inadequate to meet the demands of a growing population. It is imperative that we plan and invest in the necessary infrastructure to meet the current and future needs of these communities. The action that I seek is that the minister take immediate action to address the issues of traffic and congestion in Warragul and Drouin.

Ballarat crime

Joe McCRACKEN (Western Victoria) (17:47): (69) My adjournment matter is for the Minister for Police, and the action that I seek is for the minister to visit local traders in the Bridge Mall area in Ballarat to listen to their concerns about the increase in antisocial behaviour and crime experienced. As reported in the *Ballarat Courier* on 16 February, a number of small businesses have been subject to multiple incidents involving threatening behaviour and violence. This has been described as ‘out of control’. Rose Massage, a small business on Little Bridge Street, had a visit from several young men who hurled abuse at the female business owner and her employee. I want to quote from the victim:

It’s out of control now ...

At one stage a couple of weeks ago, it was happening ... every day.

We just want to work peacefully, but I wake up every day worrying.

...

... it just keeps happening – on and on and on.

Minister, please come to Ballarat and listen to locals. We need urgent action to ensure that small businesses are protected from the threats of violence and that something can actually be done to stop this antisocial behaviour.

Port of Geelong

Bev McARTHUR (Western Victoria) (17:48): (70) My adjournment matter is for the Minister for Ports and Freight and relates to the Port of Geelong. Last November the Geelong port was sold for \$1.1 billion in a joint deal between US company Stonepeak and Australian union super fund Spirit Super in a 70–30 split. We hope this is a great deal for Victoria. About 44 per cent of Victoria’s bulk freight – worth more than \$7 billion in trade – such as grain, fertiliser, cement, timber and wind farm equipment, goes through the port each year. The bulk ports of Geelong and Portland were first privatised in 1996 to separate owners, and competition remains in play today thanks to the ACCC doing its job. However, my concern goes to any significant increases in port costs that might begin to emerge for users of the Geelong port, with revenue forecasts on the rise.

Despite this government’s confected outrage over the privatisation of public assets – as my colleague in Northern Metro has just alluded to – deeming it the Antichrist of the economy, in 2016 Premier Andrews very merrily sold off a 50-year lease of the Port of Melbourne to the tune of several billion dollars. Since then Melbourne port users have been whacked with ever-increasing charges, those users being Victoria’s farmers and producers. For example, the container port charges for DP World Melbourne have risen 191 per cent in five years. The figure is 109 per cent for Patrick and 119 per cent for the Victorian International Container Terminal, VICT Melbourne. In contrast, costs at the bulk ports of Geelong and Portland rose 13 per cent and 11 per cent respectively. It shows what can happen when there is competition, and none. Global traders are not blind to the increased cost of moving product in and out of Victoria. Despite what we may like to think, we are not the only country that can produce clean, green, innovative product. To conceive that buyers will continue to pay whatever we like for our goods, including the add-on charges for port costs, is a dangerous and lazy assumption. So the action I seek of the minister is an understanding about what she has done to ensure that the cost

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escalation that has hit users of the Melbourne port does not also happen at Geelong port, with potential flow-on for Portland.

Responses

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:51): There were 12 adjournment matters to various ministers, and I will ensure that written responses are provided in accordance with the standing orders.

The PRESIDENT: The house now stands adjourned.

House adjourned 5:52 pm.