Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 30 July 2026

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)
David Davis (from 27 December 2024)
Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

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

Member	Region	Party	Member	Region	Party
Bach, Matthew[1]	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira[2]	Western Metropolitan	FFV	Ratnam, Samantha[5]	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem[6]	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina[3]	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee[8]	Northern Victoria	ON
Limbrick, David[4]	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard[7]	North-Eastern Metropolitan	Lib

[1] Resigned 7 Dec 2023
[2] Lib from 26 Nov 2022 until 28 Mar 2023;
IndLib from 28 Mar 2023 until 27 Dec 2024;
Lib from 27 Dec 2024 until 28 Jul 2026;
Ind from 28 Jul 2026 until 6 Sep 2026
[3] Appointed 14 Nov 2024
[4] LDP until 26 Jul 2023
[5] Resigned 8 Nov 2024
[6] DLP until 25 Mar 2024
[7] Appointed 7 Feb 2024
[8] PHON until 3 Aug 2026

Party abbreviations

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

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Thursday 30 July 2026

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

Bills

Electoral Amendment (Miscellaneous Matters) Bill 2026

Introduction and first reading

The PRESIDENT (09:34): I have received a message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Electoral Act 2002** to remove group voting tickets from Legislative Council elections and to improve the operation of that Act and the electoral system of Victoria, to make consequential amendments and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:34): 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 charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:34): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> **Opening paragraphs**
>
> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (**Charter**), I make this Statement of Compatibility with respect to the Electoral Amendment (Miscellaneous Matters) Bill 2026 (**Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The *Electoral Act 2002* (**Electoral Act**) provides the overarching legal framework for the electoral system in Victoria. Notably, the Electoral Act establishes the Victorian Electoral Commission (**VEC**) and its responsibilities, functions, and powers; sets out election procedures and enrolment processes; regulates political financing and state funding; and prescribes relevant offences and compliance and investigatory measures.
>
> Recent electoral reforms were introduced to the Electoral Act via the *Electoral Amendment Act 2026* (**Amendment Act**) and the *Electoral Further Amendment Act 2026* (**Further Amendment Act**) to support the integrity of Victoria's democratic system by:
>
> - implementing recommendations of various reports on Victoria's electoral system released since the last significant reform of the Electoral Act in 2018;
> - introducing a new political donations, reporting, and state funding regime following the High Court's decision in *Hopper & Anor v. State of Victoria* [2026] HCA 11 (***Hopper***) which found the former Part 12 of the Electoral Act to be wholly invalid; and

- capitalising upon opportunities to improve and modernise the Electoral Act as identified by the Government and the VEC.

This Bill introduces further reforms to the Electoral Act to enhance transparency in Victoria's electoral processes and strengthen public trust in the democratic system. Key amendments to the Electoral Act under the Bill include:

- removing group voting tickets from Legislative Council elections and prescribing a new method for voting above the line to ensure election results better reflect voter preferences;
- requiring certain electoral information to be disclosed and published, including the Register of New Entrants and details related to repayment of funds received from nominated entities between 25 November 2018 and 14 April 2026;
- prescribing new timeframes for certain state funding payments and lodgements which were due before current Part 12 of the Electoral Act was introduced via the Further Amendment Act;
- enabling the VEC to make determinations about claimable administrative expenditure and require an auditor to apply any relevant determination of the VEC;
- clarifying that the anti-circumvention offence under the Electoral Act is an indictable offence, so as to make it triable summarily pursuant to subsection 28(1)(b)(iii) of the *Criminal Procedure Act 2009*.

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

In my opinion, the human rights under the Charter engaged by the Bill are the:

- right to privacy (section 13(a) of the Charter);
- right to freedom of expression (section 15 of the Charter); and
- right to take part in public life (section 18 of the Charter).

Having considered all relevant factors, I am satisfied that the Bill is compatible with the Charter. To the extent that any rights are limited, the limitation is reasonable and able to be justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

Right to Privacy (section 13)

Section 13(1) of the Charter states that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Requirement to publish the Register of New Entrants

Clause 20 of the Bill requires the VEC to publish on its Internet site the Register of New Entrants containing details of each registered political party or independent candidate registered as a new entrant under the Electoral Act. The information to be published include the name of the new entrant and the date and period the new entrant is registered as a new entrant.

Requirement to provide and publish details of certain repayments to nominated entities

Clause 24 of the Bill inserts new section 277(2A) into the Electoral Act to require registered political parties to provide the VEC with certain information when returning to their nominated entities any money equivalent to the amount received from their nominated entities between 25 November 2018 and 14 April 2026 pursuant to section 277 of the Electoral Act.

The information to be disclosed includes:

- the name of the registered political party
- the name of the nominated entity
- the date on which the money was returned to the nominated entity
- the date in respect of which the money had been received from the nominated entity
- the monetary value returned.

New section 277(2C) requires that that VEC publish the disclosed information on its website within 7 days of its receipt.

These amendments engage the right to privacy as identifiable information must be provided to the VEC and for those names to be then published on the VEC's website.

While the requirement to provide and publish personal information engages the right to privacy, the interference is lawful as it is authorised under legislation. Further the interference is not arbitrary, as it is reasonable and proportionate to the legitimate objective of supporting transparency by enabling the VEC to conduct necessary investigations and encourage compliance with the scheme.

Freedom of expression and right to take part in public life (sections 15 & 18)

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and includes information imparted orally or in writing.

Section 18(1) of the Charter provides that a person has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Further, section 18(2) of the Charter provides that every eligible person has the right, and is to have the opportunity, without discrimination to (a) vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and (b) have access, on general terms of equality, to the Victorian public service and public office.

Removing group voting tickets from Legislative Council elections

Clause 7 of the Bill repeals section 69B of the Electoral Act to remove group voting ticket provisions from the Electoral Act. Clause 15 of the Bill substitutes section 93A(1), (2) and (3) of the Electoral Act with new provisions that prescribe a new method for voting in Legislative Council elections requiring electors to number at least five parties or groups above the line, in order of preference.

These amendments promote freedom of expression and the right to take part in public life, as they reduce the risk and public perception of corruption and undue influence in the political process.

The new proposed method for voting also empowers electors to make informed and deliberate votes by ensuring that their vote is allocated in accordance with their listed preferences and is not subject to a preference deal between political parties. In this manner, the amendment promotes the right to freedom of expression by allowing for Victorian citizens to participate in the conduct of public affairs by freely expressing their political views with confidence that those views would be accurately reflected in electoral outcomes.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some of the provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society in accordance with section 7(2) of the Charter.

Ingrid Stitt MP
Special Minister of State
Minister for Government Services
Minister for Ageing
Minister for Mental Health
Minister for Multicultural and Multifaith Victoria

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:34): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025* (**Treaty Act**). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Victorian Government recently introduced a range of electoral reforms via the *Electoral Amendment Act 2026* (**Amendment Act**) and the *Electoral Further Amendment Act 2026* (**Further Amendment Act**). The reforms introduced by the Amendment Act and the Further Amendment Act strengthen Victoria's democratic system by ensuring integrity, transparency, accountability, and fairness in Victoria's electoral processes.

In support of these underpinning principles, this Bill introduces further reforms to the *Electoral Act 2002* (**Electoral Act**). Key amendments to the Electoral Act under the Bill include:

- removing group voting ticket provisions from the Electoral Act;

- prescribing a new method for voting in Legislative Council elections requiring electors to number at least five groups above the line, in order of preference;
- specifying new timeframes for certain annual returns, payments, and applications for state funding which were due after old Part 12 of the Electoral Act was invalidated but before current Part 12 of the Electoral Act was introduced via the Further Amendment Act;
- requiring the Victorian Electoral Commission (**VEC**) to publish the Register of New Entrants on their Internet site; and
- requiring registered political parties to provide the VEC with prescribed information when repaying historical amounts received from their nominated entities between 25 November 2018 and 14 April 2026, and for the VEC to publish that information on its Internet site.

Consultation with the First Peoples' Assembly of Gellung Warl

The First Peoples' Assembly was not given an opportunity to advise on and did not make representations on the Bill, based on my understanding that it is unlikely to have a significant impact on First Peoples or Statewide Treaty.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

I have considered whether the Bill is compatible with the objects set out at section 66(3)(d) of the Treaty Act.

- advancing the inherent rights and self-determination of First Peoples (section 66(3)(d)(i));
- addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation (section 66(3)(d)(ii)); and
- ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples (section 66(3)(d)(iii)).

Advancing the inherent rights and self-determination of First Peoples

The inherent rights of First Peoples, including the right to self-determination, are recognised by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The First Peoples' Assembly, as it existed prior to the commencement of the Treaty Act, identified that the right to self-determination for First Peoples includes political self-determination, which provides First Peoples with the right to self-government and the power to organise and direct their lives according to their own values, institutions and mechanisms within the framework of the state of which they are a part.

The Bill may indirectly limit the achievement of political determination for First Peoples by imposing obligations and limitations on voting, including votes made by First Peoples, or to political parties or candidates who represent First Peoples' interests. These limitations may arise from amendments under the Bill that will abolish group voting tickets and prescribe a new method of preferential voting in Victoria's Legislative Council elections.

Despite the indirect limitation on the right to political self-determination, the Bill is compatible with the object of advancing the inherent rights and self-determination of First Peoples as any limitation on the right to political self-determination is reasonably justifiable for serving the overall legitimate purpose of increasing transparency and integrity within Victoria's electoral system. The regulations on voting methods are also necessary measures to ensure electors can participate meaningfully and that their votes are represented fairly in election outcomes.

Addressing unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation

The Yoorrook Justice Commission's 'Truth be Told' report describes the effects of colonisation on First Peoples. It describes how the gap between outcomes for First Peoples and other Victorians in areas including life expectancy, education, and health is caused by the impacts of colonisation in the past, which continue today.

The Bill may indirectly compound the unacceptable disadvantage inflicted on First Peoples by imposing restrictions on voting methods as outlined above.

The Bill remains compatible with the object of addressing unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation as the proposed reforms apply equally to all Victorians, including First Peoples and non–First Peoples, as such, any impact on specific disadvantage by First Peoples is likely to be minor. The Bill serves the overall purpose of improving Victoria's electoral system, and the restrictions imposed are proportionate to this objective.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

A Bill may affect the equal enjoyment of rights and freedoms by First Peoples where, in its express terms or practical effect, it has a differential effect on First Peoples as compared to non–First Peoples.

As the Bill does not in its terms deal with First Peoples and does not directly or indirectly in its practical effect engage the human rights or fundamental freedoms of First Peoples, the Bill is compatible with this object.

Ingrid Stitt MP
Special Minister of State
Minister for Government Services
Minister for Ageing
Minister for Mental Health
Minister for Multicultural and Multifaith Victoria

Second reading

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:35): I move:

That the bill be now read a second time.

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

The *Electoral Act 2002* (the Electoral Act) is a fundamental piece of legislation supporting our democracy by legislating for transparent and efficient elections in Victoria.

The Victorian Government recently introduced a range of electoral reforms via the *Electoral Amendment Act 2026* and the *Electoral Further Amendment Act 2026*. These reforms strengthened Victoria's democratic system by ensuring integrity, accountability, and fairness in Victoria's electoral processes.

In support of these underpinning principles, this Bill introduces further reforms to the Electoral Act. Notably, the Bill includes amendments to remove group voting tickets provisions from the Electoral Act for Legislative Council elections and makes other miscellaneous amendments to provide clarity in the law. These measures will be in place ahead of the upcoming 2026 State election to ensure Victorian electors can trust in the fairness and integrity of this State's electoral system and law.

I will now turn to the details contained in the Bill.

Removing group voting tickets from Legislative Council elections

Group voting tickets (GVTs) first emerged in Australia in the 1983 with the Australian Senate under the *Commonwealth Electoral Legislation Amendment Act 1983* (Cth), for the purpose of simplifying the voting process and reducing previously high levels of informal voting. Initially, this produced positive outcomes as informal voting in the Senate declined.

In Victoria, GVTs were introduced as part of major reforms to the Victorian Legislative Council under the *Constitution (Parliamentary Reform) Act 2003*. Currently, section 69A of the Electoral Act allows Council candidates to be grouped on the ballot papers for Legislative Council elections by submitting a GVT to the Victorian Electoral Commission (VEC), setting out an order of preferences for all Council candidates on the ballot paper. Any above the line vote for a group on the Council ballot paper is interpreted into a below the line vote for all candidates in the order of preference submitted on the GVT.

GVTs have become controversial due to the election of candidates with very low primary votes and the involvement of the practice of 'preference whispering', whereby parties engage in preference deals to influence voting outcomes, often coordinated by a third party referred to as a 'preference whisperer'. This practice is widely perceived as unethical, is not transparent and leads to distrust in the electoral system.

In 2016, the Federal Government abolished GVTs and allowed voters to allocate a minimum of six preferences above the line or 12 or more below the line. All other jurisdictions, besides Victoria, have now legislated to abolish GVTs.

The Bill proposes amendments to the Electoral Act to eliminate GVTs from Legislative Council elections and introduce a new method of voting allowing electors to indicate multiple preferences above the line. These proposed amendments acquit recommendations arising from the Victorian Parliament's Electoral Matters Committee's (EMC) inquiry into the conduct of the 2022 Victorian State election (2022 State election inquiry) and inquiry into Victoria's Upper House electoral system (Upper House electoral inquiry).

Notably, the 2022 State election inquiry raised two major concerns related to GVT which were that voters do not understand how their votes will be distributed when they vote above the line, and the results do not reflect

voters' preferences. For example, in 2018, two candidates were elected to the Legislative Council with less than 1% of the first-preference votes. GVTs give parties and candidate groups significant control over the distribution of voting preferences, producing results where candidates with very low numbers of primary votes win seats in the Council due to the distribution of preferences.

The Bill proposes to acquit the EMC's recommendations and bring Victoria's electoral system in line with other Australian jurisdictions by eliminating GVTs from the process of voting in Legislative Council elections and introducing a new method for voting above the line for Legislative Council elections. Under the Bill, voters will be required to number at least five groups in order of preference, which will be interpreted as a preference for all the candidates of that party or group in the order listed below the line.

The Bill will also include a savings provision to the effect that a Legislative Council ballot paper will not be treated as an informal vote if there are fewer than five boxes numbered or if there is non-consecutive numbering above the line.

These proposed amendments will ensure that the electoral processes and outcomes are not influenced by persons who can afford to pay for "preference whispering" services, and the parties and candidates that cannot afford to participate in preference whispering deals will no longer be unfairly disadvantaged.

The Bill will also safeguard election outcomes by enabling voters to make informed choices, resulting in outcomes which will no longer be determined by behind-the-scenes negotiations that are not transparent and ultimately do not reflect voters' preferences. Furthermore, candidates and parties winning seats in the Legislative Council that have secured numbers of primary votes that properly represent the electorate will justify their presence in the parliamentary chamber.

To make it clear, the Bill will not alter any provisions in the Electoral Act regulating the way votes are currently made below the line for Legislative Council elections, nor alter any provisions in the *Local Government Act 2020* in relation to voting in local government elections. Removing GVT from the voting process will also not make it impossible for smaller parties to be elected to the Legislative Council. It will however require candidates to convince electors to give their party voting preference rather than relying on the GVT practice. These are important measures, particularly in light of the upcoming State election, to ensure our democratic system is fair, transparent, and inclusive.

Supporting greater transparency and accountability in Victoria's political finance regime

To further enhance transparency and accountability in Victoria's political finance regulatory framework, the Bill requires certain information to be disclosed and published.

Specifically, the Bill includes amendments requiring the VEC to publish some information relating to new entrants from the Register of New Entrants on its Internet site.

The Bill will also require registered political parties to provide the VEC with prescribed information when repaying historical funds received from their nominated entities between 25 November 2018 and 14 April 2026, and for the VEC to publish that information on its Internet site. These proposed reforms promote greater transparency and strengthen oversight within Victoria's political finance system by requiring parties to not only return these funds, as currently mandated by the Electoral Act, but to also disclose relevant details as public information.

Further, the Bill includes minor, but necessary, amendments to the Electoral Act to clarify operational requirements. These include amendments:

- enabling the VEC to make determinations about claimable administrative expenditure and requiring an auditor to apply any relevant determination of the VEC;
- providing alternative timeframes for certain state funding payments and lodgements which were due before the current Part 12 of the Electoral Act was introduced;
- extending the requirement for registered political parties to return political donations accepted in excess of the general cap during the applicable period to apply to the aggregate of individual donations received;
- clarifying that the reduction of public funding payable in respect of any political donation received in contravention of the Electoral Act applies from 10 June 2026 (the day after the Further Amendment Act received the Royal Assent), in line with the commencement of the offence at section 275 of the Act for unknowingly making or accepting an unlawful political donation;
- repealing definitions that have been made redundant following reforms introduced by the Further Amendment Act, such as definitions of *'nominated entity', 'associated entity', 'disclosure return', 'donor', 'group',* and *'third party campaigner'* in section 83 of the Electoral Act.

These amendments will improve the operation of the Electoral Act and ensure that elections continue to be conducted with the greatest regard to transparency, accessibility, and efficiency.

Commencement

The amendments in the Bill will commence on the day after the Bill receives the Royal Assent.

Conclusion

Together, the proposed amendments to the Act under this Bill will complement recent electoral reforms to further strengthen public confidence in the integrity, transparency, and accountability of Victoria's democratic system and electoral processes.

I commend the Bill to the House.

Evan MULHOLLAND (Northern Metropolitan) (09:35): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Papers

Papers

Tabled by Clerk:

Commission for Children and Young People – With us, not against us: A systemic inquiry to learn from the experiences of children who entered the criminal justice system before 14 *(Ordered to be published).*

Professional Engineers Registration Act 2019 – Final Report on the Statutory Review of the Professional Engineers Registration Act 2019, under section 102 of the Act.

Statutory Rules under the following Acts of Parliament –

Heavy Vehicle National Law Application Act 2013 – No. 109.

Road Safety Act 1986 – No. 110.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 74, 103 and 104.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (09:43): I move:

That the Council, at its rising, adjourn until Tuesday 11 August 2026.

Motion agreed to.

Members statements

Nyaal Banyul Geelong Convention and Event Centre

Gayle TIERNEY (Western Victoria) (09:44): Since we last sat as a Parliament, during the winter break, we had the official opening of Nyaal Banyul in Geelong, the convention and event centre. This is a significant milestone for Geelong and for regional Victoria. Delivered through the Geelong City Deal, extensively funded by the state Labor government and the Australian government, Nyaal Banyul is a project that reflects the confidence we have in Geelong's future. Nyaal Banyul has created jobs and supported local businesses and provides opportunities for skilled tradespeople and apprentices. It is already providing a great boost to the region's hospitality and tourism sectors, delivering lasting economic benefits for our region. As the largest convention centre in regional Victoria, Nyaal Banyul is already attracting conferences, exhibitions and major events from right across Australia and indeed

from overseas. More visitors to Geelong mean more opportunities for local businesses and more tourists travelling along the Great Ocean Road and enjoying our region. Nyaal Banyul is an important addition to Geelong's waterfront and another example of the Victorian Labor government investing in regional communities, creating local jobs and supporting economic growth for years to come.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (09:45): I think getting around to 88 seats in 36 days has to be commended, and I want to commend my good friend the Leader of the Opposition Jess Wilson for her Fresh Start tour – getting around the entire state and meeting with everyday Victorians. It was a great pleasure to join her for a lot of the tour all across the state and in the northern suburbs. I had the pleasure of visiting the Presentation of Our Lord Greek Orthodox Parish in Coburg in the seat of Pascoe Vale, and I would like to thank Bishop Evmenios, Father Leo and Father George for joining us for a delightful discussion. We also visited OneWay Bakery in Thomastown and met with local traders there. We also joined with the African community in Footscray with my colleague Trung Luu, and we visited Essendon with our candidate Tommy Ledoux. We visited the Laurel pub and took Jess to the closed Flemington police station. And of course we visited Greenvale with Cr Jim Overend, our candidate, and visited Sri Guru Singh Sabha Gurudwara and Kali Mata Mandir temple. It was great to go to Donnybrook with our candidate for Yan Yean Amanda Dow and announce our commitment to Donnybrook Road. It was great to see the warm reception for the next premier of Victoria Jess Wilson.

Data centres

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:47): The community in South Morang have been loud and clear: they do not want a hyperscale data centre in their neighbourhood, let alone two. First residents learned that a massive hyperscale data centre had been approved right in the centre of their community, and now a second one is also proposed just up the road. These power-guzzling, water-wasting, fume-emitting sheds of servers do not bring benefits meaningfully to our communities. There are barely any jobs in these places when you look at them. Instead these digital furnaces risk increased power prices, they waste vast amounts of clean drinking water and they pollute our neighbourhoods with noise and fumes. It is time that the Labor government listened to the people of South Morang and people right across this state and halted the approvals of these AI data centres. The community has not been consulted. The approval process is rushed and it is opaque, and now that residents know that they are coming they are resoundingly saying no. The Greens are calling for a moratorium on all new AI data centres. For these communities this is an election issue. Listen to them, not big tech.

TAFE Gippsland Clean Energy Centre

Tom McINTOSH (Eastern Victoria) (09:48): It was great to be out at TAFE Gippsland's Clean Energy Centre last week – sensational. We know that it is only Labor that will back TAFE. It was great to be there seeing all the new and emerging training going on, whether that is for solar, switchboard upgrades, air conditioning, hot water pumps or EVs. It is all going on there. If you believe in locals getting the skills to fill the jobs locals need, you have got to back TAFE, and only Labor backs TAFE.

Regional Worker Accommodation Fund

Tom McINTOSH (Eastern Victoria) (09:49): Talking about backing our country towns, I want to talk about the Regional Worker Accommodation Fund. It has been incredible. I was out at Leongatha looking at aged care, Bairnsdale looking at healthcare worker accommodation and out-of-Bairnsdale farm worker accommodation. It is so incredibly popular. I think this is a policy that is just supported absolutely through and through communities. No-one has a bad word to say about it, because what we are doing is making sure that country towns can get the workforce they need. Whether it is for aged care, whether it is for health care, whether it is for tourism, whether it is for farm workers, we are

building housing so that the workforce can be in in country towns to serve those communities and taking pressure off housing for everyone else that lives in those towns. It is a great project. It was great to be out across so many towns celebrating it.

State election

Gaelle BROAD (Northern Victoria) (09:50): The next state election is in November. A Liberal and Nationals government will stop the corruption, end the waste and restore integrity and accountability to government. We will deliver a fair-share guarantee, allocating at least 25 per cent of new infrastructure spending to regional Victoria to invest in the education and health services and transport and local infrastructure that our communities need. We will restore community safety with tougher bail laws and stronger penalties for repeat offenders, support Victoria Police and invest in mentoring and rehabilitation programs. We will fix Victoria's crumbling roads, allocating $5 billion to repair and rebuild Victoria's roads and improve construction standards to build roads that last. We will make home ownership more affordable by removing stamp duty on new and existing homes up to $1 million for first home buyers, reduce planning delays and lower land taxes. We will scrap the emergency services tax and support our emergency services. We will abolish the GP tax and strengthen our health system by reducing ambulance ramping, cutting hospital wait times and supporting frontline healthcare workers. A strong economy needs affordable and reliable power, and only our Liberal and Nationals team has a plan to open the door to new conventional gas exploration and ensure Victoria has sufficient firm energy supplies. We will deliver our economic plan to tackle Victoria's debt and back business to grow our economy. Victoria needs a fresh start, and we are ready to deliver it.

Family violence

Rachel PAYNE (South-Eastern Metropolitan) (09:51): As it is election year this year, I want to talk about the fact that every major party seems to be talking about potholes and about corruption, but no-one seems to be talking about the family violence epidemic that is happening across our country. Forty-two women this year have lost their lives at the hands of men known to them. Sherele Moody from Australian Femicide Watch is the only person that seems to be keeping across these numbers and reporting them regularly. Just this week we heard of a 29-year-old woman who was murdered by her partner in Clyde North, in my electorate in the south-east. Brooke Timmins was a mum of two young boys, and this is an absolute tragedy. Last week I met with Dr Dalal Smiley and the team at Wellsprings for Women. They have been calling for the Dandenong and Casey area to be considered a family violence saturation point for a long, long time now, and I have raised these issues in Parliament. Dandenong and Casey have some of the most horrific cases we have seen of family violence reported recently. They are complex, they are repeat offences, and we need major support in that area. This is why I have stepped up. I have said we have a family violence response model that works: the Alexis model, where a specialised family violence worker is embedded in police, is responding well. We are seeing an 85 per cent reduction in recidivism, and this is why we need to pursue this model.

State election

Joe McCRACKEN (Western Victoria) (09:53): Firstly, I want to congratulate the preselected candidate for Ripon for the Liberal Party, Megan Read. She is an amazing woman. She is a mum of four, she runs a huge agriculture business with her husband and she is going to take the fight up to the government in Ripon. She is just amazing. I also want to congratulate the Liberal candidate for Eureka Emma Muir, who has been fighting for her community for many, many years. She is an amazing businesswoman in her own right and very well connected with the racing community in the Ballan area. She is a fierce advocate for Eureka. I was very proud to join these two amazing women recently at the announcement of the finalists for the Commerce Ballarat business awards, which are going to be held later in the year. We were able to meet a lot of different people from a lot of different businesses who were all coming up to us saying they are sick and tired of the Labor government. They want to

see changes to our tax system and changes to make it easier to run a business because the cost of doing business is so hurtful in this state. There are a lot of innovative, really smartly run businesses in Ballarat that are just up against the wall and really struggling because they are finding it so difficult to navigate a system which has deliberately been made difficult for them. Congratulations to Megan and Emma. They are fierce advocates for the community, particularly the business community, and we are going to drive it forward.

Felicitations

The PRESIDENT (09:54): Today I want to acknowledge a number of branch members I have had the privilege to stand with: Frances Batt; Lance Cadman; Travis Geary; NK; Xavier Smith; Rachel Tian; Ian Rogers; Veida Paul; Steph Kilpatrick; Alex Law; Katerina Toussas; the magnificent Alistair McInnes; Michael McGoldrick; Jarrod Panther; Melissa Canty; Sean Devoy; Jamie Hoy; Donald Payne; Dustin Kim, the KAG; Pat and Ken Rivett; Pat Kelly; David Barker; Marj Munro; Beau Hesse; Donna MacKinnon; Timothy Dale; Lorna Dent; the magnificent Tony Dib; Meg Downie; Ted and Dympna Beard; Don Brown, my commie buddy; the whole great Setches family; and hundreds of other people that stood by in the cold and in the heat. No matter what political bent people have, it is the volunteers like this that really make our democracy as healthy as it can be.

Audrey Nicholls

Bev McARTHUR (Western Victoria) (09:56): I want to pay tribute to an amazing woman: Audrey Nicholls OAM. She was one of Australia's most famous ballet dancers and teachers that we have ever known. She was born in Townsville and passed away recently on 30 June. I know her because she did an amazing thing: she ran a ballet school out in the country, in the Darlington hall, for country children who would never have had the opportunity to be taught classical ballet, except for Audrey's passion for spending some time in the country, away from her famous ballet school in Melbourne. And she did teach my daughter, not only at Darlington hall –

Georgie Crozier interjected.

Bev McARTHUR: Georgie's goddaughter – but also at the College of the Arts in Melbourne when Sarah studied there. But this amazing woman joined the Borovansky Ballet as a teenager. She continued further training in London, joined the Ballet Rambert, but is best known as an amazing teacher of the Royal Academy of Dance syllabus. I pay tribute to her enormous contribution to ballet in Australia. Vale, Audrey Nicholls.

Pound Road, Narre Warren South, pedestrian safety

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:58): I would just like to pick up on the issue of the heartbreaking loss of 16-year-old Chris Rua Antony, who was hit by the car that veered off Pound Road and died in hospital with his family by his side a week later. The tragic accident could have been prevented if appropriate safety barriers had been installed along this vulnerable section of Pound Road. The community continues to be scared that it may be only a matter of time before another person is killed. At least five serious accidents have taken place on the same dangerous corner in the past year, the footpath being dangerously close to fast-moving traffic. Residents are calling for protective safety barriers to be installed, the footpath to be moved further away from traffic, the speed limit to be reduced to 60 kilometres an hour and an immediate road safety review to be conducted. And on that matter, the impact of the level crossing removal projects has caused high congestion zones and intersections which are now dangerous. So there does need to be a road safety review, and I am sure if we were under a Liberal government that would be happening. Over $34,000 has now been raised on a GoFundMe project for the Pedestrian Safety & Education Fund appeal, which has been initiated by Chris's family, for which I congratulate them.

Melbourne Holocaust Museum

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:59): I also had the pleasure of attending a parliamentary and consular breakfast at the Melbourne Holocaust Museum. I want to congratulate them for their commitment and efforts with Brave Enough, which is for Victorian schools, which is helping people to understand and have empathy for all people, regardless of race and religion.

Premier

Renee HEATH (Eastern Victoria) (09:59): This week the Labor government installed their second unelected Premier in Victoria in one term. I congratulate Mr Carroll. I point out that he has been a key decision-maker in every single one of this government's bad decisions since Jacinta Allan became the Premier until he rolled her just the other day – every single one of them. I also point out that in my very first speech in this place after I was elected in November 2022 I called on the government to implement the science of learning and a phonics-based approach in schools because of the failing literacy of kids in the state of Victoria. I was really delighted when Mr Carroll took on the role of education minister and said that he would do just that. He saw the need, he saw it needed to be addressed, and he saw how it needed to be addressed. What was so upsetting, though, was even though he had the best of intentions, he did not have the ability to stand up to the unions and see the change through. I think this is extremely concerning, because he has come out and he is saying all these things that he is going to change. I hope that he is not, like he has been in the past, just all words and not able to deliver. I will also point out that during the COVID lockdowns in 2020 he was the Minister for Corrections that oversaw over 97,000 days taken off prison sentences. This has been damaging to victims, and he needs to change it.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:01): I move:

> That the consideration of notices of motion, government business, 278 to 1517, be postponed until later this day.

Motion agreed to.

Bills

Health Legislation Amendment (Regulatory Reform) Bill 2026

Second reading

Debate resumed on motion of Jaclyn Symes:

> That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (10:01): I rise to speak to the Health Legislation Amendment (Regulatory Reform) Bill 2026. In doing so I note that this bill is largely a regulatory reform bill that is making amendments to four key specific areas, and I will speak to those. They are the accreditation for the assisted reproductive treatment sector under the Assisted Reproductive Treatment Act 2008, incorporation of documents in relation to the Non-Emergency Patient Transport and First Aid Services Act 2003, responsibility for cooling towers under the Public Health and Wellbeing Act 2008 and the disposal of radiation sources under the Radiation Act 2005.

The provisions in this bill will be administered and enforced by the health regulator. I want to thank the minister's office for providing the briefing and also answering questions that I had in relation to a number of areas given the feedback I received from various stakeholders that will be impacted by this bill. I do want to raise some of the concerns around stakeholder feedback in the committee stage but also in my speech in a moment.

If I can go to the first part of the bill, the Assisted Reproductive Treatment Act 2008 amendment, this bill will amend that act, as I said, to require registered ART providers to comply with an approved accreditation scheme. It gives the Department of Health secretary wider powers relating to registration and inspection of premises and gives the minister power to cancel registration in specific circumstances. These changes implement recommendations of the rapid review. They establish a new accreditation scheme for ART providers administered by the Australian Commission on Safety and Quality in Health Care (ACSQHC), which replaces the current requirement to be accredited by the Reproductive Technology Accreditation Committee, the RTAC. Effectively what the bill is aiming to do is strengthen the regulatory scheme, ensuring that the regulatory framework operates independently from the accreditation scheme. What the bill also does is provide the secretary with wideranging discretionary powers to grant, review, vary or refuse ART provider registration applications based on specific assessment criteria. The minister is given the power to cancel registration on specified grounds; for instance, if a clinic breaks rules or regulations such as not complying with licence conditions, fails accreditation, poses a health and safety risk, commits an offence or is no longer a suitable operator, for example, on the basis of past offences or compliance history.

What the bill also does is address the need for stronger oversight and regulation of IVF clinics following a series of very serious incidents involving transfers of the wrong embryo, including a woman giving birth to a stranger's baby, which has been widely reported on and was very concerning and very alarming for all those involved. I just want to go to that point, because IVF is a very important part of our health system. There are thousands of families that undergo IVF, and it can be incredibly challenging. It is a very complex area of medicine, and it does deal with various areas, whether they are medical, psychological or genetic complexities involved for people undergoing IVF. I do think that this state especially has been very, very significant in the pioneering work that has gone on in this field, and the benefits to so many families are immeasurable, but unfortunately this couple of very serious incidents have happened, and that review was required to be undertaken. I understand that for the patients that have been involved in those bungles there is a class action that was actioned, and that has been settled, but it goes to the point of the very dangerous complications of such serious issues.

As a result, in response to the very concerning developments that had occurred, all Australian health ministers commissioned a national rapid review in June 2025 and agreed to its recommendations in September 2025. The rapid review found multiple failures of the current system. It found that under the Reproductive Technology Accreditation Committee, or RTAC, the industry's current compliance monitoring is insufficient, and the enforcement powers were found to have been limited. The main recommendation was a move away from industry self-regulation to government oversight, with the Australian Commission on Safety and Quality in Health Care to be responsible for accreditation of fertility clinics. It is a body that already oversees accreditation of hospitals and other health services, so it made sense that it came under that body. The review essentially endorsed the findings of a federal review of governance and standards in ART and the IVF sector across Australia by the Fertility Society of Australia and New Zealand, FSANZ, led by former federal health minister the Honourable Greg Hunt, who commissioned it in 2024. It is a very good review that was undertaken, and the findings and recommendations provide for a framework for an Australian 10-year fertility road map. Reading through this report, it raises some excellent points but also some very excellent recommendations, and I think all governments have actually used it as a basis to come to some recommendations, which this bill will ensure will be undertaken.

The bill also provides stronger enforcement, including penalties for breaching the stricter accreditation requirements. As I said, I should also note that the Fertility Society of Australia and New Zealand recommended this national fertility road map. It would replace 30 different pieces of legislation governing ART and IVF practices across Australia, and I think that is an important point to make in relation to that particular report, which is why I think it was very widely regarded and taken into consideration when the state and federal ministers met last year to look at the current issues that we are debating today. Those stricter accreditation requirements, however, are designed to align Victoria's legislative framework with the national accreditation framework being developed by the ACSQHC.

As I also said, all health ministers agreed to the recommendations of the rapid review. IVF providers are supportive of a regulatory framework that improves safety, quality and accountability in relation to fertility services, yet they have concerns about the implementation of these changes in this legislation. I just want to relate or provide some of that in my contribution.

When I asked for feedback, some of the feedback I received from the providers included, 'The introduction of this bill has taken us and others in the ART sector by surprise, as we were not consulted on any aspects of the bill before its introduction into Parliament.' I find this a bit concerning in relation to – they are very supportive of the safety changes – that lack of consultation. They also made the point that the current indicative timeframes are for draft standards to be made available for testing from January 2027 and for all ART providers to be transitioned to the new scheme by December 2028. There were other concerns around the bill by other stakeholders, and I will speak to that in the committee stage. They were wanting ongoing consultation with fertility specialists, obstetricians, gynaecologists, embryologists, nurses and consumers to ensure that the regulatory requirements remain practical, proportionate and clinically informed. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists, for instance, support the objective of improving patient safety, as I said, but also made the comment to me that patients accessing fertility treatment frequently present with complex clinical circumstances. That is why they do want that ongoing consultation with government, because they are concerned that the regulatory settings are perceived as overly punitive and that may contribute to risk-averse practice behaviours, potentially discouraging providers from caring for patients with more complex needs despite treatment being clinically appropriate.

I did mention some of those complexities, but as they say, the complex clinical circumstances include advanced maternal age, recurrent pregnancy loss, genetic conditions, significant medical comorbidities, donor conception arrangements and psychosocial vulnerabilities, as well as those other medical, psychological and genetic complicating factors that many women and parents are subjected to. As I have said, there has been a lack of clarity around implementation and insufficient consultation with industry and clinical experts before the introduction of the legislation. Increased regulation may result in higher compliance costs, especially for small providers, and be passed on in higher costs to patients. The replacement of RTAC before national accreditation scheme is finalised has a duplicating effect. Although I think there has been some clarity around that in relation to the secretary's powers, nevertheless there is that duplicating impact. There is the significant expansion of powers to inspect premises due to potential risks to restore biological material and patient privacy. I do thank the department for providing some assurance in relation to those concerns that I did put to them, and I will tease that out a bit more in committee. That is the ART component of the bill.

If I can move to the next part of the regulatory framework, which goes to the Non-Emergency Patient Transport and First Aid Services Act, which this bill also amends, it allows documents to be incorporated into regulations to help streamline processes. The bill expands regulation-making powers in relation to the incorporation of documents and allows documents such as clinical protocols to be incorporated into regulations when they are updated, and I do have questions around that. While it appears to be a minor change, the change to regulations is very broad, allowing the incorporation into the regulations of 'any matter in any document'. In response to questions in the bill briefing the minister's office said this reform enables dynamic referencing in the legislation to the most up-to-date version of clinical practice protocols. Even though it sounds quite minor, it may have wider implications, and I do want to tease that out in the committee stage.

The amendments to the Public Health and Wellbeing Act 2008 relating to cooling towers amend this part of the act to ensure the person responsible for control and management of cooling tower systems is identified as the appropriate person to take on primary obligations and responsibility for breaches. There are approximately 3000 cooling towers in Victoria, so there are a lot. They, as everyone would know, are used for evaporative cooling in large buildings, including in both residential and commercial sites. But these towers pose a significant public risk at times. We have all heard of legionella outbreaks.

Legionnaire's disease can be attributed to cooling towers, and it can lead to potentially a very fatal pneumonia if legionnaire's is detected.

Under the current act the owner of the land on which the building stands must prepare and implement a risk management plan and ensure an annual audit takes place. The amendments in this bill reflect the fact that a person other than the owner of the land can be managing and controlling the operations of the cooling system, and they are therefore the most appropriate person to ensure the health and safety obligations are met. For example, property or facilities management companies or managers, lessees, occupiers or owners corporations that are separate from the landowner are often very much more in touch with their tenants and are maintaining various parts of the buildings, and therefore they are much closer, so they will have that reflected in understanding the management of cooling towers so as to hopefully prevent the outbreak of legionnaire's.

If I can go to the last part that I would like to speak on part 5, where the Radiation Act 2005 amendments introduce a financial surety scheme to cover the cost of the disposal of radiation sources. These changes are intended to align Victoria's legislation with the nationally agreed radiation protection standards, which the Commonwealth, states and territories signed up to in 2021. The government contends that disposal of disused radioactive sources is not always managed by licence-holders in a timely manner and the government is left to bear the cost and associated risk of disposal. What this bill does is introduce a financial security scheme for licence-holders and offences for breaching obligations for safe disposal. The feedback from stakeholders in relation to this was very thorough, I have to say, and I do thank them for providing the very comprehensive feedback to me. They outlined, literally clause by clause, their comments and any concerns, and I do have a couple of questions in relation to this. It should be noted that this bill is addressing those radiation sources in things like medicine, science and research and other areas. They are quite widely used. It is probably not understood how wide the need for safe radiation source disposal is, given the use by various aspects of the overall industry of radiation sources. The feedback was that there were some parts that they thought were much needed and they thought were reasonable in relation to just that disposal, having that safety and having the overall guidelines to direct companies and organisations that are dealing with the radiation sources that I spoke of.

There is just one thing I would like to also raise. During the bill briefing the officials were somewhat evasive or were not able to answer questions about the consultation that took place with the EPA and the advice received. They confirmed that consultation had occurred but it was not completed as yet. Proceeding to introduce the bill before that consultation had been completed raises some concerns. I would have thought that would have been an obvious thing to do, given it is dealing with the transportation of this radiation waste, to see what concerns the EPA had. Nevertheless, we are here discussing it now. Hopefully they have been able to get some of that reassurance from the various industries on the questions that were asked. I do want to say again: thank you for providing the responses that you have provided around some of the questions that we had. I did want to just make that point about the EPA, because the answer back was:

> The proposed reforms have been informed by the financial assurance provisions contained in the Environment Protection Act.

That was the advice that was sought from the Environment Protection Authority in developing the amendments to the Radiation Act, and the department's advice was:

> That act enables the Environment Protection Authority to require and claim financial assurance to cover cleanup and remediation costs in relation to other types of waste or contamination. This Bill applies the same principle to radiation safety: that those who create or control risk should bear the cost of managing it, noting that many different types of entities across industrial sectors and the health system hold radiation sources.

That was very much my point earlier. But I do note that there are organisations like veterinary practices or, as I said, science and research medicine – there are many, many areas and many organisations – that are currently dealing with radioactive material. I think it is good that we have got these guidelines and frameworks in place to be able to deal with these radiation sources.

With those few comments in relation to this bill, I note that it is not a bill that is contentious at all. It is an important bill to have some frameworks and guidelines in these areas considering some of the issues that have arisen in the public domain – very serious issues. I refer to the ones earlier regarding the ART and IVF bungles. All health ministers and the federal government are also working on streamlining and getting national guidelines to ensure that there are appropriate frameworks in place, that there is appropriate accreditation in place and that there is appropriate regulation in place so that we do have safe practices in this very complex area of medicine. Again I say the Liberals and Nationals will not be opposing this bill, but I look forward to the committee stage to getting some further clarity around a number of questions.

Sonja TERPSTRA (North-Eastern Metropolitan) (10:22): I rise to make a contribution on the Health Legislation Amendment (Regulatory Reform) Bill 2026. The bill seeks to amend the Assisted Reproductive Treatment Act 2008, the Radiation Act 2005 and the Public Health and Wellbeing Act 2008. Principally, these amendments are directed to streamlining and strengthening registration and licensing requirements with a view to keeping all Victorians safe and healthy across a number of important domains. I will go to the particular areas of interest in regard to this bill. They are important, and today presents a good opportunity to introduce these important reforms.

Effectively, these amendments are principally designed to strengthen and streamline these registration requirements, but also there will be other technical amendments made to the Non-Emergency Patient Transport and First Aid Services Act 2003. While those amendments are minor, they will deliver important clarification to the act that ensures regulations keep pace with updates to clinical protocols. The reforms that are outlined in the bill will then be administered and enforced by the health regulator, a branch of the department which was established in early 2024 to consolidate regulatory functions and enable the department to adopt a more consistent and risk-based regulatory framework.

The health regulations, as we would all appreciate in here, overall play a very key role in minimising and preventing the risk of harm to the health or safety of Victorians. We can see that on display with this bill, which protects Victorians from, for example, the spread of legionella bacteria. As we know, we are talking about cooling towers, and I will get to that in a moment. It also ensures that radioactive material is disposed of safely. Also for Victorians starting a family, who might be looking at accessing IVF, it looks at those people who might want to access that technology to give them confidence that their assisted reproductive treatment will be of the highest quality. The amendments to the Assisted Reproductive Treatment Act 2008 are targeted to ensure that Victoria stands ready to implement the recommendations of the national *Rapid Review of Assisted Reproductive Technology and In Vitro Fertilisation Regulation and Accreditation in Australia*. It is important that Victoria as a jurisdiction keeps pace with any changes that might be introduced nationally.

An independent national accreditation framework for assisted reproductive technology providers is being developed by the Australian Commission on Safety and Quality in Health Care. We want to make sure we have appropriate safety and quality standards that are rigorous and guarantee as much as possible safety and confidence when people are accessing ART. The framework will ensure that the assisted reproductive technology sector operates in a way that is safe and transparent, and this bill ensures that Victoria stands ready to adopt this framework once it is finished. The bill will also introduce a stronger registration framework so that when ART providers register in Victoria people can have confidence that all appropriate due diligence has been conducted into the organisation's compliance history, finances and governance. It ensures rigour around any organisations who want to enter this space and provide services.

The amendments to the Public Health and Wellbeing Act 2008 also constitute a critical step in protecting Victorians from the spread of legionella bacteria. Legionella can cause legionnaires disease, a form of pneumonia that can be fatal. Unfortunately, cooling towers can be a key vector for the spread of legionella bacteria, which is why a strong regulatory framework is required to monitor them under the Public Health and Wellbeing Act 2008. For example, the amendments that are being proposed will ensure that a person responsible for managing a cooling tower can be investigated for any breaches of

regulation and that appropriate action can be taken quickly to remedy breaches. Because obviously when there is some kind of outbreak, it is really important to contain it to prevent legionella spreading. This will help contain, manage and prevent that spread going forward, which is a measure all Victorians can support and will appreciate.

The bill also seeks to amend the Radiation Act 2005. Again, this is to bring the legislation into line with the *National Directory for Radiation Protection*. It will enable a financial surety scheme which is analogous to legislation in place in South Australia and New South Wales and which will cover the cost of the disposal of radiation sources and create an offence related to the disposal of radiation sources if it is not in accordance with the framework. This is an important protective and proactive step that will ensure that where licence-holders for any reason are unable to dispose of a disused radiation source safely and properly, the health regulator can ensure that the disposal occurs and has appropriate funding available to do so.

With these amendments to the Assisted Reproductive Treatment Act the Carroll Labor government is making IVF clinics safer and more accountable. There have been, unfortunately, a series of concerning and highly distressing incidents involving private IVF providers. These incidents quite rightly resulted in increased public discussion, particularly around safety and quality in the sector, and governments across the country responded with a national rapid review in 2025. This was led by the Victorian Department of Health. The recommendations of that review were agreed to by health ministers in September 2025, and we are now taking action to implement them. These actions are squarely aimed at giving confidence to Victorians who are accessing assisted reproductive technology. It is obviously a very difficult time and the last thing you want to worry about is the quality or the accountability of the place that you are seeking assistance from. The rapid review also identifies the state and territory regulatory authorities. It will take a proactive, risk-based approach to compliance monitoring in regard to this and will also then deliver tools that will enable decisive, proportionate action to be taken that will effectively deter misconduct.

In addition to this the Australian Commission on Safety and Quality in Health Care is developing a new accreditation framework for IVF providers, and this will also ensure tougher scrutiny is required to attain accreditation. The new accreditation framework will be independent, whereas the current framework is industry based. We need to have that independence and rigour around the framework to ensure that anybody who is wanting to enter the field of ART provision can stand up to the rigours of the framework. The amendments in this bill will ensure that the Victorian legislative and regulatory framework is ready to align with the national accreditation framework and standards as soon as they are finalised. Under the current registration provisions, for example, the secretary has no discretion to refuse an application from a provider that has been accredited previously, and further there is no power to suspend registration of an accreditation provider and there is no power to cancel that registration. These aspects of the framework clearly require updating. As you can see and as I remarked upon earlier, we have had some really sad, tragic examples of where private providers have failed people accessing that technology. You can see that the departments and the secretary have no power to actually take any cogent action in regard to this, so this bill will provide a clearer approach and give clear powers to the department to take strong action.

The bill will also give the secretary a full suite of discretionary powers to grant, renew, vary or refuse ART, and the bill will also provide for registration applications based on specified assessment criteria. This will ensure the decision about whether a provider has a legal authority to operate in Victoria rests clearly with the regulator. That is entirely appropriate. The bill also introduces a power for the minister to cancel registration on specified grounds, and the bill defers commencement of the offence for failure to comply with conditions on registration to allow the current conditions on registration to be reviewed and updated in alignment with the upcoming new accreditation standards before the offence applies. In the interim the conditions on the registration continue to apply and a range of enforcement actions are available for noncompliance. The amendments also introduce a standard three-year registration period, with an option for this timeframe to be shorter if the department identifies any concerns or

risks with a provider. There is lots more I can say on this, but I know my colleagues will also want to make some contributions on the remainder of these provisions.

I do just want to pivot quickly to some comments that I note Ms Crozier made around consultation in regard to this bill. I think it is important to get these comments on the record in the 4 minutes and 20 seconds I have left. The Department of Health consulted with assisted reproductive providers via two duplicate webinars to outline the proposed reforms and seek any feedback and via a survey to ask more targeted questions about potential concerns or anticipated impacts. All registered providers were sent invitations to the webinars and a copy of the webinar presentation, and all registered providers were also sent links to the survey so they could participate in that consultation process. Consultation underscored the importance of clear and coordinated communication about the accreditation reforms and the Victorian legislative reforms, including timeframes, transition arrangements and timely communication about implementation of the Victorian registration changes, including registration fees and arrangements for the exercise of inspection powers. As you can see, those things were clearly articulated to the sector.

The department is continuing to liaise with the Australian Commission on Safety and Quality in Health Care to ensure coordination of design and implementation of the two schemes and related communication to providers. During the drafting of the bill the department also met with the Fertility Society of Australia and New Zealand and the Reproductive Technology Accreditation Committee and other jurisdictions to discuss the reforms and will continue liaising with them to support implementation. Department representatives also presented to the Donor Conception Advisory Group on 28 May 2026 about the proposed reforms, and the department will continue to engage with stakeholders to further build an understanding of the proposed assisted reproductive technology reforms and seek input on implementation. There was also further consultation conducted on the amendments to the Assisted Reproductive Treatment Act. So as you can see, there are a range of things that are being covered in this bill. Of course we have consulted with industries and sectors, and I note Ms Crozier will be seeking further information on some of these things in committee.

I will just say this in closing: our health regulatory framework keeps Victorians healthy and safe each and every day, as we have seen in our discussions on the bill. As I have outlined, you can see some of the reasons for these changes. We have seen in media reporting, as I remarked upon earlier, some very distressing situations where people have accessed reproductive technology and there have been problems, things have gone wrong, and it has been quite distressing for those people. So as a consequence of a review and national changes we need to make sure our scheme is also fit for purpose. There are also some changes in regard to the disposal of radioactive waste and the like that comes from the health sector. Again, we want to make sure that radioactive material is disposed of safely. We can prevent the spread of legionella bacteria. That is why we want to make sure that the regulator can ensure that people who are in charge of cooling towers are doing things in accordance with any regulations and frameworks.

As I have already remarked upon, we want to make sure our assisted reproductive technology sector operates safely and reliably. The framework cannot exist and it certainly cannot be managed or enforced without the hardworking staff within the health sector. I want to take the opportunity very quickly just to thank all of our hardworking staff, bureaucrats and public health officials who work in this sector and for regulators because they do a really important job in making sure that our health systems are up to scratch and compliant with regulatory frameworks.

In closing I might say we can be absolutely sure of one thing: if the Liberal–One Nation government should ever be elected, there will be $40 billion in cuts, and those will definitely occur in our health sector. We already know that that is part of Jess Wilson's plan to cut one in seven public servant jobs, and that will include health workers. The staff who work with the health regulator are health workers, and they keep Victorians safe each and every day. None of us can afford to have a Liberal–One Nation government. I commend the bill.

Melina BATH (Eastern Victoria) (10:37): I am pleased to rise today to make a few brief comments on the Health Legislation Amendment (Regulatory Reform) Bill 2026. Indeed my colleague the hardworking Shadow Minister for Health Ms Crozier has gone into quite significant detail in relation to what is a regulatory bill that is improving the regulation of a variety of very important acts and issues in the public health space. We were going along very well in a considered view until the last 30 seconds of the previous member's contribution, which was quite disappointing hyperbole with absolutely no substantial truth to it at all. In fact it was a nice fabrication – disappointing on a very important bill.

This bill looks to really bed down some of the major recommendations from a rapid review. In particular it amends the Assisted Reproductive Treatment Act 2008 to require that registered ART providers comply with approved accreditation schemes. It gives the Department of Health and the Minister for Health far greater powers to ensure that the companies and facilities running this very important service are inspected at a high degree but also provides the minister with the ability to cancel registration under specific circumstances. Certainly the Nationals and Liberals support that important work.

In terms of the Non-Emergency Patient Transport and First Aid Services Act 2003 I just want to put on record here that this is in relation to changing and adopting or incorporating by reference any matter contained in any document as amended from time to time as well as those documents in force at the date that regulations come into operation or any date before then. It is important that these services run to their maximum efficiency, and indeed incorporating those back-end documents is really important.

I do want to take this moment to provide a shout-out to the Royal Flying Doctor Service and indeed the community transport element of that particular charity. These people operate under that act, and they deserve our significant gratitude for a vital service that occurs in regional Victoria. I think it was probably a couple of months ago now, in Foster in South Gippsland, based at the Foster hospital, that this Gippsland operation met for one of their monthly meetings to sit around the table. There were probably around a dozen to 20 volunteers, coordinated by a central point, who shared their experiences as to how they enrich the lives at a very pivotal point in the lives of members in our community. Quite often they are very mature members, our elderly members of the community, that either do not have a car or do not feel that they are able to access facilities, whether they be travelling to Wonthaggi for specialist doctor appointments or up to Leongatha or over to the Latrobe Valley, to the Latrobe Regional Hospital.

This community-based patient transfer is so vital; it is vital to meeting those appointments. It is also significant – and this was one of the things embedded in my understanding on the day – that sometimes this can be some of the only real contact that those people have with others, because of that patient transfer. Not only is it a service, it is a link, a connection, a communication that is really vital and so needed. So I put on record my sincere thanks to all of those volunteers. Quite often they are retired. In fact one was a retired teacher who taught me at Foster high school. I just really want to place on record the importance of the Royal Flying Doctor Service. That charity is vital, the important work that they do, specifically in this patch in South Gippsland, but I know they operate out of Bairnsdale and they operate in other sectors right around regional Victoria. We are indebted to their service. They often say that they are so enriched by that two-way interaction. Not only do they provide that service but they also gain the wisdom, experience and friendship of people who need that service. I thank them and put them on record in a very humble way. And I think, wherever we finish, when we finish our working life, there are many opportunities to volunteer, and the Royal Flying Doctor Service community transfer is just one of those.

Just to round out with some other comments, the bill amends the Radiation Act 2005 to introduce a financial surety scheme to cover the cost of disposal of radiation sources. I think that, again, is a very important facilitation and improvement. Again, this has come from recommendations. To conclude my short contribution there, we want to make sure that the amendments to the Public Health and Wellbeing Act 2008 help to ensure that there is an appropriate person that takes responsibility for

managing the safety of cooling towers to minimise health risks. We do not have too many cooling towers in regional Victoria, but there certainly were a number of years ago. It was devastating when there was a legionnaire's outbreak. They are vital to keeping our commerce and industry working certainly in more built-up and civic areas of our state. With that, I know that, likewise with Ms Crozier, the Nationals will not be opposing this bill before us today.

Nick McGowan: On a point of order, Acting President, I draw your attention to the state of the house.

The ACTING PRESIDENT (Jeff Bourman): As I believe it, we are still under the rules from much earlier in the piece to do with the pandemic. As long as I am satisfied that there are enough people in the precinct, we are good to go. I am satisfied there are enough people in the precinct.

Jacinta ERMACORA (Western Victoria) (10:45): I am very pleased to speak on the Health Legislation Amendment (Regulatory Reform) Bill 2026. I want to start by giving a little bit of context. What is the health context that our Victorian health system sits within nationally and even globally? In Australia we have a government-run universal health system. Essentially that means that Australians contribute to the cost of running the government owned and operated health system, and for that contribution they get free health care for the course of their life. That is probably a slight simplification, because we also run a private system beside it, which Australians can choose to join in with if they wish.

One of the other phenomena in our universal system and resulting from a universal system is that often the care that you receive as an Australian better reflects your health needs than the amount of money you have or your ability to pay. For instance, a family member of mine, my father-in-law, was elderly – he has since passed – and had some health issues. He lived in Geelong and got some terrific care in Geelong. It turned out it was a complicated issue. He was sent to the Royal Melbourne Hospital. When the team that had a look at his problem met after looking at the tests, they decided that the professor, the educator, the leader of that team, the best person in Australia, would conduct the operation on him because it was complicated. That is an example of someone using the public health system and getting the absolute best care available regardless of their ability to pay. Ironically, one of the members of my husband's family is an American. We were leaving the hospital after the procedure, and she said, 'So how do we pay?' I was nearly floored that I had to give a two-line explanation of, 'All Australians contribute through a tax system, and therefore we get free health. They will not need to pay for that' – and she was floored. I think the contrast between a private system and a public system is stark.

I will just give you an example of that, because in the USA they have a private system with a very, very minimal or small public system. One of the measures used to compare, for instance, a universal health system versus a privately run health system is the average age of death of the population. In Australia the average age of death for Australians for a woman is currently 85 years old and for a man 81. Sorry, that is not good news, but that is the health data that is available at the moment. In the USA the average age of death for a woman is 81, the same as for men here; for males, the average age of death is 76. That is a five-year difference in both, and the difference is that our health system provides better health care and better prevention and is better funded because it is funded by every single Australian that pays tax. I wanted to give that as context before I go on with this bill.

Our universal health system is not only providing health services across the state in primary and tertiary health care but also research and world's best practice areas. We lead the nation; we lead the world in some health areas. We have got a lot to be proud of in our health space, but there are always areas for improvement, and one of those areas in Victoria is being addressed today.

This bill is about keeping Victorians safe. Our Labor government – our Carroll government – backs the hospitals and health care that Victorian families rely on. Those services are backed by our health regulatory framework that keeps Victorians healthy and safe every day. The regulatory framework ensures that the standard of care is not only high but also consistent across all services. This bill is our

response to a changing public health environment. We cannot sit still. We have changing social attitudes and changing health science that is available to us, so we need to sometimes regulate new things and sometimes change old things. This bill is an example of that. It responds to three areas of risk: fertility clinics, cooling towers in large buildings and the safe disposal of radioactive material.

Identifying and responding to these risks has not happened by magic. This bill, and so many other important changes that pass through this chamber, are the result of hard work by expert and dedicated public servants. Their work is often invisible but always critical. They review whether regulations are still fit for purpose. They run the consultation, which my colleague Ms Terpstra has just mentioned. They check the evidence, and they draft the solutions. Victoria is fortunate to have highly qualified and experienced people employed specifically to do that work. It is work that underpins the efficiency and effectiveness of our health system. Most importantly, it is what keeps Victorians safe. This work is often invisible, but it is essential. It is how we catch problems like the ones we saw in the fertility sector and how we keep pace with things like national radiation standards. If these jobs are cut, that work will not happen; it will stop. We will end up having a system that does not work for Victorians. Jess Wilson and the Liberals have a plan to make $40 billion in cuts to the Victorian budget; they have been quite open about that. $32 billion of the current budget is allocated to health.

Georgie Crozier interjected.

Jacinta ERMACORA: You have got to add up your statements and put the numbers next to your statements. That includes critical parts of our social infrastructure like hospitals, surgery, public dental services and community health. It also includes the resourcing required to deliver a strong regulatory framework – not just the work that goes into drafting bills like this one but also the work that will go into checking and enforcing the laws we create. That work ensures that radioactive material is disposed of safely, that we can prevent the spread of legionella bacteria and that our assisted reproductive treatment sector operates safely and reliably. This framework cannot exist – and it certainly cannot be managed and enforced – without the hard work of staff within the health regulator. You cannot make $40 billion worth of cuts without making cuts to health. We already know that part of Jess Wilson's plan is cutting one in seven public servant jobs. That includes health workers. The staff who work within the health regulator are health workers. These experienced, qualified and dedicated people are the people Liberals dismiss as back office staff. They keep –

Georgie Crozier: On a point of order, Acting President, the member is straying from the substance of this bill, and I would ask you to draw her back to it. I mean, she is having an absolute rant about mistruths, and I would ask you to bring her back to the substance of the bill.

The ACTING PRESIDENT (Jeff Bourman): You are kind of straying, but you are kind of on topic. If you could just keep it to the bill, that would be awesome.

Jacinta ERMACORA: I plan to. These public servants keep Victorians safe from significant harm each and every day. Under Jess Wilson and her $40 billion worth of cuts health staff are at risk, and when our health staff are at risk, so are all Victorians.

I want to talk about reproductive health now, and I will start with the fertility provisions. Right now the ability of an IVF clinic to operate in Victoria is tied to a separate accreditation process run by an industry body. If a clinic has an accreditation, the government has very little say. That is how it is at the moment. It cannot refuse to register a clinic just because it has concerns, and even when the government can suspend a clinic's registration, it currently has no power to cancel it altogether. There have been a number of deeply concerning incidents at private IVF providers in recent years. That has led to a national review of how fertility clinics are regulated.

Based on that review, the Australian Commission on Safety and Quality in Health Care is developing a new accreditation framework. In September 2025 health ministers from every state agreed to the review's recommendations and to adopt the new framework. This bill is Victoria taking action on that agreement. It separates registration from accreditation. That means the Victorian government will no

longer simply have to accept a clinic because an industry body has ticked it off. Instead the Secretary of the Department of Health will have the power to approve, renew or change conditions or refuse a clinic's registration. The Minister for Health will also have the power to intervene to cancel a clinic's registration. This ensures that Victorians know that any adverse incidents will be swiftly and appropriately responded to. It gives families confidence that they will only receive the highest quality of care. The bill also changes how often clinics are checked. Registration will last three years rather than being open ended. It can be made shorter if the department has any concerns about a particular provider, and this allows for more frequent and better compliance monitoring. Inspectors will get stronger powers to go into a clinic and inspect it and seize equipment or documents. They will also be able to apply to a court for a warrant to inspect other premises where fertility treatment might be happening without proper registration.

I do not have time to go on to the other two areas in the bill, but just this one example demonstrates how a private sector can emerge in a new health industry, which in this case is fertility services, emerging based on new science over the last 20 to 30 years, and the need for regulation and accountability, especially when it comes to governments providing services publicly. And that is exactly what the Victorian government does: it provides public fertility services, even in regional communities. I will leave my contribution there.

Sarah MANSFIELD (Western Victoria) (11:00): I rise to speak on the Health Legislation Amendment (Regulatory Reform) Bill 2026. The need for stronger regulation of assisted reproductive treatment has been clear for a very long time. Fertility treatment is incredible. It has transformed people's lives, but it also must be recognised how distinctly vulnerable people are when they are seeking reproductive assistance. There is a huge amount at stake, emotionally, physically and financially, with no guarantees. The desire for a successful pregnancy is powerful and deeply emotional for so many. There is also inherent information asymmetry that arises from complex health care like fertility treatment, where providers have so much more knowledge of the evidence and therefore a lot of power.

Currently in Australia it is a heavily privatised sector. While there are absolutely incredible people who work in the industry, there is also a real profit motive there for the providers. Together this creates huge potential for exploitation. Some of this is overt and deliberate, but more often it is the result of a system that has become distorted through profit motives, resulting in ethical drift, lax oversight of quality and safety, the upselling of non-evidence-based add-ons, often for substantially additional cost, and other practices that I think really do not put patients and families at the centre of decisions. While this has been long known, it has taken several high-profile and heartbreaking situations over the past few years to trigger any kind of meaningful change. Two years ago Monash IVF, Australia's second-largest ART provider, was forced to pay out $56 million to settle a class action of over 700 patients who had been affected by faulty genetic screening and the destruction of potentially viable embryos. And then last year it emerged that Monash IVF was again involved in two separate embryo mix-ups, one in Brisbane and one in Melbourne. These incidents were attributed to human error despite existing verification protocols. What they blew open was the need for much stronger oversight, stronger accountability and stronger protection for patients. This bill is an important, if overdue, start.

This bill, as has been explained, amends the Assisted Reproductive Treatment Act 2008 to implement reforms recommended by the *Rapid Review of Assisted Reproductive Technology and In Vitro Fertilisation Regulation and Accreditation in Australia*. That review reached a conclusion that industry self-regulation has not been sufficient. It found that the existing accreditation framework lacks the necessary oversight for the sector, standards are not rigorous enough, compliance monitoring is inadequate and enforcement powers have been too limited and too rarely used. One of the review's key recommendations was the establishment of a new national accreditation scheme, administered by the Australian Commission on Safety and Quality in Health Care, and this bill ensures that Victoria's legislative framework is ready to align with those new national standards as they are developed.

Victoria also has an important role to play in shaping those standards. In 2019 the then Minister for Health referred an inquiry into assisted reproductive treatment services and unsafe and unethical practices to the Victorian Health Complaints Commissioner. The inquiry heard from patients that the Victorian system had serious shortcomings in the way that fertility services were being delivered and regulated. The VHCC inquiry found many patients received incomplete or inaccurate information about their prospects. Some were given unrealistic expectations about how quickly they would become pregnant; others were not informed of diagnoses that significantly affected their chances of success or only discovered important information after seeking to transfer to another provider. These failures undermine patients' ability to make informed decisions about their own care. The VHCC also heard that patients were encouraged to continue repeated cycles of IVF without sufficient investigation into the underlying causes of infertility and that use of expensive IVF add-ons was widespread despite limited evidence of effectiveness.

Some of the key changes in this bill address many of the concerns raised through these inquiries. Importantly, there will be a new mandatory accreditation scheme. This bill also creates a new offence for provider noncompliance. The new format for accreditation schemes will be a national quality and safety framework developed by the Australian Commission on Safety and Quality in Health Care, and it will set the standards for things like clinical governance, laboratory practices, patient safety, data reporting and risk management. This replaces the old accreditation scheme with a new national model. It is really important that there is consistency across jurisdictions and that there is one national standard when it comes to assisted reproductive technology.

New sections 74 to 74D create an overhaul of the old registration model for ART providers. I think it gives the secretary a number of new powers. The secretary may consider a wide range of suitability factors for any provider wanting to open an ART facility. These include things like past offences, financial stability and compliance history. I think that is something that has been missing to date, being able to look at a track record of a provider before allowing them to continue to practise or giving them registration to continue practising. The standard registration period is three years, and for renewal those same suitability checks are required as a condition of registration. What that does is it builds in a regular check on compliance, whether that provider is adhering to the accreditation standards and requirements, and it creates the ability to not provide registration to a provider that has been breaching the quality standards that are expected and required.

It also grants the secretary powers, including the ability to vary registration of their own initiative and expanded inspection and enforcement powers. For example, it allows the secretary to enter an ART premises at any time, not just during business hours, and upon entry the secretary may examine anything, take photos or videos, seize documents and items and require people to answer questions. Again, that is a really important power to enable oversight of compliance as well as enforcement. Warrants may be issued for premises suspected of unregistered ART activity. I think one of the most crucial changes in this bill, and something we have long called for, is that this bill gives the minister the ability to cancel registration for serious noncompliance, safety risks or if they have lost accreditation, if they are not complying with those accreditation standards. Up until now, there has not been that power to close down a facility. There needs to be the threat of closure. In many cases, while obviously you need to take into account the disruption that might cause many people who are using that service, repeated noncompliance or serious breaches of standards should be met with the very real prospect of being closed down and losing your licence to continue to be an ART provider.

We really welcome this bill as an important step towards a more rigorous national regulatory framework. But the legislation alone, we know, is not enough. The national standards now being developed must reflect the lessons that have been learned here in Victoria, and they must centre patient safety, informed consent and transparency and be supported by meaningful oversight and genuine enforcement. This legislation might give the minister and the secretary new powers, but those powers do not mean anything if enforcement measures are not taken or if enforcement is not genuine. We can no longer rely on self-regulation. That has been demonstrated time and time again. It has been shown

through the number of inquiries that have taken place. Ultimately, I think there are many people who are now living with the consequences of the failures of self-regulation. Health care should always put people's safety and rights before profit, and with the highly commercialised nature of assisted reproductive treatment in Australia, we cannot rely on providers to ensure this is the case. Ideally we would not have a privatised system, but we do. That is the reality, and what this means is it is the government's responsibility to ensure the most rigorous of regulation. We will be supporting this bill today. We welcome the changes and look forward to ongoing improvements in this space.

Nick McGOWAN (North-Eastern Metropolitan) (11:09): I commend to the house the speeches of my colleagues Ms Crozier and Dr Mansfield. I would implore anyone who is interested in this space to look at both of those speeches, because I think they are both well informed and balanced. It is perhaps for me only to point out a couple of points really, because what has needed to be said has been said already. Critically – raised by both Dr Mansfield and by my colleague Ms Crozier – this is somewhat belated. To hear the speeches of those opposite on the government benches in particular somehow refer to this as timely action is somewhat comical, it must be said. It would be comical were it not for the fact that these are very serious matters and these are matters that will at this point, sadly, assist neither the family in Queensland, over which we have no jurisdiction, nor certainly the family here in Victoria and families impacted. We know that as far back as 2019 recommendations were made in respect of the changes that are now occurring in this place. We know that we also had the Hunt report in November 2024, which pointed in all the same directions, yet here we have a government who like to tout their proactivity, which is somewhat comical because we know it has taken them so long to get to this point – in fact way too long. As has been said in this place already, it is appropriate that we put in these safeguards. It is appropriate that the powers that are given to these operators are not beyond the scope of scrutiny and not beyond compliance measures and safety standards, as has too frequently been the case.

Unfortunately, we see a pattern emerging in this government. To pick up on the remarks of those opposite earlier on, it is not isolated to these matters alone. I see this in my own electorate of Ringwood, where sadly, we have an instance of a failing health system and a failing provision of services by means of an MRI system and a Faraday cage which continue to fail despite the fact, not dissimilar to the matter before us today in this legislation, that a report was commissioned by those opposite and received in January of this year which indicated that on 69 of 72 measures the Faraday cage, which helps ensure that there is accurate imagery coming out of the MRI machine, had failed. That report was a consequence of concerns raised in January 2025. Time and again we see a pattern emerging across the benches of a government that is aware of problems and simply either fails to act or acts so belatedly, as is the case with the legislation we have before us today, that in actual fact for so many families already impacted here in Victoria it is too little, too late. If you are going to say anything of this government, that may well be its closing epitaph: too little, too late. At the final hour, with 16 weeks before polling commences – by 'polling' I do not mean the sort of polling Labor does opposite, day to day, based on 'stick your finger in the air and see which way the wind is blowing' but polling in terms of people actually casting their ballots – those opposite have decided to switch horses and go to a brand new Premier in the desperate hope –

Tom McIntosh interjected.

Nick McGOWAN: I do not believe you are speaking from your seat. Nonetheless, speak as much as you will, but you have just rolled your own Premier, having sat there for months and months, years in fact, backing one poor decision after the other. It is a great moment of disappointment.

The ACTING PRESIDENT (Jeff Bourman): Order! Mr McIntosh, you know what I am going to say. If you are going to interject, do so from your place.

Nick McGOWAN: They are a bit testy. It is very unfortunate.

Georgie Crozier: Especially Mr McIntosh. His Premier got rolled. He was in the wrong faction.

Nick McGOWAN: That is right. He got rolled, and whether he remains in this place after – they have not even conducted their preselections yet, Ms Crozier.

Georgie Crozier: Ms Shing – she is out.

Nick McGOWAN: Will she continue to be the Minister for Health is the other question. Who will be Treasurer? Will it be Ms Symes or will it be Ms Williams? I am not quite sure who it will be.

Tom McIntosh: On a point of order, Acting President, I could say many things, but I will tell you one thing: what they are rambling on about has nothing to do with the bill and nothing to do with the cares of Victorians. They can come back to the bill.

The ACTING PRESIDENT (Jeff Bourman): Order! I uphold the point of order, and I also remind Mr McIntosh that it is unruly to point. Can we at least keep our comments to something related to the health issue.

Nick McGOWAN: As I was saying before I was so rudely interrupted, this legislation is not before time. I welcome this legislation, as does my party, as does Ms Crozier. It is well and truly overdue. It is so sad that it will not help so many families that have been adversely impacted. Yet again those opposite should hang their heads in shame because it has taken them so long to get here. They have come here begrudgingly and they have come here years after they were given the evidence both by Mr Hunt himself in 2024 in the November report and also in 2019 – that was some seven years ago. It has taken this government that long to act. It is welcome, but it is sad that it has taken this much time. It is sadder still that the health minister has joined us at the end of my contribution to hear that.

Georgie Crozier interjected.

Nick McGOWAN: It might be her last contribution as health minister.

Harriet Shing: On a point of order, Acting President, in relation to the inference that my absence from the chamber is somewhat of an indication about my position on Mr McGowan's contribution, I just want to put on the record that I was here for the start of it and I look forward to reading *Hansard* so that I can get myself across Mr McGowan's ever-valuable contributions to this place.

The ACTING PRESIDENT (Jeff Bourman): That is not a point of order.

Nick McGOWAN: In response and if it assists the minister, to save her reading *Hansard*, I am only too happy to say that I was welcoming her presence in the chamber.

Georgie Crozier interjected.

Nick McGOWAN: I can only hope it is not the last contribution you make as Minister for Health. I can only hope you reconsider the position at Eastern Health with respect to the MRI and the Faraday cage and how quickly you take action, unlike what has been the case with this legislation that we are speaking on. I know that you have brought this forward, so you are to be congratulated for that.

Harriet Shing: Did you just congratulate me?

Nick McGOWAN: I want to be able to congratulate you, Minister, on instructing Eastern Health to immediately fix the MRI and associated Faraday cage issues at Eastern Health. I will take the thumbs up as a yes. I welcome the thumbs up and I welcome your presence. Never feel like you are unwelcome by me in this place. I think I will wrap up my remarks at that point.

Business interrupted pursuant to resolution of Council of 18 June.

Sitting suspended 11:18 am until 2:00 pm.

Questions without notice and ministers statements

Government performance

Bev McARTHUR (Western Victoria) (14:01): (1389) My question is to the outgoing Treasurer. Treasurer, on Tuesday the new Premier –

The PRESIDENT: We call people by their correct titles, so if you could start again, that would be great.

Bev McARTHUR: My question is to the continuing Treasurer. Treasurer, on Tuesday –

The PRESIDENT: Just start again and just say Treasurer and we can all get on with our lives.

Bev McARTHUR: My question is to the Treasurer. Treasurer, on Tuesday the new Premier referenced his first pay cheque and said:

> That's why I understand why Victorians are concerned about government spending.

Concerned about government spending – Treasurer, that is a direct reflection on your performance. Has the new Premier raised any concerns with you about your management of government spending?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (14:02): Mrs McArthur, it is a great opportunity to talk about the Victorian budget and the state of the economy, which is effectively the root of the question that you have asked here. As I demonstrated in May this year, we are returning the state budget to surplus for the first time in seven years. Having a fiscal strategy, we are delivering on what we have said we would do. Just this week S&P have released their rating of the Victorian budget. They have confirmed that it is stable. We have improved in our budget performance measurements, and this is exactly what responsible financial management delivers. This is what happens when you follow a plan, your promise to the Victorian people and what you have said you would do in relation to the credit rating agencies. Mrs McArthur, I come into this place time and again delivering ministers statements that I do not think you ever listen to, because they demonstrate that the Victorian economy is –

Bev McArthur: On a point of order, President, I asked a very simple question. Treasurer, it was about your performance in the management of government spending. That is what I am asking about, because the Premier is clearly concerned about government spending. Victorians are concerned about government spending. Has he –

The PRESIDENT: I think you are debating the point of order, Mrs McArthur.

Jaclyn SYMES: Mrs McArthur, the Premier and I are certainly aligned on ensuring that the finances of the state are managed in a responsible way. It is what I have just demonstrated to you in relation to the ratings agencies and the fact that our budget is in surplus, unlike the rest of the eastern seaboard.

Bev McARTHUR (Western Victoria) (14:04): The opposition's final question to this Treasurer is this. The new Premier also said:

> Every dollar my government spends will be treated with respect.

Over the last 12 years $15 billion has been fleeced by the criminal underworld and bikies via the CFMEU. Isn't it a fact, as the Premier has acknowledged, that under your watch as Treasurer taxpayer dollars have not been treated with respect?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (14:05): No.

Health system

Georgie CROZIER (Southern Metropolitan) (14:05): (1390) My question is to the Minister for Health. Minister, 97 per cent of eligible members from the Australian Salaried Medical Officers Federation, in their union ballot, have agreed to take industrial action across all Victorian public hospitals.

Members interjecting.

Georgie CROZIER: What advice have you received as to the impact of this action on patient care?

The PRESIDENT: Order! I could not hear the question. Ms Crozier, could you repeat the question.

Georgie CROZIER: My question is: what advice have you received as to the impact of this action on patient care?

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (14:06): Thank you, Ms Crozier, for that question. It is a really important question around the way in which, for protected industrial action which can be taken within the framework of enterprise bargaining under the Fair Work Act and which is guided by a process between parties to a negotiation underpinned by a ballot conducted within the framework of the Fair Work Act, we understand and can quantify the impact on patient safety and staff availability as that protected industrial action might occur. We will always support the rights of working people to be able to collectively bargain and to bargain within the framework of the Fair Work Act. We are fiercely proud of a process of negotiation that is underpinned by good faith and that enables us to reflect and recognise the extraordinary contribution that our nurses and midwifes and doctors and allied health workers – pharmacists, psychologists, medical scientists, cooks and cleaners – make to the health system every single day. Across Victoria, though – let us just be really, really clear – healthcare workers deserve to be respected, they deserve to be valued and they deserve fair terms and conditions of employment. That is why enterprise negotiations continue in good faith. It is also why it is important that I do not seek to cut across or be seen to be cutting across those negotiations as they continue.

That being said, patient safety is the absolute priority in the way in which this occurs. That is a view that is shared by everybody who sits around that negotiating table. It is a process that is underpinned by an expectation that any protected industrial action is undertaken in a way that protects patient safety and also minimises disruption, Ms Crozier, to your earlier point. I have been really clear in my expectations around the way in which protected industrial action occurs, and I also want to acknowledge the work of health workers, professionals and those people in the care sector more broadly, Ms Crozier, who you have referred to, who continue to engage in the combination of protected industrial action on the one hand and minimising the impact on the other. I also want to be clear that we support the rights of workers to be able to collectively bargain, because we know that it is essential that we can respect and recognise their contribution in a way that not only keeps pace with the cost of living and a way that recognises the fundamental benefits of a fair safety net of minimum terms and conditions but also recognises that everybody deserves to have job terms and conditions that reflect their value.

Georgie CROZIER (Southern Metropolitan) (14:09): I thank the minister for that response. I note that you mentioned patient safety, but you hardly even uttered the words ‘patient care’ or understood that it disrupts patient care, their treatment, that goes to their overall health and wellbeing. Minister, your government is going to war with teachers and now doctors. The Department of Health is undertaking redundancies that have seen a constant churn of IR advisors. This situation has been going on for months and months and months, and there is huge concern amongst many, many doctors. What is the government doing to resolve this industrial action in order to avoid further impacts to a health system that is already in crisis, given the concerns that these doctors are raising around the impacts to patient care?

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (14:10): Thanks, Ms Crozier; I did refer to patient care in the answer to your substantive question. I also just want to take you up on some of the comments in your preamble. Our average days per year of industrial action this term is 3.2. Under you, Ms Crozier, it was 6.1 days on average. You referred to paramedics as thugs, as goons and as militants when you refused to bargain in good faith. You opposed increases to the minimum wage. You opposed penalty rates. You opposed fair and safe terms and conditions.

Georgie Crozier: On a point of order, President, I think she is the outgoing health minister – she is not going to last long – but I know she is having a bit of a go and attacking the opposition. I would ask you to bring her back to the substance, because it is about patients. It is not about her, it is actually about patient care and the concerns of doctors. What are they doing to resolve this issue?

The PRESIDENT: The minister should not be using question time as a vehicle to attack the opposition. But I do believe that she addressed the question at the start of her answer. It does not help when the minister gets provoked during a point of order as well. I think we will let the minister, in her 15 seconds, respond.

Harriet SHING: We support fair terms and conditions for workers. We support collective bargaining. We support nurse-to-patient ratios. We support increasing our paramedic workforce – by 53 per cent since coming to government. We support multibillion-dollar investment in our workforce. Again, the same could never, ever be said for you.

Ministers statements: economy

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (14:12): This is a good opportunity to continue on the conversation that I started with Mrs McArthur, because I want to use the opportunity today to talk about the Labor government's strong financial management. Just this week, as I indicated, S&P released their assessment of Victoria's finances, and they have found that we have done what we said we would and that our fiscal position is stable. They said that S&P:

> … view Victoria's financial management practices as strong in a global context …

And:

> Victoria's economy is wealthy, well-diversified and fundamentally sound.

They could only come to that conclusion because of the disciplined and measured fiscal strategy that we have implemented – a fiscal strategy that means we have delivered the first operating surplus in seven years and that we will remain in surplus over the forwards. It is a position that is unique among our other state peers, because Moody's have acknowledged it as relatively strong compared with many east coast peers which are in operating deficits. We have achieved this while delivering cost-of-living relief to everyday Victorians without cutting the essential services that every Victorian relies on. And we have done it while collecting less revenue per capita compared to any other state in the nation.

But some in the community are recklessly advocating that we slash our revenue and blow a $40 billion hole in the budget whilst dismantling the infrastructure pipeline that Victorians need. This means no ability to afford new roads or rail, no upgrades to hospitals or schools, no new buses, no new trains, no new fire trucks and tens of thousands of workers sacked. There is a cost to this – a cost to the economy, to business and to workers and a cost to our future. That is why only a re-elected Labor government can be trusted to deliver the fiscal stability we need while providing the essential services that everyday Victorians rely on.

Duck hunting

Georgie PURCELL (Northern Victoria) (14:14): (1391) My question is for the Minister for Environment. Today H5N1 bird flu was detected in a greater crested tern in Portland. It is Victoria's

first confirmed case of this highly pathogenic and deadly disease. Leading waterbird scientists have consistently warned that this threat will place wildlife and native bird populations at significant risk. The government's own data estimates that over half a million ducks are killed each recreational duck-shooting season, with at least a further 20 per cent wounded and dying later. Forty years of data from the eastern Australian waterbird survey shows that native ducks are in long-term decline, and the spread of H5 could very well see native bird species go extinct. We need to do everything we possibly can to protect existing populations. While duck shooting may not have the largest impact, it is certainly the easiest to take away. Minister, will you be allowing the 2027 duck-shooting season to go ahead in light of this case?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:15): I thank Ms Purcell for her question and her interest in this matter. You are right: we did have confirmation earlier today when Dr Graeme Cooke, our chief veterinary officer, publicly announced that we have our first-ever official detection of H5N1 avian influenza. We are one of the last jurisdictions in the world to have the H5N1 influenza reach our shores and our state.

In relation to the duck season, I think I have been quite consistent as minister that our government will always prioritise protecting Victoria's wildlife, wetlands and biodiversity through a science-based management system known as the adaptive harvest management model. Good environmental decisions depend on good advice. The current duck and quail season has now come to a conclusion, and we take our biosecurity risks and threats to our native wildlife seriously. I think the previous season that we have just endured has seen that there have been science-based decisions where we have identified risks, made closures as required, protected species as required and used other management measures when needed.

We will not hesitate, but at the same time I do not want to pre-empt what will happen in 2027. I will be guided by the experts, as we always are. I do not want to speculate on where we will be in 2027, but I will confirm that I will always be guided by the experts and we will be protecting our native wildlife.

Georgie PURCELL (Northern Victoria) (14:17): I do think it is important to note that the adaptive harvest model is based on trends, not zoonotic diseases. However, volunteer wildlife rescuers will be critical to help the government monitor and respond to bird flu. They are the ones in the field transporting, reporting, monitoring and caring for unwell birds who have tested negative. Yet volunteer wildlife rescuers have been consistently let down by this government in terms of assistance, financial support, regulatory burden and of course shameful government policy that only increases harm upon native animals in our state and therefore their own workload. This will certainly be the case if the duck-shooting season also proceeds next year. Considering the increased burden that will be placed on the volunteer network with bird flu in our state, what new support – not existing programs – will be provided towards this volunteer sector?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:17): I thank Ms Purcell for her question and her passion on these matters. Wildlife carers and volunteers play an important role, particularly in surveillance and reporting, and they work very closely with our department, with DEECA. DEECA is currently directly engaging with the wildlife welfare sector and providing guidance on preparedness and biosecurity. We know there is an important role for us to partner with those organisations not just in terms of providing PPE equipment and training but also other opportunities to partner. The conservation regulator is also contacting shelters and carers in high-risk areas to provide updates, discuss preparedness and answer questions where required. In relation to resourcing, we have already provided a range of resources to the wildlife sector, especially to members of the Wildlife Emergency Support Network. Historically our government has been a strong supporter over many environmental ministers – even before my time. I do note that your question is about

resourcing going forward. What I can confirm – I will not be making an announcement today – is that there will be announcements forthcoming.

Wild dog control

Melina BATH (Eastern Victoria) (14:19): (1392) My question is to the Minister for Environment. Minister, livestock losses from wild dog attacks have increased by more than 80 per cent since 2023, while your government has cut aerial baiting and reduced ground baiting by up to 66 per cent in some eastern management zones. Minister, will you restore programs to protect Victorian livestock and vulnerable native fauna from wild dog predation?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:19): I thank Ms Bath for her question and her interest in these matters. I do note that this is an ongoing debate, and since coming to the portfolio I have had to familiarise myself with distinguishing wild dogs and dingoes. Much of the alleged wild dogs in regional Victoria are in fact genetically proven, and I know there is scientific testing that they are in fact dingoes. We as a government recognise that dingoes are a protected and culturally significant native species, while also acknowledging the serious impacts that livestock predation can have on farming communities. This is about balance. In eastern Victoria the program supports both nonlethal and targeted lethal controls where justified, while north-west of Victoria they focus on conservation because the Mallee dingo population is at imminent risk of extinction. I will also say that the dingo, I know, to many traditional owner groups that I have spoken to is not just a native species. We are talking about kinship. It is a totem animal. It is part of family for many traditional owners. We have supported efforts in this area, invested over $2 million for nonlethal control trials, fencing – a lot of fencing, you would understand, in eastern Victoria, in your region. This is practical for conservation, protecting biodiversity while supporting regional communities and primary producers.

Melina BATH (Eastern Victoria) (14:20): Minister, you raised the issue around north-western Victoria. Minister, there is a farmer called Scott Keller, and he is from Rainbow. He has just invoiced your department almost $40,000 for the loss of 16 ewes, 145 lambs and 21 nights of patrol caused by wild dog attacks. Indeed his 72-year-old father broke down in tears witnessing the carnage that these wild dog attacks do to their prized lambs. Minister, how many more farming families must suffer losses like the Kellers before you restore effective wild dog controls and unprotected arrangements that allow farmers to protect their stock?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:21): I thank Ms Bath for her question and her interest in this matter. I do believe that particular example that you have provided is probably better addressed to the Minister for Agriculture. What I will say is, as a minister in this government, I recognise that livestock predation is distressing, costly and can seriously affect farmers, and we are focused on protecting farmers. In relation to the dingoes in the north-west of Victoria, they are protected because they are at risk of imminent extinction. This is a real biodiversity travesty, so we need to take steps to protect them. I think in eastern Victoria the situation is different. I will always be guided by the science, but I think the settings are appropriate in the circumstances.

Ministers statements: maternal and child health services

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (14:22): I rise to update the house about our maternal and child health services in Victoria. Maternal and child health has been a joint commitment between local and state government for over 100 years, but regrettably certain regional councils are walking away from this commitment. It is a serious matter which they will need to justify to their communities. However, nothing they have said to date has been particularly convincing. Indeed today we saw the City of Greater Bendigo council implying that its decision to abandon mums and babies is not about funding. Perhaps this is about council's priorities – $9 million for an art gallery, less than $1 million for maternal and child health services. To correct the

record, in 2025–26 we provided the City of Greater Bendigo more than $2 million for maternal and child health, and since 2014 we have increased funding for maternal and child health services from $62.3 million in 2014 to $213.6 million in the 2025–26 financial year. This represents more than a 200 per cent increase over our time in government. It is particularly disappointing as I recently met with the Municipal Association of Victoria and discussed opportunities for MCH reform. I know the member for Bendigo East has been working closely with council about this issue since February, and the Department of Health has been working closely with regional and metropolitan local governments, the Municipal Association of Victoria, the ANMF and the Murdoch Children's Research Institute to examine the best approach to the delivery of this vital service to local families, again recognising that this needs to be a partnership approach.

I know that there are further enhancements we need to make to our maternal and child health system, and our government is delivering them. As I have recently announced, Thriving Kids will bring together Victoria's maternal and child health system with our early childhood education system for children from birth to eight. This is because we know that families do not work in silos and neither should government. This work is progressing swiftly, and we will continue to work closely with our local government partners and stakeholders to ensure that consistent delivery of these critical services for families continues. The Victorian maternal and child health system is the envy of the nation, and despite councils like Bendigo – *(Time expired)*

Stamp duty

Moira DEEMING (Western Metropolitan) (14:24): (1393) My question is for the Treasurer. Stamp duty is one of Victoria's biggest sources of revenue. The 2026–27 budget noted that stamp duty revenue is expected to drop slightly, from $10.6 billion to $10 billion because fewer houses are changing hands. After federal tax changes and rate hikes, industry analysts have reported that sales volumes are tracking 10 per cent lower than a year ago, and some market estimates put the fall at 20 to 30 per cent. If that continues, our Treasury could face an additional $2.5 billion revenue shortfall or more. My question is: what steps are you as Treasurer taking to measure and respond to the significant expected decline in stamp duty revenue in Victoria?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (14:25): Mrs Deeming, thank you so much for your question. I would be more than happy to take you through some of the sensitivity analysis that was in this year's budget, because of course Treasury monitor and forecast these things on a continual basis. That is what people in the department do. There has been, as you have identified, an expected downturn in the amount of stamp duty that we are expecting to receive next financial year. In my experience Treasury are quite conservative in these matters, so there is a significant recognition of that, but also a sensitivity analysis in budget paper 4, I think, will explain some of these things in a worst-case scenario and best-case scenario. So to your exact question: absolutely, this is something that Treasury monitor and brief me regularly on.

Moira DEEMING (Western Metropolitan) (14:26): Obviously our budget came out in May and then Chalmers introduced the changes after that. But in June the New South Wales government publicly revised their stamp duty revenue expectations by nearly $6 billion over the four years in response to those federal tax changes. In terms of a formal review, based on those changes that are expected, will Treasury undertake a formal review of its stamp duty forecasts, and if so, when will that be published?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (14:27): I thank Mrs Deeming for her question. The next formal revenue forecast will be in the midyear budget update.

Firearms regulation

Jeff BOURMAN (Eastern Victoria) (14:27): (1394) My question is for the minister representing the Minister for Police in the other place. I am going to preface or preamble with a statement that I know the minister cannot direct the police on how to allocate their resources, but can the minister explain why, in the middle of a crime wave and severe police resourcing issues meaning nearly 3500 police resources are missing every single day, members from the public order response unit are attending firearm safety inspections, along with another member, inspecting the storage of firearm licence-holders over 70 years old to apparently educate them about what to do with their firearms when they die?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:27): I thank Mr Bourman for his question and his interest in this matter. In line with the practices of this place, I will take that on notice and seek a written response from the police minister in the other police.

Jeff BOURMAN (Eastern Victoria) (14:28): Minister, in January 2026 Victoria Police's Operation Vulcan conducted more than 150 firearm storage inspections across the Latrobe Valley. From 150 checks, only one single objectively minor breach was detected, resulting in an improvement notice rather than a prosecution or licence cancellation. By comparison, at around the same time, Victoria Police's Operation Colossus on Melbourne's Monash Freeway detected 66 impaired drivers, 57 drink drivers and nine drug drivers. Police also impounded 13 vehicles, detected nine suspended or disqualified drivers, plus more. So my question is: what problem is being attended to by the harassment of 70-year-olds that could not be dealt with by a letter and the police sent out to patrol the roads or assist the overworked van crews?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:28): I thank Mr Bourman for his supplementary question. In line with the standing orders, I will seek a written response from the police minister in the other place.

Ministers statements: roadside acoustic cameras

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:29): Melbourne is one of the world's most livable cities, and we are determined to keep it that way. That means tackling excessive vehicle noise and hoon behaviour that disrupts neighbourhoods, keeps families awake and undermines people's sense of safety in their own neighbourhood. Last year alone the EPA received more than 9000 reports about noisy vehicles, a clear indication of the impact this behaviour is having on our community. That is why the Victorian government is investing $1.3 million in a trial of acoustic camera technology. Working with the cities of Port Phillip, Casey, Knox and Stonnington, we will deploy these cameras at known noise hotspots. This technology can detect vehicles exceeding noise limits and capture their registration details. When a potential breach is detected, EPA officers can issue a vehicle-testing notice. The vehicle must be presented for testing to ensure it complies with Victoria's regulated noise limits. Vehicles that must be fixed but fail to comply can also result in significant fines of up to $6000 for companies and over $1000 for individuals. Four cameras will be installed later this year, with a further three to follow in 2027.

I want to take this opportunity to acknowledge the councils that are participating in this important trial, Victoria Police and all our other partners for this important work. The Carroll Labor government is taking practical action, using new technology to crack down on hoon behaviour, protect local neighbourhoods and preserve the livability of our suburbs.

Mount Arapiles rock climbing

Bev McARTHUR (Western Victoria) (14:30): (1395) My question is for the Minister for Outdoor Recreation. Minister, in 2024 Parks Victoria proposed closing more than 2000 climbing routes on

Mount Arapiles, 63 per cent of one of the world's great climbing destinations and a magnet for more than $12 million of annual spending in Natimuk, Horsham and the Wimmera. Your government defended that plan for two years while local businesses bled and visitors stayed away. Last Thursday Parks Victoria conceded that fewer than 200 routes, barely 4 per cent, require any restriction whatsoever. Minister, the rock has not changed, the heritage has not changed, the evidence has not changed, so why did your government defend this shocking process for two years?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:31): I thank Mrs McArthur for her long-term interest in this matter. It is a matter that I have become, myself, very familiar with as it is an ongoing matter. I know Parks Victoria has taken the lead in relation to bringing the climbing community and bringing the traditional owners together to have a resolution, a practical resolution, so that people can access the great outdoors.

Ingrid Stitt interjected.

Enver ERDOGAN: I will take up that interjection of Minister Stitt: exactly – a practical outcome that is not about culture wars but is providing greater access for people. I understand that they are very –

Members interjecting.

The PRESIDENT: Order across the chamber, please. You can have a chat outside about it if you like.

Members interjecting.

Enver ERDOGAN: As I was –

Melina Bath: On a point of order, President, Ms Terpstra called me a liar, and I would like for her to withdraw that comment.

The PRESIDENT: I did not hear it. I heard a bit of noise, but I did not hear the complete interaction. Ms Terpstra, if you did call Ms Bath a liar, you can withdraw. If you do not believe you did, then I think we need to move on.

Sonja Terpstra: I think that would be great, President.

The PRESIDENT: Okay. The minister to continue.

Enver ERDOGAN: I want to thank the member for their question. I might start from the beginning now. The National Parks Act 1975 requires all national and state parks to have a management plan that guides how values are protected, and Parks Victoria and the local community working group, comprising traditional owners, climbing groups and the local community, have come together. This working group is about ensuring that we protect our cultural values and our heritage sites while permitting climbing, outdoor education and other recreational activities. We want it all to be protected and to work together, and they can. Parks Victoria has paused the management plan process to ensure an agreement so we can build consensus, not divide people; that is what Parks Victoria are working towards. What I can confirm is we are very close to reaching a resolution.

Members interjecting.

Melina Bath: On a point of order, President, Ms Terpstra has just said that I am insanity.

Sonja Terpstra: I did not.

Melina Bath: She did. I heard her, and I ask her to withdraw. This is unacceptable and unparliamentary, and this is not on during question time.

Members interjecting.

The PRESIDENT: Order! There was a wall of noise, and I was about to ask people to let the minister continue in silence. I did not hear any particular thing directed at anyone, but Ms Terpstra, once again, if you did say that, you can withdraw.

Sonja Terpstra: This has happened twice today, that Ms Bath has attributed things to me that I have not said. I have not said that, so I am not withdrawing something I did not say.

The PRESIDENT: I cannot attest to what was said.

Bev McARTHUR (Western Victoria) (14:35): Minister, it took a global backlash, a departed CEO and an entirely new board of Parks Victoria to admit this plan was never necessary. Will you now apologise to the Wimmera communities who lost trade – millions of dollars – and the climbers who did the right thing by the area for two years because of the government's decision?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (14:35): I reject the premise of Mrs McArthur's supplementary question. Mrs McArthur, I have been very clear that the process was paused so that we could build consensus, not divide communities. The traditional owners and the climbing groups are working together.

Bev McArthur: On a point of order, President, the question was very simple: will you now apologise to those communities who suffered for two years with the loss of income because of your government's decision? Will you apologise or will you not?

The PRESIDENT: Mrs McArthur, that is not a point of order. The minister rejected the premise of the question right from the start.

Enver ERDOGAN: Mrs McArthur, what I will do is confirm that Parks Victoria is committed to rebuilding community trust. They are committed to balancing access, which requires working with the climbing community and traditional owners.

Drug harm reduction

Sarah MANSFIELD (Western Victoria) (14:36): (1396) My question is for the Minister for Mental Health. Two years ago, when your government walked away from its commitment to establish a second medically supervised injecting facility, you also announced a hydromorphone trial. Can you please provide an update to the house about this trial?

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (14:36): I thank Dr Mansfield for her question and her interest in and commitment to these issues. They are important issues. Of course when the government announced that we would not be pursuing a second medically supervised injecting room, we did so for a number of important reasons, one of which was that, despite an extensive search for an appropriate location, we were unable to find a location where the facility would not be met with significant community opposition, so our government determined that we would not be pursuing that. We have been clear that we will continue to support the life-saving work of the medically supervised injecting room in North Richmond. That was the subject of a number of important inquiries and legislation – evidence-based inquiries that recommended that we place that medically supervised injecting room where drug harm was at its most critical.

That service is incredibly important, but it is just one part of our AOD system. At that time we announced the statewide action plan to reduce drug harm and to save lives, and part of the announcement was indeed the hydromorphone trial. We will be commencing that trial very soon. We have been refurbishing 244 Flinders Street, and that is scheduled to open before the end of this year. That will provide a vital hub for mental health and AOD services and other community services in

that part of the city where we know that there is a lot of drug harm and disadvantage, and we need to meet people where they are at.

We are in the process of commissioning a tertiary partner for the hydromorphone trial, and then the next step will be to start recruiting people that will be involved in the trial. It is certainly on track. I am more than happy to keep you abreast of how that is going. But I am looking forward to that service and that health hub opening before the end of the year. I think it will be an absolute game changer down in that part of the city, because we know it is sorely needed.

Sarah MANSFIELD (Western Victoria) (14:39): Thank you, Minister, for that response. Can I just clarify: will the hydromorphone trial commence this year?

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (14:39): I am happy to provide some details to you and get an update from my department on the exact timing. It is subject to the commissioning of the tertiary partner, which we believe will be on track, and the recruitment of individuals for the trial, but I am happy to provide – outside of the standing orders if that is okay, President – some further details on that for you.

Ministers statements: multicultural and multifaith communities

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (14:40): Earlier this month I had the pleasure to visit the Kali Mata Mandir in Craigieburn and the Holy Apostolic Catholic Assyrian Church of the East in Coolaroo. I was joined by many local MPs, strong advocates for their communities in the north, and there I announced the successful recipients of the Labor government's 2025–26 multicultural infrastructure and security program. Fifty-seven organisations will share in close to $6 million of funding to upgrade, maintain and secure their communal gathering spaces. This program ensures all Victorians have safe, accessible and culturally appropriate spaces to gather, celebrate their heritage and practise their faith.

This Labor government is proud to support community organisations through this program, which recognises that community spaces are at the heart of cultural celebration, connection and social inclusion. Equally important to highlight is for these spaces to remain safe, secure and welcoming places for everyone. Every member of our Victorian community deserves respect and to feel that they belong. For our multicultural and multifaith communities, that sense of belonging is particularly important. At a time when our diversity is under attack, our government is reaffirming our commitment to multiculturalism and multifaith communities. We know the harm a One Nation–Liberal coalition will cause. They have gone after multicultural communities before, and we know that they will do it again. Labor will always help ensure all Victorians can participate safely in community life, free from racism, vilification and discrimination, and I want to thank our multicultural communities and multifaith communities for the key role that they play in making Victoria a vibrant and inclusive state. It is through their collective efforts that we will continue to build a strong and united Victoria.

Written responses

The PRESIDENT (14:42): I thank Minister Erdogan, who will chase up questions directed to the Minister for Police, under the standing orders, for Mr Bourman.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (14:42): (2456) My constituency question is for the Minister for Energy and Resources. Minister, the Latrobe Valley and Gippsland have powered Victoria for 100 years. Constituents across Eastern Victoria want to generate electricity going forward and support

local jobs. My question to the minister is: how is the government supporting the development of new electricity supply in the Eastern Victoria Region? More electricity means lower prices, but it is only Labor building new electricity generation. Under a One Nation–Liberal alliance, your power bills will go up. They will build nothing. They will do nothing. They have no plan to bring down your power bills, and that is exactly why Victorians cannot trust and cannot support the One Nation–Liberal alliance when it comes to electricity.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (14:43): (2457) My question is to the Minister for Police. Last week in Bendigo I witnessed a car driving erratically. A police helicopter appeared to be flying overhead trying to track them. The helicopter was so loud that everyone in Bendigo was looking up at it. This incident occurred days after a conversation I had with local police, who spoke about the need to use drone technology –

Members interjecting.

The PRESIDENT: Order! I have got your point of order. Let us keep the noise down. I could not hear Mrs Broad. Can we reset the clock, because I could not hear her at all for the whole 40 seconds. Mrs Broad, from the top, and can people on all sides of the chamber please keep the noise down.

Gaelle BROAD: My question is to the Minister for Police. Last week in Bendigo I witnessed a car driving erratically and what appeared to be a police helicopter flying overhead trying to track them. The helicopter was so loud that everyone in Bendigo was looking up at it. This incident occurred days after a conversation I had with local police, who spoke about the need to see drone technology utilised in regional areas like Bendigo. Drones, camera technology and sensors are being used in other parts of the state to save time and resources and support frontline operations. Remotely piloted aircraft systems can be used day or night to rapidly collect evidence, document crime scenes and locate offenders and missing persons, and they can be used to provide real-time aerial intelligence to assist during emergencies. As crime continues to skyrocket in Victoria, what steps is the government taking to equip our local police services with the latest technology and equipment to better support our police, crack down on crime and keep our regional communities safe?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (14:45): (2458) My question is to the Minister for Planning and is in regard to planning permit application PA2604229. Residents in Anakie and Staughton Vale in my electorate were shocked to discover that Bacchus Marsh Grammar has bypassed council and requested fast-tracking of a 300-student campus on land that is zoned farming land under the development facilitation pathway. A similar application was previously rejected by VCAT in 2015. The community has been given until 28 July to review 23 complex planning documents, an unreasonably short timeframe to raise critical concerns regarding bushfire risk, traffic congestion and infrastructure. Will the minister urgently intervene to reject this inappropriate application outright, extend the public submission period by six months or refer the decision back to the City of Greater Geelong for proper council assessment?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (14:46): (2459) My question is to the Minister for Disability. A Latrobe Valley speech pathologist has an innovative social skills program for children with disability called the Dazzle. The program achieves strong outcomes for children and their families. The Victorian government's Thriving Kids reforms commence on 1 October. Local families and service providers are increasingly concerned about how existing disability supports and programs will fit into the new framework. Parents do not want to lose access to trusted local providers and proven programs with experienced practitioners. Minister, how will established providers delivering effective disability support such as the Dazzle be assessed and incorporated into the Thriving Kids framework to ensure

that our local disabled children and their families can continue seeing excellent services and getting excellent results?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (14:47): (2460) My question is for the Minister for Planning. Yarra Ranges Shire Council stood with its ratepayers and rejected McDonald's plans to steamroll its way into the Healesville community but were ultimately overruled by VCAT at the end of April. It is a story we have become all too familiar with. In this case the fast-food giant lodged a planning permit application to build a new site at the entrance to Healesville on Maroondah Highway. This is a decade-long saga. It sparked widespread community opposition because it will severely compromise Healesville's identity. The council also argued the development was contrary to the Upper Yarra Valley and Dandenong Ranges regional strategy plan. Despite this, VCAT overturned the council's rejection and allowed this development to proceed. My office has been contacted by countless constituents who say they have exhausted all measures to prevent this development going ahead. Will the minister use whatever levers she has available to help the Healesville community, who overwhelmingly rejected this proposal?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (14:48): (2461) My question is to the Minister for Roads and Road Safety. Multiple constituents have raised with me huge concerns about the state of the Western Highway. Only recently I was driving along the Western Highway and there was really bad damage. We are talking potholes and ruined shoulders, and there was a sign warning commuters about damage to the highway. It said 'Warning – damage to highway: storm damage'. There has not been a storm in western Victoria. I am no meteorologist, but there has not been a storm. But do you know what there has been? Systematic defunding of roads in western Victoria, which has resulted in huge potholes. My question to the minister is this: when will you change the sign so that people get accurate information on the road, as opposed to blaming our potholes on storm damage?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (14:49): (2462) My constituency question is for the Minister for Housing and Building. My constituents ask when the guidelines and definitions surrounding glamping regulations will be updated. In 2023 the Labor government made a commitment to Caravan and Residential Parks Victoria to update the guidelines and the definition of 'glamping' in caravan park regulations, a commitment that has not been honoured. Victoria is losing its competitive edge to New South Wales, South Australia, Queensland, Western Australia and Tasmania in the glamping sector due to regulatory hold-ups. Parks have lost revenue of up to $450,000 per season in some cases. An industry provider brought over from Europe to establish a manufacturing industry for glamping products in the state has faced regulatory burdens. They are now manufacturing for interstate tourist parks and considering moving their operations interstate. Victoria is the only state where glamping tents do not have a definition in our caravan park regulations, and some LGAs have prohibited their construction. Councils default to classifying glamping tents as buildings, making compliance within caravan parks impossible, and tens of millions of dollars worth of investment, jobs and regional – *(Time expired)*

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (14:50): (2463) My constituency question is for the Minister for Roads and Road Safety. Will the minister urgently repair the dangerous potholes on Plenty Road between Arthurs Creek Road and Donnybrook Road? Amanda Dow, the Liberal candidate for Yan Yean, and a constituent have both recently alerted me to this badly damaged and dangerous section of Plenty Road. There are five massive craters along that short stretch, and my constituent tells me that driving along the road has become like playing a game of dodgem cars with vehicles as they swerve around the potholes and try to avoid oncoming traffic. This is a very busy road in peak hours,

with high speeds and limited lighting that makes potholes very difficult to see in the dark, and urgent action must be taken to make the road safe. After 12 years of Labor neglect Victoria's roads have deteriorated into a dangerous condition. Only the Liberals will deliver the $5 billion investment that is needed to properly rebuild and repair our roads.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (14:51): (2464) My question is for the Minister for Youth, and the following is a direct quote from a young person and constituent Taulogomai. She said:

> *"Society is absolutely organised by what we invest in our youth."* You get what you give.
>
> …
>
> From poverty, racism, exclusion and bullying, unstable housing, youth exposed to violence to over-policing. The way society is organised to talk to and about youth, the way our society continually perpetuates harm and reproduces it in every sector, out of pure habit is inherently the root of the problem.

She said:

> If we continue to nurture spaces that our youth do not actively seek out, we are pushing them towards spaces that offer them the security and community they are lacking.

Minister, will you adhere to calls from young people like this constituent and invest in youth-led, community-led spaces where young, multicultural people can belong and thrive in Northern Metro?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (14:52): (2465) My constituency question is to the Minister for Police, and it concerns Labor's decision to cut policing hours in the middle of an ongoing crime crisis. Minister, constituents in the north, but particularly in the electorate of Essendon, have been hit hardest by Labor's cuts to police hours. Local residents have raised it with me regularly – as they have raised it with our fantastic Liberal candidate for Essendon Tommy Le Deux. It is reported that Moonee Valley residents copped the biggest hit to their police strength, losing 31 full-time officers since 2023 – about 27 per cent of its frontline police force. To compound this issue, Labor closed Flemington police station, losing a counter where locals can visit and get the protection of police. Will the minister commit to the reopening of the Flemington police station front counter so that Essendon residents can get the essential services they deserve to feel safe in their community?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (14:53): (2466) My question is to the Minister for Women and Girls. Minister, I recently attended a forum in Frankston with local high school students, and I was particularly moved by the cost-of-living issue called 'period poverty'. Female students reported that they do not always have the funds to buy sanitary products, particularly the safer, healthier brands, because sanitary products are notoriously expensive. Students said parents were preoccupied with finances and cost-of-living challenges, leaving girls to navigate this confusing time without sufficient support or information. While free sanitary products can be available in dispensers in Victorian schools, students explained that these supplies are often emptied and used inappropriately by their peers, leaving young women without access to critical sanitary products or the support they need. Few schools have nurses. Minister, these girls reminded me that they are 50 per cent of the population and asked me to ask you: what are you going to do to effectively address period poverty for Victorian teenage schoolgirls?

Western Victoria Region

Bev McARTHUR (Western Victoria) (14:54): (2467) My question is to the Minister for Small and Family Business. Minister, why did your office block a private meeting between the interim small business commissioner and me, a meeting to raise concerns from my local chambers of commerce?

On 11 June I wrote to the commission requesting a meeting. Nearly a month later the reply came, not from the commissioner but from your senior adviser, insisting the meeting include senior departmental officials and himself – yet another example of an independent commissioner being undermined by the government. I was very clear that any meeting should be between the commissioner, his staff and me. That was three weeks ago. I followed up on Tuesday – silence. Minister, as the Premier's factional lieutenant, this interference stands in stark contrast to the government's phoney newfound commitment to integrity. What are you hiding?

The PRESIDENT: We will review that one.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (14:55): (2468) My constituency question today is for the Minister for Planning and it concerns Oakleigh and the government's declaration of a high-rise, high-density area there, including the discretionary height limits of six to 16 storeys that now exist through the discretionary height limits that have been put in place. Now, I hasten to add that a discretionary height limit is exactly that – discretionary. It is not really a height limit at all.

Bev McArthur interjected.

David DAVIS: Yes, that is exactly right. But we now have applications coming forward which have the capacity to change the nature of Oakleigh – the village feel, the enjoyment of Eaton Mall and so forth – and to impact on the local community. But the local community has had no say. What I am seeking from you, Minister, is for you to visit Oakleigh with me and a number of traders to discuss these high-rise, high-density plans that you have put in place without consultation with the community, without consultation with the council – *(Time expired)*

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (14:57): (2469) My question is to the Minister for Public and Active Transport. The 606 bus route runs between Elsternwick station and Fishermans Bend in a growing community that connects people to work, school, shopping and recreation and provides links to the wider Melbourne transport network. Many residents agree that the 606 route is not meeting current demand, with overcrowding at peak times and infrequent services, often running only every 30 to 40 minutes. A local school student raised this issue with me, highlighting the importance of the bus for students at Albert Park College, Elwood College and Port Melbourne Secondary College. The 606 is the only public transport service that takes passengers right into Fishermans Bend, further than the route 12 and 96 trams. Fishermans Bend is predicted to grow to around 80,000 residents by 2050 – although you would not know it, because the government has done absolutely nothing; it has sat on that area for 12 years – yet the existing bus service is inadequate. Minister, will you address the concerns raised by my constituents and improve the route 606 bus service to ensure reliable transport for this community, which is needed now and into the future?

Bills

Health Legislation Amendment (Regulatory Reform) Bill 2026

Second reading

Debate resumed.

Ryan BATCHELOR (Southern Metropolitan) (14:58): I rise to speak today on the Health Legislation Amendment (Regulatory Reform) Bill 2026. We know that starting a family is a very big decision. It brings feelings of joy and excitement. It also brings a lot of change. There are medical appointments and check-ups, and your health become your biggest priority. That is why the Labor government is ensuring that Victorian families have the highest possible standard of health care. It is especially important for families using assisted reproductive treatments. Over 17,000 women annually rely on IVF or similar treatments to start their family. With two incidents of incorrect embryo transfers

reported in mid-2025, something has got to change, because behind every one of those 17,000 cases is a person or a couple who have already been through so much. Some have tried to conceive for years and faced heartbreak along the way. I know many of my close friends have been in that very circumstance. All of those who are going through the efforts to conceive a child, particularly those who are using assisted reproductive technologies, deserve a system that they can trust completely, with no doubt at all. Last year a national review looked at how closely IVF and fertility treatments are regulated across Australia. We listened to what it found. Now the Victorian government, through this bill, is acting.

This bill strengthens Victoria's system for the regulation of assisted reproductive technologies by doing something simple but important: it separates who can register as a provider from who is accredited to operate. By separating provider registration from provider accreditation, we are creating a pathway to restoring patient confidence in the system with transparency and security. Let me explain why this matters. At the moment registration and accreditation are tied together. If a clinic is accredited, it can keep operating almost automatically. However, under this bill that link is broken. Accreditation alone will not be enough. The government retains the ability to decide who can register and operate in Victoria. In practice, the secretary will assess every registration application and the minister will have the power to cancel registrations on serious grounds. Additionally, providers will need to renew their registration every three years. This makes sure standards do not slip through the cracks. When a Victorian family walks into a fertility clinic and puts their future, and the future of their family, in someone else's hands, they should know that they are safe – no second-guessing and no fear of another life-changing mistake. This bill is designed so that the mistakes of mid-2025 do not happen again.

The bill makes a series of other changes across the health regulatory system, and I want to spend a bit of time going through those. It makes amendments to the Radiation Act 2005 to create an offence relating to the disposal of radiation sources, and that will enable the secretary to require persons authorised to deal with the source to provide financial assurance for the management and disposal of that source. We have got to confront the reality of what happens to radioactive material once a business no longer needs it. We know that radioactive material does play an important role, particularly in the medical sciences and for the treatment of various conditions. But at the moment when a business will not safely dispose of a disused radiation source, the state often steps in. Businesses walk away while the community covers the cost. With this bill, failing to properly dispose of these radiation sources will be an offence, as it should be, and where deemed necessary, providers will need financial assurance in place before the disposal is required. The cost will no longer sit with the community. It will be sorted out up-front by those who have created the risk themselves. It is not a dramatic amendment, but I think it is a change that the people in Victoria will find to be fair and reasonable. South Australia has already implemented it. New South Wales already does it. Financial assurance schemes are also well established in other sectors of the Victorian economy and broader regulatory system. Under the Environment Protection Act 2017, for example, the EPA is required to require and claim financial assurance to cover clean-up costs. The bill applies the same principle to radiation safety so that those who create or control risk should bear the cost of managing it. We are simply keeping Victoria up to the standards and keeping our communities safe.

The bill makes a couple of other changes, which although minor in the scheme of things are incredibly important for those who are affected. Firstly, we are strengthening the Public Health and Wellbeing Act 2008 by addressing legionella bacteria. Most Victorians may know the word; however, few know it spreads through poorly maintained cooling towers, the ones that sit on top of office buildings and shopping centres across the state. When they are poorly managed, they put lives at risk. This bill makes sure whoever manages a cooling tower can be investigated if they breach the rules – no excuses, no gaps, just accountability. Secondly, we are making a small but important amendment to update the Non-Emergency Patient Transport and First Aid Services Act 2003 so regulation keeps pace with clinical protocols.

Let us not forget what is at stake for health care here in Victoria. What we know is that the Liberal Party under the Leader of the Opposition is planning to make $40 billion in cuts to the Victorian budget. There is no doubt that when the Liberals sharpen the axe it falls on our healthcare system. Cuts are coming to health and cuts are coming to education under the Liberals and a Liberal and One Nation government. We know because of the precipitous decline in the Liberal Party's polling that we have seen in the last six months under their current leader that the only way that Liberals can form government is with One Nation, and they are absolutely committed to making these sorts of cuts, hacking away at health care for Victorians.

It means that the cuts will affect not only social infrastructure like hospitals and community health but also the staffing and the often-unseen work required to deliver the strong regulatory framework. We know that when the Liberals talk about cutting back-end staff what they are really talking about is hacking away at those who perform regulatory functions. It may not be an outwardly glamorous part of government, undertaking regulatory functions, particularly in the healthcare system, but those are the sorts of functions that keep Victorians safe. When people stand up and decry unnecessary government red tape, often what they are referring to is the tireless work of regulators – including, for example, those that regulate the assisted reproductive technologies that this bill is dealing with. When people stand up and attack those regulators, they are attacking the systems that are put in place to keep Victorians safe, often implemented as a consequence of dangerous circumstances that have been allowed to get out of control.

What you will see from the Liberal–One Nation government, should it come to power in November, is a big axe being taken to our Department of Health and to our Department of Education, particularly attacking those roles that do things like the regulatory assurances that are put forward in this bill to regulate assisted reproductive technology, to ensure that radioactive materials are safely handled and to ensure that the responsibilities that landowners hold with respect to their cooling tower systems are properly enforced and maintained.

That is what many of the hardworking staff that work in the Department of Health here in Victoria do on a daily basis, and they are the sorts of example that we see in this bill, whether it is making sure that assisted reproductive technology providers are able to provide safe and secure services to those who are often in some of the most vulnerable moments of their adult life, seeking to conceive a child; whether it is those who run businesses that require radioactive material, particularly in the nuclear medicine space, and ensure that the disposal of that radioactive material is done properly and pre-planned and not left at the last minute for the taxpayers to pick up; or whether it is those who have cooling towers. We know that many of the cooling towers that we have under operation in Victoria, which are governed by the Public Health and Wellbeing Act, have been poorly maintained and have led to circumstances where people have been put at risk of legionnaire's disease. All of that is at risk if the Liberals and One Nation sharpen the axe and start hacking into services here in the state of Victoria.

The contrast is pretty clear, particularly on health, because what you have seen is a Labor government that has built 12 new public hospitals. The amazing new hospital at Footscray – I have been talking with my colleague and friend the member for Footscray Katie Hall about the enormous difference that that new hospital is making for not just her community but communities right across Melbourne's western suburbs. Work is underway in Melton. Again, you cannot run into the member for Frankston Paul Edbrooke without him talking about how wonderful the new Peninsula University Hospital is in Frankston after the redevelopment of the Frankston Hospital. Mr Edbrooke has been an enormous advocate for the people of Frankston and an enormous advocate for the Peninsula University Hospital. What he advocated for has been delivered by Labor, and that is one brand new hospital, one of the 12 new public hospitals that we have built across the state, and we have upgraded dozens more. There have been dozens more upgrades to hospitals right across the state, including some in Southern Metropolitan Region, some very close to the part of the world that I grew up in. There is a brand new refurbishment of the outpatient facilities at Sandringham Hospital which has been recently undertaken. There are new cutting-edge treatment provisions that have been provided and infrastructure that has

been provided at the Alfred hospital, which is obviously Melbourne's major trauma hospital, and the operating theatres at the Moorabbin Hospital have been upgraded.

It is not just those pieces of physical infrastructure that Labor has invested in, it is also the other services that we have invested in to help Victorians get the care that they need, when they need it, in a much more convenient form. The Victorian Virtual Emergency Department – a Labor initiative at risk under the Liberals – has helped provide more services to Victorians and has helped to cut waiting times at hospitals. You can get advice from your home so you can make a decision whether there is a treatment that is available for you or whether you need to go and get further medical care from others. We have also pioneered the use of urgent care clinics here in Victoria under the state Labor government. There are several that the state is involved with. They are an idea that has been picked up and delivered around the country by the Albanese Labor government. Those urgent care clinics are fundamentally reshaping general practice and putting primary care, GP care, back in the hands of the community and back available to the community, where you just need your Medicare card and not your credit card if you need to see the doctor. It is a model of care for primary care pioneered here in Victoria by this Victorian Labor government and taken around the country by the Albanese Labor government. We have supported our workforce and employed 17,000 more nurses and midwives, and we have given them a big pay rise as well.

All of that progress is at risk. The measures in this bill to improve the regulatory system, whether it be for assisted reproductive technologies, whether it be for the safe storage of radioactive materials or whether it be to make sure that our cooling towers are not making people sick, stand at risk if there is a Liberal–One Nation government sharpening the axe to make cuts to public services, which is exactly what they will do. We know the Liberals are going to cut health services here in the state of Victoria. They have done it before, and if they get the chance they will do it again. Labor is not going to let them.

Tom McINTOSH (Eastern Victoria) (15:13): It is a delight to stand and speak on this bill, because we know how important health care is to Victorians. If you do not have your health, you do not have anything. It is important to acknowledge that, because Labor governments, Labor members and Labor representatives have health in their DNA. We have been absolutely committed, decade after decade after decade, to investing in health infrastructure and to investing in the health workforce so that all Victorians can access the health care they need. At all stages of life it becomes so evident how important health care is. When we are younger, when we are a bit more bulletproof, we do not realise how important health care is, but as we get older – as people have kids and as people age – the ability to be able to age in place and to be able to age with good services around us is so critically important. We have heard some of my Labor colleagues talk about the importance of respecting the pay and conditions of our nurses. Those who make up our healthcare system, whether it is those in our aged care or disability workforce or our mental health nurses, are such a massive workforce. People come in, and they go out to people and support them. The overlay with our education system ensures our kids at a young age are being met and seen and having any issues picked up.

Just on the workforce side of things, I was recently out with the regional worker accommodation housing program, which is such an incredible program, on two of the projects; one is at Leongatha, with about 26 rooms for aged care workers, and the other is opposite Bairnsdale regional hospital, with a similar number of rooms there. They ensure that the workforce can be there to care for the community and then take pressure off housing for the rest of the community. It is such a great project. I just wanted to mention that.

The Health Legislation Amendment (Regulatory Reform) Bill 2026 aims to prevent or minimise the risk of harm to the health and safety of Victorians. Primarily it is about making life easier and safer for all Victorians, especially when it comes to starting a family. Our Labor government backs the hospitals and health care that Victorian families rely on. This means we will not back down from leading the changes our state needs to respond to the changing needs of the Victorian community across everything from assisted reproductive treatment to radiation safety. The bill seeks to amend the Assisted Reproductive Treatment Act 2008, the Radiation Act 2005 and the Public Health and

Wellbeing Act 2008. These amendments are directed at streamlining and strengthening registration and licensing requirements, with a view to keeping all Victorians safe and healthy across a number of important domains. In addition, a minor technical amendment will be made to the Non-Emergency Patient Transport and First Aid Services Act 2003. While this amendment is minor, it will deliver an important clarification to this act to ensure regulation keeps pace with updates to clinical protocols.

The reforms outlined in the bill will be administered and enforced by the health regulator, a branch of the department established in early 2024 to consolidate regulatory functions and enable the department to adopt a more consistent, risk-based regulatory approach. It is important to thank the dedicated staff within the health regulator, who day in, day out work to protect Victorians from harm in a huge range of domains from assisted reproductive treatment right through to pest control. These are valued members of the public service who ensure that the regulatory frameworks that underpin public health operate to the highest possible standard. Health regulation plays a key role in minimising or preventing risk of harm to the health or safety of Victorians. We can see that on display with this bill, which protects Victorians from the spread of legionella bacteria, ensures that radioactive material is disposed of safely and gives Victorians starting a family the confidence that their assisted reproductive treatment will be of the highest quality. Health regulation contributes to the vision of a Victoria free of the avoidable burden of disease and injury so that all Victorians can enjoy the highest attainable standards of health.

The amendments to the Assisted Reproductive Treatment Act 2008 are targeted at ensuring that Victoria stands ready to implement the recommendations of the national *Rapid Review of Assisted Reproductive Technology and In Vitro Fertilisation Regulation and Accreditation in Australia*. An independent national accreditation framework for ART providers is being developed by the Australian Commission on Safety and Quality in Health Care. That framework will ensure that our ART sector operates in a way that is safe and transparent, and this bill will ensure that Victoria stands ready to adopt this framework once finalised. On top of this, this bill will introduce a stronger registration framework so that when an ART provider is registered in Victoria Victorians can have confidence that all appropriate due diligence has been conducted on the organisation's compliance history, finances and governance.

The amendments to the Public Health and Wellbeing Act 2008 constitute a critical step in protecting Victorians from the spread of dangerous legionella bacteria. Legionella can cause legionnaire's disease, a form of pneumonia that can be fatal. Unfortunately, cooling towers can be a key vector for the spread of legionella bacteria, which is why a strong regulatory framework is required to monitor them under the Public Health and Wellbeing Act. These amendments will ensure that the person responsible for managing the cooling tower can be investigated for any breaches of regulation and that appropriate action can be taken quickly to remedy breaches. This will help contain, manage and prevent the spread of legionella bacteria going forward, a measure which all Victorians can support.

The bill also seeks to amend the Radiation Act 2005 in line with the *National Directory for Radiation Protection*. It will enable a financial surety scheme similar to legislation in place in South Australia and New South Wales to cover the cost of the disposal of radiation sources and create an offence related to the disposal of radiation sources. This is an important and proactive step. It will ensure that where a licence-holder is for any reason unable to dispose of a disused radiation source safely and properly the health regulator can ensure that this disposal occurs and has appropriate funding available to do so.

Victorian families should have confidence that the fertility care they are receiving is to the highest possible standard, and that is exactly what this bill will help achieve. By amending the Assisted Reproductive Treatment Act 2008 the government is making Victorian IVF clinics safer and more accountable. This follows a series of concerning and highly distressing incidents at private IVF providers. These incidents quite rightly resulted in increased public discussion about safety and quality in the sector, and governments across the country responded with a national rapid review in 2025, led by the Victorian Department of Health. The recommendations of that review were agreed to by health

ministers in September 2025, and we are now taking action to implement them. The national rapid review looked at the regulation and accreditation of the assisted reproductive technology, ART, and IVF sector. It identified significant shortcomings in the current national system, including a lack of consistency across states. The rapid review recommended that state and territory regulatory authorities take a proactive, risk-based approach to compliance monitoring and that they should draw on a spectrum of enforcement tools to enable decisive, proportionate action that more effectively deters misconduct. That is exactly what these amendments will achieve and why the government is bringing them forward.

In addition to this, the Australian Commission on Safety and Quality in Health Care is developing a new accreditation framework for IVF providers that will ensure tougher scrutiny is required to obtain accreditation. The new accreditation framework will be independent, whereas the current framework is industry based. The amendments to the ART act in this bill will ensure the Victorian legislation and regulatory framework is ready to align with the national accreditation framework and standards as soon as they are finalised. Importantly, unlike the current system, the changes brought about by these amendments will mean registration is no longer directly linked to accreditation. They allow government, through the Department of Health, to act independently from the accreditation scheme in making decisions on a provider's registration status and authority to operate in Victoria. Under the current registration provisions the secretary has no discretion to refuse an application from a provider that has been accredited by the Reproductive Technology Accreditation Committee. Further, while there is power to suspend registration of an accredited provider, there is no power to cancel that registration.

These aspects of the framework clearly require updating, and that is what this bill will achieve. The bill will give the secretary a full suite of discretionary powers to grant, renew, vary or refuse ART provider registration applications based on specified assessment criteria. This ensures that the decision about whether a provider has legal authority to operate in Victoria rests clearly with the regulator, as appropriate. The bill also introduces a power for the minister to cancel registration on specific grounds. The bill defers commencement of the offence of failure to comply with conditions of registration to allow the current conditions of registration to be reviewed and updated in alignment with upcoming new national accreditation standards before the offence applies. In the interim current conditions on registration continue to apply and a range of enforcement activities are available for noncompliance.

The amendments will also introduce a standard three-year registration period, with an option for this timeframe to be shorter if the department identifies any concerns or risks with a provider. This allows for more frequent and better compliance monitoring to make sure that Victorians can have ongoing confidence in the ART sector. A new power will also give the Minister for Health the discretion to intervene and cancel a provider's registration. This reflects the seriousness of that regulatory action, and the health regulator will provide advice to the minister to support exercise of that power. Again, this ensures that Victorians know that any adverse incidents will be swiftly and appropriately responded to and gives families confidence that they will receive only the highest quality of care.

This registration framework is supported by broadened powers to enter a provider's premises, inspect and seize equipment and documents. This reform builds on Victoria's existing safeguards, including clear legal protections and oversight arrangements. Current provisions allow inspection only for the purpose of considering compliance by registered providers, and this is limited to inspection of documents during business hours. The updated powers in the bill provide for inspections of the premises of a registered ART provider or an applicant for registration to inform registration decisions or compliance monitoring and enforcement. They also allow inspection of the premises beyond documentation where relevant. In addition, the bill introduces a process for application to the Magistrates' Court for a warrant in relation to other premises not belonging to a registered provider or applicant for registration where there is reason to believe ART is being carried out.

The rapid review found that the current industry-led accreditation scheme is inadequate and lacks the transparency and rigour that governments and the community expect. Ministers agreed that the

reforms offer a pathway to restore confidence, independence and transparency in the ART sector. The Gorton review of ART in Victoria similarly highlighted the importance of clearer separation between accreditation and regulatory oversight. The amendments to the Assisted Reproductive Treatment Act 2008 in this bill will put Victoria in a position to effectively enable the agreed reforms and strengthen Victoria's ability to uphold community expectations of the ART sector.

In developing the bill, the Department of Health has worked closely with ART providers and sector stakeholders, as well as the commission and other jurisdictions. This engagement will continue as the recommendations of the rapid review are implemented, and consultation with providers will also continue over the coming months to ensure that changes are proportionate and responsive to the needs of the community. Fundamentally, this bill ensures that our government is responsive to what we have heard clearly from Victorians right across the state, which is that they want to have confidence that the assisted reproductive treatment they receive is safe and high quality. Victorian families must have confidence that their IVF provider is held to the highest standards and that the facility care they are getting is subject to rigorous oversight. That is what these amendments will achieve.

The bill also proposes important reforms to Victoria's public health framework by clarifying responsibility for the registration, management and maintenance of cooling tower systems. Cooling towers are often used for evaporative cooling in large buildings, including residential towers and big industrial or commercial sites. They are a recognised source of risk for the transmission of legionella bacteria, which can cause legionnaire's disease, a potentially fatal form of pneumonia. Victoria regulates cooling tower systems to manage this public health risk. All cooling towers must be registered under the Public Health and Wellbeing Act 2008.

I will leave my contribution there. It is important to note that this is one of many pieces of work being done by the Labor government across the health sector. As my colleague Mr Batchelor said, whether it is the new hospitals, whether it is the investment in our workforce and staff or whether it is the investment in worker accommodation right across our state, these investments ensure that all Victorians can receive the health care that they require, no matter where they live, and live the healthiest, most fulfilling lives possible. When they receive the health care that they need, it ensures that their life can be as full and long – with as much longevity and with quality of life in that longevity – as possible. Offering that health care at all stages of people's lives ensures that no matter whether it is our young children being born into new families or our older Victorians who are later in their life, they have all the incredible health services that they require in Victoria.

Rachel PAYNE (South-Eastern Metropolitan) incorporated the following:

I rise to make a short contribution on the *Health Legislation (Regulatory Reform) Amendment 2026*, on behalf of Legalise Cannabis Victoria.

While assisted reproductive treatment has brought immense hope to thousands of Victorian families, it also relies on a foundation of trust and regulation.

This trust has been undermined by gaps within a sector – that was regulated by its own industry.

The Rapid Review made it clear that the current industry-led accreditation scheme was not enough.

When accreditation is largely left to the industry itself, there is an inherent risk that standards are applied inconsistently; conflicts of interest are not adequately managed, and poor practices are not addressed appropriately.

These gaps are not just breaches of professional or ethical stands.

I have long advocated for better outcomes for donor-conceived Victorians.

They have real and lasting consequences for donor-conceived people, recipient families and public confidence in Assisted Reproductive treatment.

I have previously raised concerns about the regulation of Assisted Reproductive Treatment and education programs.

I therefore welcome the Government taking the necessary steps to strengthen oversight over this sector, as well as improvements to the regulatory framework.

The primary purpose of regulation should be to protect the health, safety and wellbeing of donor-conceived people, recipient families and future generations.

This requires robust clinical oversight, comprehensive health screening, accurate medical records and clear accountability for those participating in the assisted reproductive system.

This needs to be a health-led approach, within what is now a lucrative and highly commercialised sector.

The Bill also introduces important reforms to strengthen the registration requirements for Victorian ART providers and expands the inspection powers of the Secretary of the Department of Health in their role as the regulator.

These are welcome and necessary reforms.

By strengthening oversight and improving regulatory powers, **the Bill will help ensure that fertility clinics and providers operate to the highest standards of safety, quality and accountability.**

At a time when more Victorians are relying on assisted reproductive treatment to build their families.

It is essential that the regulatory framework provides confidence that services are transparent, ethical and subject to robust oversight.

While most donors act ethically, there have been instances where individuals have deliberately exploited the system which was previously regulated by its own industry.

Another concern that I've seen is private sperm donation facilitated through social media and online platforms.

This raised ethical, legal and most importantly public health concerns amongst stakeholders and individuals that I have spoken to.

This happens outside of the regulated assisted reproductive treatment system and poses immense risks.

These arrangements bypass screening, counselling, informed consent requirements.

Most importantly, this can leave recipients and donor-conceived children without important safeguards and protections in place.

That is why oversight must remain firmly within the health portfolio.

A strong health regulatory framework is essential not only to uphold ethical standards, but to protect the health and wellbeing of current and future Victorians.

Legalise Cannabis Victoria is proud to support this Bill.

Thank you.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (15:29): It is a real pleasure to rise to speak today on the Health Legislation Amendment (Regulatory Reform) Bill 2026. I want to start by taking this opportunity to thank all members who have contributed to this debate and everybody who has contributed to the preparation of the bill, which is underpinned by some of the founding principles around responsible management of workforce need, directing resources to keeping Victorians healthy and well, making sure we can provide better access to assisted reproductive treatment, preventing the spread of legionella and also effectively managing disused radioactive material. These are just some of the reforms that are being directed toward making sure that we can contribute to the vision of a Victoria that is free from the burden of avoidable disease and injury so that Victorians can enjoy the highest attainable standards of health, because that is fundamentally what they – what we – deserve.

I am not going to traverse all of the detail in the bill, because I suspect we will be in a position to talk about that in the course of the committee, but I do want to say that all staff in the health system, whether frontline or back of house, play a really critical role in minimising and preventing risk of harm to the health and safety of Victorians. I also want to say a special thanks to staff at the regulator for all of the work that they do.

We have got some amendments to the Assisted Reproductive Treatment Act 2008. These reforms, which we announced earlier this year, are reforms which I look forward to focusing on in the course of the committee discussion but also that I want to make reference to today in these remarks as contributing to a greater measure of certainty, of consistency, of safety and of respect across the entire landscape of treatment in assisted reproductive technology services. Here in Victoria we want to make

sure that our IVF clinics are safe and that they are more accountable. We are really proud to be leading this reform. And as I said when I spoke on this bill as it was being introduced in the other place, we want to make sure that we are adopting and adapting the changes – reforming the system – following concerning incidents that have come to light involving mistaken embryo transfers. I can only begin to imagine the trauma and distress experienced by those families who were impacted by those mistaken embryo transfers. It is incumbent upon us within this place and across parliaments around Australia to ensure that the need to rebuild trust and confidence in the sector is recognised – is given the sunlight that it deserves – and that it translates into meaningful regulatory reform.

These reforms are in line with the Gorton review. This is about making sure that we have a clearer separation between accreditation and regulatory oversight. We know that the current industry-led framework is inadequate. It is no longer fit for purpose in the way that it was anticipated or proposed when it was first developed, and it lacks the transparency and the rigour that governments and the community quite rightly and reasonably expect. Ministers around Australia agreed that these reforms create a significant pathway, a useful pathway, for better delivery of national accreditation frameworks and the restoration of confidence, independence and also transparency.

The changes that we have made will ensure that we decouple registration from accreditation. This will strengthen the regulatory scheme. It will also ensure that we have got discretionary powers within the remit of the Secretary of the Department of Health and the Minister for Health around registration decisions that are intended to ensure that the decision about whether a provider has legal authority to operate in Victoria rests clearly with the regulator, as it should. This will be coupled with enhanced inspection powers for the secretary of the department to ensure that registration decisions, alongside compliance monitoring and enforcement, are informed by a full and comprehensive body of evidence. We have also got a process in this bill which refers to the Magistrates' Court issuing warrants in relation to other premises that do not belong to an ART provider or applicant where there is a reason to believe that ART may be being carried out.

The development of this bill has been informed by discussion and engagement with ART providers and sector stakeholders as well as the commission and other jurisdictions, and in the course of development around the implementation we will continue to have these conversations. It is refinement that will occur over time, again, as these reforms are processed and proceed following passage – hopefully, and with the support of this place – of the bill into law.

We have also got some really significant amendments to the public health framework. The maintenance, registration, management and support for cooling tower systems under the Public Health and Wellbeing Act 2008 is also part of what we will be debating and, with the support of the chamber, passing today. We want to make sure that we are addressing, mitigating and removing or reducing the risk of the spread of legionella bacteria that can cause really dangerous legionnaire's disease, which has received a number of public discussions and has resulted in the airing of some really significant shortcomings in the system. These proposed amendments will require the responsible person – defined as the person who owns, manages or controls a cooling tower system – to assume obligations such as registration, development and review of a risk management plan and annual audits. By making responsibility explicit the bill reduces that uncertainty for industry that might otherwise have arisen, improves compliance and ensures that we can support timely regulatory intervention where those risks arise. This will contribute, in turn, to safer buildings and better protection for Victorians from preventable disease.

Many others have spoken about amendments to the Radiation Act 2005 here today too, and this is about strengthening the radiation safety framework. Radioactive sources, as we know – and as we have spoken about in this place on a number of occasions, including recently – are used safely across Victoria in health care, research and industry, and significant public benefit is delivered as a result. But once a source becomes disused, there is no ongoing justification for its continued possession. We know that unmanaged or abandoned sources pose risks to human health and to the environment. While existing licence conditions require disposal in some cases, the government is required to intervene to

manage or store disused sources. That is why the proposed amendments in this bill introduce the financial surety regime. It is about making sure that licence-holders make adequate provision for the safe and lawful disposal of radioactive sources when they are no longer fit for an authorised purpose.

There is a key provision of the *National Directory for Radiation Protection* that is implemented, and that comes as a consequence of this engagement, this bill and Victoria being a party to that directory. The amendments proposed here would then bring us into line with other jurisdictions and enable the Secretary of the Department of Health to require financial surety where appropriate when granting or renewing a radiation management licence. It would also ensure that risk-based approaches and proportionate components of this framework strengthen those existing licence obligations. Disposal protocols are also part of this work and are to be issued by the secretary, introducing offences for noncompliance and ensuring the framework is effective and enforceable. Finally, amendments to the Non-Emergency Patient Transport and First Aid Services Act 2003 will enable documents such as clinical protocols to be included in regulations as they are made and in force from time to time.

In these remarks, though, I do want to take a moment to acknowledge the really hard work of my friend in the other place, the former Minister for Health Mary-Anne Thomas, and also her team, alongside the really hardworking staff in the department. This has been a process that has culminated in better regulation and better reflection of the priorities that Victorians should be allowed to rely upon and should be encouraged to rely upon and that governments should be delivering. It is about making life safer for Victorians. It is about minimising and preventing the risk of harm across a wide range of domains.

I am particularly proud of this bill's action to ensure that families can have confidence in the fertility care that they receive. It is so often the dream of a lifetime to welcome a much-loved and much-wanted baby into the world. The level of trust and vulnerability that people put in the assisted reproductive technology sector and in the providers to realise that dream ought to never be ignored or diminished. It ought to never be vulnerable to compromise in any way, shape or form. The national rapid review demonstrated the critical nature of these reforms, and I know that they are welcomed by families across our state and also by many in this chamber. I note also that this will hopefully give comfort to people who have been concerned about the way in which they can be confident to place their trust in ART providers. Hopefully people will not be dissuaded given the way where often when the clock ticks time pressures become ever more acute around the window to try for a child or to have a child using assisted reproductive technology and that this will restore a measure of faith and trust in a system that is, at its best, able to deliver the most wonderful of things: the certainty and the surety, the accountability and the end result, through ART, of those hundreds of babies who are born here in Victoria, including through our public IVF program – those hundreds and thousands of babies welcomed into the world as a result of all of our efforts, cutting-edge technology, a skilled workforce and the supports and the assistance provided here in Victoria and elsewhere to make people's dreams of a family come true.

I am looking forward to debate and discussion and any questions that may come up in the course of the committee stage, but I would commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:42)

Georgie CROZIER: Minister, I believe this is going to be your last committee stage in health; I will miss our sparring across the chamber. I need some clarification on this important bill. I have got

a few clauses that I will go to, but I will just start with ART in clause 1 just as a general one. In the response from your office to questions taken on notice in the bill briefing, it is stated that:

> The Department will continue engagement with key stakeholders to further build understanding of the proposed ART reforms and seek input on implementation.

What will this continuing engagement look like? What opportunities will stakeholders, those in the sector, have to be able to have input into that consultation really in relation to the transition, because this duplicate system is occurring as the transition occurs – what input and how often will that occur, that stakeholder feedback?

Harriet SHING: I do not think of it as sparring so much as constructive engagement on the democratic process.

Georgie Crozier: I loved it. I'll miss you.

Harriet SHING: Thank you. That is very kind. I look forward to you maybe putting that on the record when the microphone is on. We will have ongoing consultation, including with fertility specialists, so obstetricians and gynaecologists, around implementation of the bill to ensure that it is practical and also clinically informed. There will be ongoing discussion and engagement to communicate and support smooth implementation of the bill. The health regulator is really determined to make sure that we have that workforce capability in operational practices that minimises risk of adverse impact to clinical care or patient privacy that might be associated with exercise of those regulatory powers. Again, that goes right to the heart of some of the issues that were identified and that led to the review and this bill in the first place.

We need to make sure that we do have expert input into the way that the detailed design of quality and safety requirements imposed on providers is developed. We are also expecting that national fertility specialists will participate in a national consultation that is currently underway as well. So these things really very much do need to sit alongside each other in informing the new accreditation scheme. As I said in my remarks, it is about making sure that it is aligned with what is happening in other jurisdictions, that we have standards that are not at odds with each other and that we can consult with relevant experts on those future reforms and make sure that they are aligned with regulatory requirements and also the objectives of the bill, which everybody knows in respect of this subject matter is very clearly about making sure that we do not see instances as they occurred in the past happening again.

Georgie CROZIER: Can I just expand a little bit on that. Obviously, there are different ART providers, some very large and some smaller providers. The expanded registration requirements may impose a significantly higher compliance burden for some, particularly those smaller fertility providers that do not have the same administrative processes or resources that the large ones do. How will the regulator ensure that smaller providers are not disproportionately affected by the increased compliance requirements? Will there be some assistance from the department, or will there be additional timeframes to be able to meet compliance requirements, or do you see it as an expectation and that it will not be as burdensome as perhaps some may think?

Harriet SHING: Back to the first principles and the primary purpose of this bill, we do need to make sure that the accreditation processes yield results that reflect the same high benchmarks for everybody. Again, that is about outcomes that deliver uniformly exemplary systems in the way in which ART is able to be delivered. We also, in doing this, need to make sure that through valid accreditation and transitional periods we have got the delivery of Reproductive Technology Accreditation Committee (RTAC) licences through accreditation under the commission's scheme, making sure that we are not assuming or pre-empting any of the details of new accreditation work or standards or arrangements.

The consultation process that we undertook was very much about hearing from providers around what the impact would look like. In consulting with those ART providers there were a number of duplicate

webinars to talk with them about what it would look like, and that included large and small providers, and a survey to ask really targeted questions about potential concerns and anticipated impacts. Consultation really did underscore the importance of very clear and coordinated communication about accreditation reforms in Victoria – timeframes, transitional arrangements, timely communication about implementation. That included registration fees, for example, and those other arrangements around implementation. The department will keep working with the Australian Commission on Safety and Quality in Health Care (ACSQHC) to ensure that we have got coordination on design and implementation of those two schemes and related communication to providers. Peak bodies are also really important in this space as well. They are in a position to provide support to those smaller providers in a way that will hopefully reduce the administrative burden on those smaller providers and the gap that will exist between the scale of the very large providers on one hand to be able to work through complex system reform and the smaller ones that will also be required to deliver it, albeit perhaps without the resources.

We will continue engagement, though, with key stakeholders and make sure that we have got that collective understanding of the proposed reforms and a process that informs better engagement and delivers better results through that implementation. But I do appreciate the concern that smaller providers might have. I also, again, finish where I started and note that everyone should expect and will have the right to expect the high benchmark as a consequence of passage of this bill, to give them the confidence that has been missing.

Gaelle Broad: Excuse me, Deputy President, I would just like to draw your attention to the state of the house at the moment, if we have quorum.

Quorum formed.

Georgie CROZIER: I will just continue on clause 1 with the issues that I was speaking on in relation to the ART component of the bill. I will reference clause 16. It talks about the expanded inspection powers which allow inspectors to enter premises at any time and examine, photograph or take recordings of anything. This was previously done during business hours. What safeguards will ensure the protection of biological material and embryos as well as sensitive laboratory equipment if these inspections are done after hours when maybe there are not as many personnel present?

Harriet SHING: This is about fragile biological material, then. At the moment section 119 of the Assisted Reproductive Treatment Act 2008 enables inspection of documents at the premises of a registered provider during business hours. In making sure, as you have quite rightly pointed out, that we can support the full cycle of registration decisions and compliance monitoring provided for in the act, we do want to make sure that we are aligning those inspection powers with the operation of those powers in other jurisdictions and health regulation legislation. Patients' privacy would continue to be protected by the Charter of Human Rights and Responsibilities in the way in which it is managed and the Freedom of Information Act 1982 and broader privacy obligations under health privacy laws. The charter requires public authorities and persons acting on their behalf, including the secretary or their delegate, to act compatibly with human rights, including the right in section 13(a) not to have privacy unlawfully or arbitrarily interfered with. In practice the secretary or delegate would seek to avoid recording or photographing patients when exercising inspection powers at an ART clinic unless it was reasonably necessary for the purpose of the inspection and make sure that if material obtained during an inspection includes patient information, it would not be automatically released under FOI. The FOI act contains those exemptions for personal and health information, as you are aware, where disclosure would be unreasonable. It is not intended, though, just to be clear, that inspectors will seize gametes or embryos or impact upon laboratory operations.

Georgie CROZIER: But it can be after hours.

Harriet SHING: Yes. Just to be really clear, though – and I think it is an important thing to allay any concerns in the course of this committee stage that might otherwise have arisen – inspectors will not be seizing gametes or embryos or impacting upon lab operations. As currently, inspection planning

will be informed by industry practice and where appropriate will have engagement with ART providers to guard against risk of harm to inspectors, patients, gametes or embryos. Local occupational health and safety and patient consent processes are taken into account. That has been the case in inspections under current provisions that included laboratory areas, and local governance arrangements for protection of gametes and embryos have been observed.

Georgie CROZIER: Thank you, Minister, for that reassurance and clarity. If I can just move to a question around the transitional provisions which allow the secretary to approve two concurrent schemes immediately after the commencement of the bill, recognising that some providers will remain RTAC accredited while others might be accredited to the ACSQHC scheme – that duplication we were talking about earlier. Given that the requirements of the new ACSQHC-aligned scheme have not yet been published, how can providers assess compliance obligations and costs before the bill commences?

Harriet SHING: Providers will transition directly from RTAC accreditation to accreditation under the new national scheme. The current and upcoming schemes could both be approved by the secretary during any national transition period once the commission's new scheme is finalised to allow for ART providers to prepare for the new national scheme while maintaining their existing registrations. They would need to ensure that they continuously hold a valid accreditation, and during any national transition period for accreditation they will be able to satisfy that requirement either through an RTAC licence or through accreditation under the commission's scheme. Again, that speaks to what the process is intended to be by way of something which is not prohibitively onerous whilst also achieving the objectives for which this is being established.

The amendments in the bill, though, do not assume or pre-empt any details of the new accreditation standards or accreditation arrangements. They make necessary changes to the Victorian legislation so that the new accreditation scheme can be adopted in Victoria in line with the national rollout. The act will require providers to comply with an accreditation scheme approved by the Secretary of the Department of Health without naming that scheme in legislation.

Georgie CROZIER: Just on that point, with the accreditation they are currently under, will those protections remain in place while it is being transferred across?

Harriet SHING: The answer to that is yes.

Sarah MANSFIELD: During the debate on the Health Legislation Amendment (Regulatory Reform) Bill 2024 I asked Minister Stitt when the recommendations of the Gorton review to remove the requirement for mandatory counselling for anyone accessing ART would be implemented. The minister's response at that time was that the government would consult further with stakeholders on this. I am wondering what consultation the government has undertaken with stakeholders since then.

Harriet SHING: There has been a phased approach to addressing the recommendations of the review. Our current reform focus is about actioning the identified priority 1, phase 1 reforms that arose from the rapid review in 2025. During consultation on other changes to the act the department heard some stakeholder feedback around the mandatory counselling associated with treatment and donation, including a desire that it be more fit for purpose for diverse families. We note that the rapid review heard some pretty significant consumer feedback that urged improvement in the information and counselling provided during treatment. We would expect that the national consumer engagement commissioned work following the rapid review will also inform those future decisions on regulatory requirements relating to counselling. Does that assist?

Sarah MANSFIELD: I think you touched on it, but at the time I also asked specifically when the government plans to remove the requirement under paragraph (a) of section 40(1), of the ART act that same-sex couples trying to access surrogacy have to prove that they are unable to become pregnant. The minister said there will be further consideration and consultation around that question. I am just wondering what consideration the government has given to remove what is seen by many as quite a demeaning requirement.

Harriet SHING: There are some issues around whether this falls slightly outside the scope of this bill, given that it was something contemplated as part of other review work. What I might do in terms of assisting with your question is see if we can provide you with some information on the work that has been undertaken to date. That is sort of operational and aligned probably more appropriately with the work that you discussed with Minister Stitt and that is going through on that tranche. So I am not seeking to not provide you with any information that I have to hand. Let us see what we can get you to provide you with some information about that.

In particular same-sex couples activating and accessing ART is a matter that is very dear to my heart, and it is something which I think has led to some really significant reforms, particularly around the definitions of infertility and the way in which services could or could not be provided. That often caused an awful lot of upset and so much distress, and we see that there have been some real leaders in the field who have pushed very hard to make sure that those barriers were removed, in particular around the way in which infertility has been defined.

Clause agreed to; clauses 2 to 20 agreed to.

Clause 21 (16:02)

Georgie CROZIER: Just in relation to non-emergency patient transport (NEPT), Minister, in clause 21, 'incorporate by reference any matter in any document', who decides what documents are incorporated?

Harriet SHING: This is a reform that adapts and, well, incorporates an approach taken in a number of other laws, and that includes section 132A of the Drugs, Poisons and Controlled Substances Act 1981, designed to ensure the uninterrupted operation of the legislation, which is, as we all agree, critical in health outcomes and delivering those outcomes safely. It is best practice, and it would be the expectation of stakeholders that there be a mechanism to ensure that technical documents referenced in the regulations can be reviewed and updated and used efficiently to ensure they remain fit for purpose and reflect current clinical and industry practice. As we all know, clinical and industry practice is not a static thing, so we do need to make sure that that is capable of being reflected without the need for constant legislative change or consideration. In order for a document to be referenced dynamically in the NEPT regulations as proposed, the regulation-making process must be completed in accordance with the Subordinate Legislation Act 1994 and its consultation and impact assessments requirements. So this proposed regulation-making power does not allow documents to be incorporated into regulations at will or unilaterally by the department.

Georgie CROZIER: Thank you for that clarification, because you have answered one other question that I had, but what safeguards are there to ensure transparency and accountability to providers when all these documents – all these guidelines, all the technical docs, as you described – if they are identified, are incorporated? What is the process? What is the mechanism for that transparency from the department to the providers?

Harriet SHING: I think that has probably been covered off in the answer that I have given you in terms of the way in which regulation-making processes occur. Do you want to perhaps flesh that out a little more?

Georgie CROZIER: When the regulation is done – obviously we understand that process. It is just to safeguard those providers when they are dealing with regulations or understanding what is happening. The department would automatically give them updates. Is that the safeguard that is in place so that they are protected – not a random document being uploaded? It sort of reads that way.

Harriet SHING: No, that is the governing framework here. That is about providing those safeguards.

Clause agreed to; clauses 22 to 33 agreed to.

Clause 34 (16:06)

Georgie CROZIER: Minister, was the Radiation Advisory Committee consulted in relation to this legislation?

Harriet SHING: The Radiation Advisory Committee will be consulted in the development of the protocols as part of implementation. That is about making sure that in operationalising these changes, they are done as part of that consultative process with the RAC.

Georgie CROZIER: The 2024–25 annual report from the Radiation Advisory Committee states:

> Neither the Minister for Health nor the Secretary of the Department of Health referred any matter to the Committee for advice in the 2024–2025 financial year and the Committee did not meet in this period.

Has it met during the current financial year? If you were proposing this legislation, what was the reason for not meeting or discussing with that particular committee?

Harriet SHING: That is a very good question. Let me find out.

The committee has met, but yes, that was actually then about building on the commitment that ministers had made back in 2021, in any event, to agree.

Georgie CROZIER: You might have to relook at the annual report. Clause 34 speaks of the definition of 'disposal', and the explanatory memorandum clarifies that:

> … in addition to the ordinary English meaning of disposal, disposal in relation to a radiation source includes relocation of a radiation source outside of Victoria …

In some feedback that I requested from the Australian Nuclear Association, just getting their points of view, I got some excellent feedback, and they were largely very comfortable with the bill and what it was proposing. However, in relation to clause 34, they said to me:

> 'Disposal' is commonly used in Australia to mean transfer of ownership or responsibility …

sometimes outside or across jurisdictions.

> However it is probably not helpful to conflate terminology. Movement of radioactive material and waste across borders needs to be better tracked, and the forthcoming Code for Radioactive Waste Management may introduce more consistent requirements. It would be good to distinguish transfer of regulatory and licensee responsibilities from 'burying waste'.

So they are saying burying waste was one form of disposal and transfer was another. Was there a reason, or is that something that the government considered around that distinguishing component, the transfer and the responsibilities?

Harriet SHING: The disposal protocols will be developed after passage of this bill. This is something which stakeholders had asked for in the course of consultation, so the next step as part of the development of those protocols will occur once that framework exists within the bill as passed.

Clause agreed to; clauses 35 to 43 agreed to.

Reported to house without amendment.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (16:12): I move:

> That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (16:12): I move:

That the bill be now read a third time.

In doing so, I want to thank everybody who has provided contributions to the development of this bill. In particular I acknowledge the people who have spoken about their experiences with ART providers, for better or for worse, and the work that has informed this bill as part of nationwide conversations that need to make sure that what has happened before never happens again, that the experiences of mistaken embryo transfers are something which we can and do learn from and that where risk is identified, as we have done here, it is managed and people get the outcomes that they want with trust and confidence in the system because of these better measures of accountability and transparency. I commend the bill to the house.

Motion agreed to.

Read third time.

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

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (16:13): I move:

That the consideration of orders of the day, government business, 2 and 3, be postponed until later this day.

Motion agreed to.

Motions

Budget papers 2026–27

Debate resumed on motion of Jaclyn Symes:

That the budget papers 2026–27 be taken into consideration.

Ryan BATCHELOR (Southern Metropolitan) (16:14): I am very pleased to rise today to speak on the take-note motion on the 2026–27 budget. It is a budget that understands the pressures that Victorian families are facing and responds with appropriate and practical support. It is a budget that invests in cost-of-living relief, education, health care, community safety, transport and local community infrastructure. I am proud that it is a budget that continues to deliver for the people in the Southern Metropolitan Region. We know that household budgets are under pressure. Through no fault of Victorians there is conflict in the Middle East that has put upward pressure on petrol prices and has created pressures right across the economy. That is why in the budget the government announced, enacted and delivered significant cost-of-living relief for Victorian households. Through the course of the year Victorians have benefited from a period where public transport was made free, when the petrol price shock was at its absolute worst, and this budget allows half-price public transport fares to continue until the end of the year. For those who live in the Southern Metropolitan Region, we have got some exceptional train lines, tram lines and bus routes that have been upgraded by the Labor government over the last 11 years. So many people catch the train, catch the tram or catch the bus to work or to school or to university, and regular commuters are saving $1300 over the course of this year thanks to the investments in cost-of-living relief in this Labor budget – real savings in the pockets of Victorian families.

Another important bit of cost-of-living relief that was provided in the May budget by the Labor government was the 20 per cent discount on vehicle registration, so drivers with one car can save up to $186 and a family with two vehicles $372. Millions of Victorians have already benefited from this program and have made applications. For anyone who is watching who has not, I urge them to get in before the deadline and make sure their applications are in.

Really importantly the budget continues our government's proud record of investing in education. I know that the Premier himself is a passionate believer in the transformative power of education. I have had many detailed policy conversations with him about the way that we can improve our education system so that it is teaching our kids the things that they need to succeed in life. The investments in our public education system that the Labor government has made and continues to make are delivering. Victoria's students are leading the nation in NAPLAN results, demonstrating that our investments in public education are delivering outcomes for students, because that is what investment in education is all about. It is about making sure that our student outcomes are the best that they can be and that our students are getting the knowledge, the learning and the skills through our investments in education to equip them to be active citizens in every single meaning of that word throughout the course of their lives.

Education begins with every child having the opportunity to learn and thrive. It is why the budget continues support for free school breakfast clubs so that kids can turn up to school not hungry and ready to learn. I have visited several of these school breakfast clubs that have been provided to schools right across the Southern Metro Region, and this experience I know is replicated across the state. What you see when you talk to the kids is that they love it. It helps fill up their stomachs before they head into the start of their school day. But when you spend a bit longer and talk to some of the teachers and the support staff and sometimes volunteers who help run those breakfast clubs, you know that it is the extra support that they can provide, sometimes quietly, to the students that they see who might be struggling and who might not have food in their bellies or anything to eat. The program that this government is investing in to provide those breakfast clubs to schools right across the state is really helping those kids. I think that is great. It is above the headline numbers, above the millions of dollars and the hundreds of schools. Kids that are learning because they are not hungry I think is at the core of the values that are driving this budget and this government.

The budget invests $59.4 million to support families with school-aged children through a range of measures and also strengthens Victoria's vocational education and training system through the creation of three new TAFE centres of excellence. I am particularly pleased to see the establishment of the Home and Community Care TAFE Centre of Excellence at Holmesglen TAFE's Moorabbin campus. This investment will help train the workforce of our growing health and social care sectors while creating opportunities for the students in our region. We know that the healthcare and social care sectors of our economy and the workforces that support them are growing significantly as there is greater demand on those services from the changing needs of our population but also because of the investments that are being made in health care and in social care by both state Labor governments and federal Labor governments. To make sure that the promise of those programs gets delivered, we need a skilled workforce to deliver them. To get that skilled workforce, we need investments in TAFE, and that is exactly what the establishment of the Home and Community Care TAFE Centre of Excellence at Holmesglen in Moorabbin is designed to achieve. I think it is an exceptionally important initiative in this budget.

We know that early childhood education remains an absolute priority. The budget continues to deliver for three- and four-year-old kinder, including delivering kinder kits for those commencing three-year-old kindergarten, providing some extra resources to help those who are starting out on their early learning journey. I was particularly pleased that the budget contained some support for the Windsor Community Children's Centre on Union Road in Windsor, which was at risk of being shut down because the land it was on was being sold by Swinburne University. Through the good work and the hard work of my friend and colleague Josh Burns, the federal member for Macnamara, and the hard

work of the councillors at the City of Stonnington, including the mayor Melina Sehr – particularly I pay tribute to Cr Meghan Hopper, who is a tremendous advocate for that local community – the Windsor community childcare centre was saved. The City of Stonnington has recently completed the sale, purchasing that site from Swinburne University. The budget includes a contribution to upgrades of that centre, including a fit-out of a new kitchen. I went down recently to the children's centre in Windsor and spoke with the cook, who has been making food for kids there for nearly 20 years. I cannot tell you how excited she was, not just because the centre is being saved but because she can continue to do the thing that she loves, which is making food for little kids, in some new facilities supported by this government – not the biggest, not the headline measure in this budget, but again, speaking to the values of what matters to Labor in our budget. That is the simple thing of making sure that some of our youngest learners are properly fed.

There are a range of other upgrades and improvements that this budget funds – new upgrades and new improvements – and there is also ongoing funding to complete the works that are underway at a range of schools. Boroondara Park Primary School is receiving $15.9 million. South Melbourne Primary School has received funding to deliver a new campus – an entire new campus of South Melbourne Primary School due to open in 2029. Just as a side note, we know that the community of South Melbourne has had a difficult journey with primary schools over the last 30 years. They had two. They were shut down in the 1990s and the land sold off. This Labor government has had to build them again. We have built two new primary schools in South Melbourne, and we are expanding South Melbourne Primary School onto a new site because there is so much demand for public education in the inner south. Down at Brighton Beach Primary – I was down there recently talking to the principal Bev and had another tour of the school – we are investing $16.85 million to modernise and upgrade its facilities.

Brighton Beach has a storied history as a school. It was the site of an orphanage school, and one of the earliest places. There was an orphanage relocated out of Emerald Hill down to Brighton Beach more than a century ago. At the primary school there, some parts of the building are showing their age, and it is great that Labor is investing in the families at Brighton Beach Primary. St Kilda Primary is going to receive $13.2 million for a new gymnasium, including a competition-grade sports court and upgrades to its oval, and that is going to be available for the community to use as well. I want to particularly pay tribute to my colleague the member for Albert Park for her advocacy for this project and also my colleague Mr Berger, who has done an outstanding job advocating on behalf of that school. I am also pleased that Melbourne High, which is on Forrest Hill in South Yarra, is receiving more than $400,000 towards capital works, I understand to help improve the toilets, which looked about the same as they looked when I was a student there in the mid-1990s, so they could definitely do with some work.

The budget, beyond education, delivers important transport investments. There is a billion-dollar road blitz that is going to repair, rebuild and resurface roads right across Victoria. We know the importance of having a reliable and safe road network for Victorians. This investment is going to improve journeys for motorists and freight operators alike. There are investments to improve bus services as well, including route 766 in Hawthorn, which is to receive improvements during peak school travel times. It is practical investment that responds to community need and helps make public transport a more attractive option.

Obviously Labor invests in health care and invests in hospitals. We are recruiting more nurses, doctors and midwives. This budget builds on that record by funding an additional 250 graduate nurses and delivering faster surgery and specialist appointments for children. The investments matter because they help to ensure that Victorians receive the care they need when they need it. The budget also continues to support Victoria's fixed pill-testing service, with a $9.2 million investment. I have visited that service. It is an outstanding service, and I pay tribute to Minister Stitt for the incredible advocacy and hard work she has done to make that drug-checking, pill-testing service, at both fixed and mobile sites, a reality in Victoria. There is further work to support public IVF services, including Victoria's

egg and sperm bank, with an additional $43 million over two years helping more Victorians access fertility services.

On a topic that we were discussing in legislation immediately prior to this, we are obviously continuing to invest in community safety, because community safety is so important. An additional $62 million investment will support the recruitment of an additional 200 police reservists to undertake administrative and desk-based duties, helping to free up sworn officers to spend more time on the front line, protecting communities and responding to crime. The budget is also providing $33.5 million for violence reduction units, helping to prevent crime before it starts, and supporting intervention programs to make our community safer. There is more money for Legal Aid and more support for rough sleepers and homelessness services. There is also extra support for protective services officers in more locations and for more hours.

It is a budget that delivers what Victorians need: better education, better health care, community safety and cost-of-living relief. It is a Labor budget, and I commend it to the house.

Rachel PAYNE (South-Eastern Metropolitan) (16:29): I rise to make a contribution on the motion on the 2026–27 budget on behalf of Legalise Cannabis Victoria. This budget is a mixed bag for Victoria. While it did not include everything we had hoped for, I would like to begin by highlighting some of the positives. This year the government committed to $415.5 million for alcohol and other drug (AOD) services across Victoria. This is an increase on previous years. It is a modest increase, but it is something. Funding in the budget extended the integrated care pilot for First Step to provide mental health and addiction support services. First Step's model of care is best practice. It helps to address the systemic barriers faced by people with complex mental health issues and with addiction, and a whole-of-life approach helps Victorians to take control of their lives. Additional investments were made towards a low-dose methadone trial, Victorian pill-testing services and continued implementation of the take-home naloxone program. Access to the life-saving medication naloxone will reduce overdose deaths in Victoria. Nearly 400 Victorians die from opioid overdoses each year, and the chance to reverse overdose and prevent fatalities is important to ensure that no family member experiences the tragedy of losing a loved one. Opioid overdoses remain the leading cause of drug-related deaths in Victoria. The funding and commitment to implement a trial of 20 naloxone vending machines within emergency departments will save lives. Despite these investments, total funding for the AOD sector in Victoria only saw a small increase of 4.24 per cent from last year's budget – this at a time when the need is increasing exponentially.

The Victorian Alcohol and Drug Association, or VAADA, 2025 sector demand survey found that there were 4550 Victorians on waitlists for various forms of funded alcohol and other drug treatments. The Australian Criminal Intelligence Commission's *National Wastewater Drug Monitoring Program: Report 25* showed that consumption of heroin, cocaine and methamphetamine had reached unprecedented levels. The Victorian Coroners Court found that 584 Victorians overdosed in 2024. That is the highest number on record. We need to do more. Behind every overdose is a story. I often reflect on the ribbons tied to church fences, those that reflect the untold horrors of child sexual abuse. Many of those same victim-survivors end up in alcohol and drug services needing our help, not our judgement. Anyone who works in AOD will tell you that when someone is in the throes of addiction, the aim is to keep them alive until they can be helped to get it together. This means increasing the availability of naloxone and investment in a second supervised injecting room. Victorians battling alcohol and other drug addictions need help, and they are waiting far too long to access help.

The *Victorian Alcohol and Other Drug Strategy 2025–35* aims to adopt a holistic approach to reducing alcohol and other drug-related harms. The AOD strategy recognises that stigma is a huge part of the problem and that we must approach addiction as a health issue. However, the lack of available services and extensive wait times have serious consequences, contributing to rising homelessness and leaving many suffering with addiction issues untreated. Median wait times from assessment to treatment within the drug and alcohol sector is around 40 days, double the government's own target. The times between intake and assessment for help are also increasing and not meeting the needs of the

community. Sector data shows the alcohol and drug system is under serious pressure. More resourcing is most certainly required. Too many Victorians are dying from drug overdoses, and we need to lock in and guarantee harm reduction measures.

The 2026–27 budget did not provide any extra funding to tackle the chronic backlog or the increased needs of the community. The government says it is taking a health-led approach to drug use, but a health-led approach cannot be achieved with words. It is about practice. Without investment in frontline alcohol and drug services, I find it hard to take the commitment to harm reduction seriously. Similarly, the government talks about rehabilitation both in terms of funds and crime, but when this budget contained $229 million for prison beds, our community legal centres have been left fighting for survival. Again, rehabilitation and crime reduction are practices. They are not position statements. The government has chosen in this budget to pour money into prisons instead of frontline legal services to help people. Despite incredible demand, the budget delivered little new investment for community legal centres and Aboriginal legal centres. These are the very organisations helping vulnerable Victorians understand their rights, avoid crisis and navigate the justice system. $1.3 million was granted to Victoria Police for the maintenance of custodial cells directly tied to the government's bail reform agenda. Every hour a woman spends in police custody, particularly Aboriginal women, women with mental health issues and women in regional Victoria, is many hours of work for community legal services. It is a duty lawyer interview, a bail hearing attended, a family law matter and a child protection consequence absorbed by community legal centres and Aboriginal legal services. The budget funds the cells. So where is the matching funding for the community legal centre sector capacity to defend and care for people held by them? There is virtually none, so these people are being funnelled into the corrections system instead of receiving early legal support. Worse, for every client a community legal centre helps, two others are turned away due to a lack of funding and resources. Across Victoria, 50 community legal centres are struggling to keep up with soaring demand for legal and community support. The sector is buckling at the knees. CLCs provide more than 170,000 services every year, and it is worth the investment. CLCs make Victoria a safer place to live in. Legal help, early intervention and prevention programs are what make communities safe – not more prison beds.

One example of an early intervention and rehabilitation program that works is Somebody's Daughter Theatre Company. Since 1980 the community-led Somebody's Daughter Theatre Company has supported women in custody by conducting workshops in music, drama, dance and visual art. Somebody's Daughter is a company of artists with a 44-year track record of working with some of the most vulnerable and powerless people in our society. I was incredibly disappointed to see that Somebody's Daughter did not get funding in this budget, because not only do they offer support when it comes to workshops through music, drama, dance and visual art, but this is actually how many women, particularly incarcerated women, process their experiences and are able to share their stories in more of a therapeutic way. Experts in the field advocate for long-term sustainable funding for therapeutic art programs, and this is a cause that I am proud to champion. Many women in prison have experienced family violence, trauma, mental health issues, addiction, homelessness and the pressures of caring for children or family members. Without proper support, such as rehabilitation programs, education and programs such as Somebody's Daughter, they often leave prison facing the same problems that led them there in the first place. Rehabilitation programs are critical to community health and safety, and they deserve more than short-term government support.

In health infrastructure we welcome the continued investment in the redevelopment of the Frankston Hospital and the major redevelopment of the Dandenong Hospital. This will improve the quality of care and provide better access for the people of the south-eastern suburbs. Growing populations require growing investment in health care, education, transport and community services. The City of Greater Dandenong is one of Australia's most culturally diverse communities and fastest growing municipalities. It is crucial for the government to consider what transport infrastructure is required in such urban growth areas. While it was great that Victorians had free public transport at a period when high petrol costs affected many, reliable public transport is needed. As the South-Eastern Metropolitan region grows, public transport must keep pace. The City of Greater Dandenong is the most culturally

diverse community in Australia, with residents from 157 birthplaces. Sixty-four per cent of residents in this area were born overseas, and there is enormous cultural strength in that. Many of those who have migrated to the area have origins in parts of the world with recent histories of conflict, violence and displacement, but the community faces significant challenges when it comes to access to appropriate mental health supports and family violence services and supports. Victoria Police has over 20 incidents of family violence per day in the Dandenong area alone. The region is feeling the pressure.

Family violence is on the rise and remains the single greatest contributor to ill health and premature death for Victorian women under the age of 45. It is not car accidents or smoking or crimes in shopping centres; it is intimate partner violence. Victoria Police from the Dandenong division detected 290 family violence offences, with more than half of those related to breaches of intervention orders, and 26 per cent related to assaults – real people, real families and the very real possibility of more women dying. More support is needed to deal with this crisis. Wellsprings for Women is an organisation based in Dandenong that provides services for the most vulnerable women in the area. Unbelievably, funding for Wellsprings for Women's prevention programs will end in December this year. Their programs work, and they need certainty to continue the work.

A key focus on family violence must be prevention. We need to strengthen our response for Victoria's multicultural communities, who are most affected by family violence. Migrant and refugee women and their children face complex challenges in accessing not only family violence services but welfare and legal supports. Family violence does not discriminate, but sometimes our response does. The prevalence of family violence occurs regardless of culture, ethnicity, socio-economic status or religious belief. All forms of family violence that are experienced in multicultural communities are experienced within mainstream communities, and we need to start addressing that within everyday communities in Victoria.

Gaelle BROAD (Northern Victoria) (16:41): I am pleased to be able to speak on the budget papers 2026–27, and wow, what a bombshell these budget papers were. The state government has some real core responsibilities. There are some things that they do need to focus on like crime, schools, hospitals, emergency services, public transport and roads. These are the types of things that state governments deliver. I guess the budget is a reflection of the priorities of where money is spent and how money is allocated. Labor did deliver a very scary budget. I would say we are heading towards a massive net debt, and we have got interest to pay on that debt that is costing over $1 million every single hour. It is extraordinary, because every dollar spent on interest is one less dollar for the schools, for our health services and for the services that Victorians need and rely on. That is why they pay taxes, yet we are seeing this government with money flying out the door in absolute waste.

Now we have Ben Carroll, our newly appointed Premier, who says that he is going in a new direction, but it is clear that he has been part of that direction all along. As the Minister for Education who mucked up the VCE exams two years in a row and who has now got the top job of being Premier of our state, I thought it would be worthwhile to note that with VCE results you have either 'Satisfactory pass' or 'Not satisfactorily passed', so perhaps we could reflect on the different aspects that come under our state budget and look at if they are satisfactory or not satisfactory.

First, I want to look at schools, because I have been visiting a number of schools recently, and many of them have portables, and some of them have generators keeping things going. I have heard of animal urine coming through roofs, with no funds available to fix them. I have schools that have told me that when they have asked government authorities to help, the price has absolutely escalated. When they have done it themselves they have been able to save money; in fact sometimes they have been able to actually make some money. It has been quite extraordinary.

We had the Victorian Auditor-General report recently on school upgrades, and they had a look into it, and they found that 29 per cent of school upgrades experienced cost blowouts and 25 per cent of projects for school upgrades were actually delayed. The number of schools in poor condition has also

escalated, and the government target to have no schools in poor condition has now been pushed out from 2030 to 2034.

I have also spoken to people at the local learning and employment network who have told me about their contracts being absolutely finalised at the end of this year. The number of groups available is being halved, the amount of funding is being halved and there is a lot of concern about how those services are going to be delivered. But these are the cuts that we are seeing under the current government. I would ask, with generators holding things together, portables and teachers unhappy at the moment – no doubt about that – is that satisfactory or not satisfactory? I would say it is not satisfactory on the report card when it comes to education in our state. We are meant to be the Education State, but this government has taken us backwards.

Let us look now at health as a subject on our report card for the Premier. In Bendigo we have had 11 ambulances ramped. I have spoken to people that have had to wait not just hours but days for a bed. This is of great concern. We have got huge surgery waitlists in our state and GPs under this government being forced to pay a payroll tax. As I speak to local GPs, who do incredible work to support our local communities, they are feeling the pressure to survive, particularly in rural and regional areas. We had GPs visiting our Parliament yesterday, and they talked about the priority of abolishing that tax. Again, is that satisfactory or not satisfactory, health in our state at the moment? Looking at what is happening and the feedback that I am hearing as I speak to residents, it is clear that it is not satisfactory.

Public transport and roads are critical services for state governments to be delivering, yet with public transport we saw recently, with the V/Line and Telstra outage, the whole state brought to a standstill. Having a briefing that I requested with the minister's office and the department just recently, it is clear that there is still no backup plan, so if that happens again we will be in the same spot. I have spoken to residents across the area on public transport and on V/Line. I do travel on the train quite regularly. The removal of the second track to Bendigo has impacted the train line there and made it slower in parts, and that has been a great frustration to the community, as well as the lack of bus services. I know my colleague Ms Bath was speaking about that in her Eastern Victoria Region. But I know right across Northern Victoria there are so many families that do not have access to public transport, and something I have spoken in this Parliament about is the need to reduce the probationary drivers licence age in Victoria to be in line with other states, because we do have many parts of Victoria where there is no transport available. It is holding our young people back, and we have people just over the border who are able to access their probationary licence at 17.

I am on the road a fair bit. Northern Victoria is a very big region – nearly half of our state. As I was travelling to Donald recently, the roads were unbelievable, and I get people sending me photos all the time. I was at Marong recently, and there are huge potholes there. On radio, I know 3AW talked about it as well, the huge number of cars on the side that had hit potholes. I have had people email me photos of the rims of their vehicles. At the wool show recently I had people telling me about their farm equipment, which had $6000 worth of damage, and the impact that it had on their insurance. I had another local resident in Bendigo email about his vehicle being hit – $4000 worth of damage. These parents in Marong said, 'We saw your video on the pothole. Our daughter hit it the next day.' Even though they had repaired it, it was crumbling again the very next day, and her car was in being repaired. We have committed $5 billion to repair and rebuild Victoria's roads, but that is just the start. There is a lot of work that needs to be done to improve the contracts as well as the construction of our roads to make sure that we can build roads that last in Victoria. But when I ask people across the region, 'Are our roads and our public transport satisfactory or not satisfactory?' I think it is pretty clear they are not satisfactory on the report card for Victoria under this government.

Another key thing is tourism and events. They are very important – or used to be important – in our state. I certainly know at the Commonwealth Games people are celebrating over in Glasgow right now and having a good old time at our expense. But it is a great frustration because it was basically at this time before the last election that this government told us, 'Boy oh boy, the Commonwealth Games are going to be amazing. They're going to deliver for regional Victoria. It's going to be fantastic. We're

going to see legacy projects and houses and boosts to our economy' – on it went. I raised concerns about it and was told by the Premier at the time, 'No, it's all good; nothing to see here. These games are going ahead, and they're going to be wonderful.' Well, guess what, we all know what happened next: they were cancelled. That was nearly $600 million wasted, potentially a whole lot more, but that is just a blip compared to what we have seen wasted in this state with other issues, such as the corruption we have had on government worksites with the CFMEU.

Housing is another area that you would have to look at. The report card – is it satisfactory or not satisfactory? I think with this government what we have seen is an absolutely relentless attack on landowners, in a way. It is incredible. It is tax after tax after tax. What I have seen and what I have been hearing from the community is that those mums and dads that hold, or held, an investment property and have someone renting it that cannot afford to buy a house have been exiting the property market. That has got a flow-on effect, because not everyone can afford to buy a home. People contact me; just this week I had an email from a dad who was telling me about his son and daughter both struggling with housing. One of them lived at a caravan park and ended up in very difficult situations. But we have got people even in Bendigo – this is in the former Premier's own area – living in tents in the forest and under bridges because they do not have anywhere to live. I find it extraordinary that we have this happening in our state at the moment. We have got a government so focused on adding tax and tax and tax and burden on people, and it is actually removing any availability of rentals for those that cannot afford it. We have got over 60,000 people that have applied for housing in this state, and that is an absolute shame.

I speak to councils as well. I know the Growing Suburbs Fund was something that a lot of councils, particularly in the outer parts of Melbourne, really did rely on. Because they have huge population increases, they rely on the development of infrastructure to support the housing developments. Yet that was significantly cut at first, a 95 per cent reduction, and then it was zip, zero. So they are struggling now to build the infrastructure needed to support the massive population growth that they have had in their regions. With housing, that report card – is it satisfactory or is it not satisfactory? I would say it is definitely not satisfactory under the current government.

Our emergency services are critically important. In the bushfire inquiry – Ms Bath and Ms Lovell were with me doing that inquiry – we heard so much about the ageing CFA fleet and equipment that we have in our state and the single-cab tankers where the burnover protection failed. Some of these vehicles are 35 years old. We are asking volunteers to go out and face some of the worst conditions and put their own lives on the line to protect our regional areas and our properties, families, homes and assets, and yet this government has failed to invest over a long period to make sure that they do have the equipment that they need to keep our community safe. As a result, we have also seen a decline in the number of volunteers in our state. That is something, if we get the opportunity in November to be in government, we will certainly make it a priority to redirect and to show the volunteers the respect that they desperately need. With our emergency services and the investment that we have seen over the last decade and under this budget, is it satisfactory or not satisfactory? I would say it is not satisfactory.

Another key aspect that the government should focus on is energy. And boy oh boy, we have got some interesting times ahead, because we have had reports that show that the reliability is in question. We have now got the prospect of some blackouts happening in this state. Again, is that satisfactory or not satisfactory? I would say that is not satisfactory.

Under this government the independent Parliamentary Budget Office have done some work, and they have shown that less than 12 per cent of funds have been allocated to new infrastructure in regional areas – less than 12 per cent, when we have over 25 per cent of the population. That is something that we will change in government. We will deliver the fair share guarantee and make sure a minimum of 25 per cent is allocated to regional areas to invest in the infrastructure that we desperately need – that our communities desperately need. Our plan will ensure that regional Victoria gets its fair share, with safer communities, better roads, lower costs and reliable health care closer to home. That is what

matters to us because it matters to regional Victorians, and the only way to stop the waste, end the corruption and deliver the investment that regional communities need is to elect a Nationals and Liberals government in November.

Jacinta ERMACORA (Western Victoria) (16:56): I am very pleased to respond to this budget. It is a very, very responsible budget, and it reflects Labor's values but also reflects the people that Labor stands for, and that is working people and families. In particular families and working people are under pressure right now across the nation, and Victoria is no exception. Cost of living is the most common challenge faced by families, individuals and communities. This budget is a steady budget focusing on helping Victorians as our world is buffeted by exceptional events.

From a national perspective we had the Howard reforms to capital gains tax and then almost 10 years of conservative government cuts to Medicare and of course real wage decline. These changes have made the cost of housing more expensive for families and in actual fact have had the effect of commodifying the ordinary family home. At the same time we have seen price rises in food, power, gas, petrol and most of the things that we need to live our ordinary everyday lives. So with the commodification of housing over recent decades, we have seen housing costs go up 400 per cent while wages in real terms have declined. Now we have Donald Trump's war against Iran pushing up petrol prices. The growing gap between wages and household living expenses is causing significant financial stress, and housing is the single biggest contributor to that problem.

If we turn to the solutions for the growing inequality in this country, we can turn to the recent federal budget as well as this Victorian government budget. The federal budget has begun to address inequality in the home buying market. Changes to capital gains tax will even the playing field for mums and dads and young people trying to buy their first home or indeed the second time they are buying a family home. They will no longer have to compete with an investor who can afford $20,000 to $30,000 more than them because they are subsidised by the Australian taxpayer. There is nothing fair about that, and when housing is a human right I could not have been prouder to see what our federal Labor government did in their most recent budget.

In Victoria our government is making structural changes to the housing market. We have reformed land use planning to make it easier to build and strengthened compliance, regulation and accountability for the construction sector. We are renewing and expanding social housing so everyone can live in a quality home. We have invested in key worker housing, housing for women and children escaping violence and incentives for construction of multidwelling apartments. We have reformed laws relating to renting so renters can expect to have a house that is temperature regulated and in a reasonable condition, and pets are now welcome. We are also restructuring rental bond management – specifically, introducing a bond portability scheme. This means that renters will no longer have to put up two bonds for a short period of time as they transition from one rental house to another.

Some families across Victoria and indeed in my electorate of Western Victoria are under genuine financial stress. Donald Trump's continued conflict in the Middle East has pushed up fuel prices at the pump. This is having the add-on effect of creating re-emerging inflation, and the Reserve Bank's response has put further pressure on household budgets. These are not abstract economic forces. They are felt every single week by people simply going about their everyday lives. This budget ensures that every dollar of taxpayer money is directed where it is most needed and will have long-term benefits. The 20 per cent off the registration of vehicles is a direct example of putting actual money back into people's pockets, and there is only a day or so left of that program.

In Western Victoria, like most regional communities, driving is not an option and it is not a lifestyle choice; it is compulsory. Public transport is scarcer, distances are further and services are spread across greater distances. When fuel prices rise, regional families bear the cost in a way that is simply not comparable to inner Melbourne. There are no alternatives to reach for, and that is why the rego rebate in this budget matters so much to regional people. The government is providing $759 million in registration payment rebates for light vehicles. That represents a 20 per cent rebate of up to, for

example, $186 for one car or $372 for two cars. Every Victorian who has registered and paid for a light vehicle between July 2025 and June 2026 is eligible for up to two vehicles. Across my electorate the response to this commitment has been one of genuine relief. We know this because we have literally had hundreds of people already coming into my office for assistance in applying for the rebate, particularly people who do not have computer skills or people who cannot afford to own a computer. This is direct, meaningful cost-of-living support that actually lands in people's pockets.

The budget also provides $5 million for the fair fuel plan. This continues the work of monitoring fuel prices and maintaining the Servo Saver feature on the Service Victoria app. This free tool lets consumers compare prices from more than 1500 registered fuel retailers. It keeps fuel prices transparent and fair no matter where you live. In regional areas, where you may be choosing between two or three service stations, knowing the price before you drive across town is genuinely useful. Further, our anti-price-gouging laws are now a legal requirement. Fuel retailers must set a daily cap on prices and publish it in advance. You can find the best deal tonight and know the price will not jump on you tomorrow. That kind of transparency and protection is what a Labor government delivers.

The Carroll Labor government is investing in our state rather than promising cuts, like those opposite. We are investing in tomorrow's workforce, where renewable energy will lower costs for Victorians and help deliver a healthier planet for generations to come. The budget includes $50 million to be invested in the Victorian Renewable Energy TAFE Centre of Excellence based in Warrnambool. The locations are in Morwell, in St Helens and, I am very pleased to say, in Warrnambool. This is genuinely significant. It is about training the next generation of workers in the skills that the clean energy economy needs, and this ensures that regional communities will not just witness the renewable energy transition but also drive it, with new skills and jobs right across the region.

Let us face it: kids are expensive. There are so many costs involved in bringing up a family, and this budget commits $120 million to supporting families with children. The affordable school uniforms program received $28 million, saving families an average of $93 per application. The Glasses for Kids program has already delivered more than 68,000 vision screenings and 13,700 pairs of glasses. I will take a moment to repeat that: 13,700 children in Victoria are now sitting in classes with glasses on, when previously they did not have glasses on. We all know the implications of that: if you cannot see the board, you cannot learn. This budget expands it to more classrooms, with $16 million. And if you cannot see the board, as I said, you cannot learn. The program has been catching vision impairments early, before they cost children years in their education.

A child who arrives at school hungry is also distracted from learning. $14 million for school breakfast clubs ensures that our children who need it can start the day with a proper meal. These are simple human investments making an enormous difference. The Get Active Kids voucher program receives $11 million, delivering approximately 55,000 more vouchers to help eligible families cover the cost of participating in sport. In regional and rural communities, junior sport is not just recreation, it is how towns come together. It is great that this helps all kids be able to participate.

The budget also includes $24 million for outside school hours care for young Victorians with a disability and $7.4 million for more kinder kids. It is wonderful to see children's faces when receiving free books and educational toys. These are not headline-grabbing numbers; they are quiet, practical investments in children's lives and in support of their families. All of this is on top of our existing support for families with kids, including free kinder for three- and four-year-olds, free public transport for all under-18s and help for families with school costs. We have also already made Victorian government school uniforms cheaper by banning unnecessary logos and removed the need for parents to provide digital devices for kids at primary school.

Housing affordability is another critical statewide challenge. The Carroll Labor government is investing $860 million over five years into the Social Housing Growth Fund. This will deliver more than 7000 additional social housing homes over the next decade. I hear often how housing stress is real and is growing in regional Victoria. The Warrnambool rental market has tightened significantly

in recent years, and the people at the sharp end of that are the most vulnerable members of our community. Social housing should not be the last resort. Our government is working to make it a foundation, because people cannot hold down jobs, keep kids in school or manage their wealth without a stable home. In addition, the budget also provides $97 million to continue delivering housing reform and improving confidence in the building industry. This includes $16 million to implement the registration and licensing requirements in the building legislation amendments – the buyer protections bill – this Parliament recently passed.

Over the past 12 years this Labor government has invested more than $50 billion in regional Victoria. Another commitment of this budget is to the continued funding of the Rural Financial Counselling Service, which is receiving $1.82 million. They will continue to provide free, confidential and impartial financial counselling to farmers and agricultural small businesses under financial pressure. The service has been running since 1986, and the need for support at the moment is greater than ever. Farming is one of the most financially exposed occupations in our country. It is subject to drought, flood, global commodity prices and now fuel shocks from conflicts on the other side of the world. Having a trusted free service to return to when things get hard is not a nicety, it truly is a lifeline.

In closing, I want to endorse the budget and reiterate our commitment to supporting families who need practical support with their cost of living.

Anasina GRAY-BARBERIO (Northern Metropolitan) (17:12): I rise to add my contribution to the budget papers 2026–27 motion. The Treasurer said in her budget speech 'Governments can't solve everything.' But what does it say about the political will of this Labor government that right out of the gate they are tempering Victorians' expectations on what they should be settling for from this government, which has been nothing more than breadcrumbs and robbing Victorians of public education, public housing and public transport. At a time when governments should be delivering for the working class, young people, farmers, single-parent families and the disability community, they retreat from their responsibilities. Victorians and residents in Northern Metro expect their governments to care about public goods and make them better. Is it too much to ask for public excellence in their care and delivery?

Instead this budget tells Victorians something: that this Victorian Labor government does not believe it can solve the very serious problems Victorians are facing, because what people across Victoria are experiencing are not isolated issues, they are connected crises playing out across every part of daily life. It is a cost-of-living crisis, a housing crisis, an escalating climate crisis. It is rising family violence, increasing racist attacks on multicultural communities and growing wealth inequality. It is overstretched and underfunded schools, hospitals, community services and disability supports. It is a child protection system and a justice system that are continuing to fail children and young people, particularly those that are Aboriginal and Torres Strait Islander. That is the statement of a failing Victorian Labor government that Victorians have clearly lost faith in.

For all the government's rhetoric about cost-of-living relief, many Victorians know that the biggest cost they face is not their car registration bill or train fare, it is the impossible cost of trying to buy a home or keep up with increasing rent outstripping wage increases. The cost of buying a home has risen 40 per cent in the past five years, with the average cost now over $1.1 million. Not only are prices out of control, they are also eight times the average income. Ultrawealthy property investors continue to hoard properties, with the wealthiest 1 per cent owning a quarter of all investment properties.

Now let us talk about renters who have been long sufferers doing it tough. Now we see 50 per cent of Victorian renters spending more than half of their income on rent. Even someone earning $100,000 a year in Melbourne is spending around 38 per cent of their income on rent – well above the threshold for housing stress. Can you imagine how much more difficult it would be for single-parent households or families having to work two to three jobs just so their kids can have a chance of having lunch money or affording a school excursion? Stable, affordable housing is simply out of reach for too many, and it is not getting any better with this Labor government. This is the result of political choices – choices

that could have been addressed in this budget. Instead we have seen in this budget a Victorian Labor state government spending another $344 million demolishing public housing towers, bringing the total spend on demolishing public housing to more than $2.6 billion while more than 57,000 people are on the public housing waitlist for over a year and a half. And yet, after a public housing inquiry, we still do not have any clear answers from this dodgy government justifying the demolition of all 44 public housing towers. It is absolutely shameful and an absolute waste of taxpayer dollars. For 18 months people are being told, in effect, to remain homeless or in insecure housing while they wait for a system that is just not delivering.

Perhaps nowhere is the government's lack of delivery more apparent than in its response to the climate crisis. It is unconscionable that this Victorian Labor government continues to refuse to treat climate change as the priority that it is. The Treasurer did not mention the words 'climate' or 'environment' once in her budget speech. At a time when Victorians are paying more for their energy bills and enduring extreme weather event after extreme weather event as a direct result of climate change, this government continues to give preferential treatment to their coal and gas corporation mates instead of investing in the transition that households need. This Victorian Labor government instead cuts Solar Victoria funding by 20 per cent and continues to allow coal and gas corporations like Woodside, BHP and Exxon to expand and burn fossil fuels. It is clear that Labor's budget priorities are about protecting corporate profits while selling out on public services that so many of us rely on. It is putting property developer interests before renters, gambling companies before communities and billionaires before everyone else.

Gambling companies are set to receive $397 million in tax breaks, while gambling losses are surging for everyday people, not to mention all the gambling harm that is spreading in neighbourhoods like a disease, breaking up families and leading people down pathways of oblivion. $141 million has gone into Victoria Police's already inflated budget while our schools are still the lowest funded in the country. It is no mistake that Victorian public school teachers are taking their fight for fairer pay and working conditions to the street – we saw that last week. But the real losers of this political choice are Victorian students who miss out on the education equity that comes in the form of opportunity, resources, experiences and high-quality education. Why should this generation suffer because this Labor government refuses to understand that public excellence means consistent, equitable, long-term funding? At a time when people are struggling with the cost of everything – rents, mortgages, groceries, bills – the budget could have been an opportunity to tax big, ultrawealthy corporations and provide real relief to everyday working-class Victorians living pay cheque to pay cheque.

Across Victoria, communities are experiencing rising levels of racism. We see that in many accounts of Islamophobia and antisemitism. We needed a budget that invested seriously and, more importantly, equally in addressing all forms of racism. For women and gender diverse people, this budget cuts family violence prevention programs while nearly one in four people affected by family violence are not referred to services and 40 per cent of victim-survivors seeking refuge support do not receive it. We have seen it in the loss of women this month in July – Layla Jeffery, Brooke Timmins, Lavanya Chappa – all at the hands of male violence, and this government continues the revolving door of ministers for this really, really important portfolio. And in the housing crisis victim-survivors of family violence are waiting 18.6 months for priority housing. I just cannot believe that that is how long women and people escaping family violence have to wait to get some form of housing.

In early childhood education, where quality and safety should be paramount, the government has set targets that are slower than the outcomes already being achieved. In a failing child protection system, where Aboriginal and Torres Strait Islander children are over-represented, programs designed to address this remain severely underfunded. This Victorian Labor state government has reduced funding for disability programs and services by 14.6 per cent, while disabled Victorians continue to fight for access to the basic services and support that they should be already getting. Leaving vulnerable Victorians behind at a time when they need their governments to step up is a failure of this government to stand in solidarity with our disability community, who face compounding barriers to accessing

services and having an equally high-quality standard of living. In community services, neighbourhood houses and other frontline services, they are given piecemeal, short-term, inconsistent funding. Communities are being asked once again to do more with less. We are continuing to see neighbourhood houses close in Victoria due to the lack of viability, yet the services, the connections and the relationship building that these community services provide to the broader community are life-saving for so many.

Victorians deserve better than a government that tells them the government cannot solve everything. Victorians deserve a government that can deliver on building more public housing and affordable homes, make rent affordable, take real climate action, bring down gender-based violence, tackle racism at its roots and invest in children and young people and their futures. Victoria in my mind is the greatest state in the country, and that is because of the people that call this place home and work so hard to make it great. Governments should be fighting for the many. They should be the hope that Victorians are looking for. They should be improving lives and actively doing something to tackle the increasing wealth inequality, but instead we have a government with the wrong priorities in this budget, who are more interested in staying in power and keeping their wealthy donors happy.

Wendy LOVELL (Northern Victoria) (17:22): I move:

That debate be adjourned until the next day of meeting.

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

Members

Moira Deeming

Personal explanation

Moira DEEMING (Western Metropolitan) (17:23): I rise to make this personal explanation to correct the false and defamatory public narrative that I was disendorsed by the Liberal Party after making a false complaint against Mr Guy and then refusing to apologise for it. I was presented with two options, both of which led to being disendorsed. Either I could make an unqualified apology, falsely confessing to everything Guy had accused me of, which would be grounds for disendorsement, or I could refuse to confess to the things that I did not do, be framed as an unrepentant liar and be disendorsed for refusing to agree to that. I chose to stand my ground and stand on the truth.

The incident underlying my complaint occurred publicly before witnesses and was captured on CCTV. I made a confidential complaint about years of undenied escalating physical intimidation by certain males in this party, including the incident where Mr Guy, the twice former Liberal leader, a man known to have targeted me publicly and privately since before I set foot in this Parliament, while seated at a table with me at an event suddenly reached forward across a guest seated between us, grabbed me around the base of my neck –

Wendy Lovell: On a point of order, President, the member is making assertions against a member of the other place, and I do not believe that is appropriate.

The PRESIDENT: I have been following closely. Personal explanations can be broad under the standing orders. I am monitoring what Mrs Deeming is saying. I do not think there is anything outside what has been in the public in what she has indicated anyway, so I will ask her to continue.

Moira DEEMING: While seated at a table with me at an event, Mr Guy suddenly reached forward across a guest seated between us, grabbed me around the base of my neck and upper shoulder, gripped me painfully and forcefully pulled my face across that man's lap, even though my arm was braced on the table, straining against him until my face was pulled right up close to his. I was shocked, as were the others who witnessed it. In other witness statements provided to senior Liberals they reported seeing that I could not move my head freely, that I was straining against Mr Guy's grip, that he did

not release me until he had overpowered my resistance and that after he let go I slumped back in my chair and remained silent and still and was deeply troubled. I could not see what he did at the time.

Wendy Lovell: On a point of order, President, these assertions have been the subject of a police investigation, and the police did not uphold these aspersions. I think it is inappropriate that the member is using this place as cowards castle to make this statement tonight.

The PRESIDENT: Ms Lovell, it is not for the Chair to determine what is factual and what is not from a personal statement that a person is making. As I said, there can be a broad range of things someone can cover. I am monitoring the personal explanation.

Evan Mulholland: On the point of order, President, allegations against a member of Parliament need to be made by a substantive motion.

The PRESIDENT: As I said, it is not for me to consider the relative facts of Mrs Deeming. It is the facts as she sees them in her personal explanation. That is what personal explanations are for.

Wendy Lovell: Further on the point of order, President, the police have ruled on this. It is not for you to rule on whether things are correct or not. The police have ruled on these allegations.

The PRESIDENT: As I just said, I am not ruling if something is factual or not. The standing orders afford a member the right to make a personal explanation as they see fit on a broad range of issues.

Wendy Lovell: Further on the point of order, President, a personal explanation is usually when somebody has said something in this place that is wrong and they wish to come back and correct the record, not when somebody wishes to make allegations against a member in the other place that are contrary to what the police have found and have been subject to a legal process.

The PRESIDENT: I have been here, and there have been personal explanations that have not been as you describe, Ms Lovell. Mr Somyurek's was one that was not concerning correcting the record of what someone said in here. It was actually directed at a lot of other people outside of here.

Wendy Lovell: The President at the time ruled him out of order.

The PRESIDENT: No, what the President did is he followed the speech that he was given, and when Mr Somyurek went out of the speech, he pulled him up.

Evan Mulholland: On the point of order, President, imputations against a member in any chamber need to be made by a substantive motion. Many on this side and many on the other side of the chamber have been stood down on previous occasions in my 3½ years. There are countless occasions I can recall where members have been halted from putting allegations against a colleague and been told to do so by a substantive motion.

The PRESIDENT: As I said, it is not for me to determine what is factual or not. As I said, a broad range of issues can be covered.

Melina Bath: Further to the point of order, President, I ask for your clarification: is there any cap or limitation on what that broad range of discussions can be? So the house is saying, if I can read from you shaking your head, that somebody can say absolutely anything in a statement and that that is deemed acceptable. Or is there some limitation on what can be said?

The PRESIDENT: On appropriate use, explaining media reports:

> A member may make a personal explanation to correct or explain matters of a personal nature that occur outside the Chamber, including matters that have been reported in the media or are likely to be reported at some point.

That is a ruling from President Atkinson.

David Limbrick: President, on the point of order, I have heard nothing said by Mrs Deeming so far that is not already in the public domain.

The PRESIDENT: Going by Mr Atkinson's ruling:

> … a personal explanation to correct or explain matters of a personal nature that occur outside the Chamber, including matters that have been reported in the media or are likely to be reported at some point.

That is my understanding of where Mrs Deeming is. It is not for me to say her account is right or wrong. But there have been media reports, she believes those media reports have been incorrect as far as she is concerned – it is not for me to determine that – and this is a personal explanation she is making.

Evan Mulholland: Further on the point of order, President, I believe we are setting an extraordinary precedent here, where members of Parliament can make imputations about other members of Parliament, and on this particular occasion I think every Victorian could see with their own eyes that that was an allegation that was found to be incorrect by Victoria Police and the Chief Commissioner of Police as well. We are talking about a very, very serious imputation against a very good man that was found to be wrong by Victoria Police. If members of Parliament are allowed to make imputations against other members of Parliament in a way that is not by substantive motion, I believe we are setting a very broad precedent that is very concerning.

The PRESIDENT: This was Mr Elasmar's ruling I think in recent times:

> A member must seek the prior approval of the President before making a personal explanation. Personal explanations must be brief, contain facts and not engage in argument or go to a difference of opinion. The member should be heard in silence. No debate is permitted.

We have debated a number of points of order. I will monitor Mrs Deeming's speech. I think she is, in her opinion, not correcting but giving her opinion about the way she sees the media reporting about her.

Melina Bath: On a further point of order, President, this is a serious situation, and we do not stand up lightly to make these points of order. You just said, quoting former President Elasmar, that it was making a point of fact – a point of fact. Are you then saying that the commentary that Mrs Deeming is making is a fact? Because clearly it has been proved a non-fact by Victoria Police.

The PRESIDENT: I restated a number of times that it is not for me to determine truth or not or what is factual in a personal explanation. It is for a member to give the facts as they see them. I understand the points of order that you are making. But as I said, I will monitor this.

Wendy Lovell: Further on the point of order, President, I draw your attention to President Elasmar's rulings of 10 December 2020, where he said:

> Personal explanations should be limited to how the member claims to have been misrepresented not why the member was misrepresented.

He also said:

> Personal explanations should not expand on the scope of the matter and attack or make allegations against others.

I would say that the member is going against both of those rulings.

The PRESIDENT: Mrs Deeming is going to get to that point in terms of how she feels that she has been misrepresented. It is not for me to judge her opinion. I will ask Mrs Deeming to continue.

Moira DEEMING: In other witness statements provided to senior Liberals, they reported seeing that I could not move my head freely –

Wendy Lovell: On a point of order, President, she is now introducing new information.

Moira Deeming interjected.

The PRESIDENT: It is her view of the media accounts.

Wendy Lovell: On a point of order, President, why are we giving additional time to this? If the member wanted to do this, she could have done it by way of a 90-second statement.

The PRESIDENT: A member has got a right to do a personal statement. It is not for me to determine what time or extra time or –

Wendy Lovell: President, are you saying we can all just get up whenever we want to make a personal explanation and interrupt business of the house and just use the chamber for our own uses?

The PRESIDENT: It has happened before, and I am sure it will happen again. It is not a precedent set by me. Mrs Deeming to continue.

Moira DEEMING: In other witness statements provided to senior Liberals they reported seeing that I could not move my head freely, that I was straining against Mr Guy's grip and that he did not release me until he had overpowered my resistance, and that after he let go I slumped back into my chair, remained silent and still and was deeply troubled. I could not see what he did at the time. I thought he had used one arm. Others at the table thought that he had used two. The CCTV has confirmed that he used just one arm, as I stated. Had a stranger done it, I would have given him the benefit of the doubt, but Mr Guy and I were not friends. We did not have an ordinary collegial relationship, and he has a documented history of hostility towards me. I raised the incident privately with my husband –

Evan Mulholland: On a point of order, President, this is going outside of the Elasmar ruling that you previously read out.

The PRESIDENT: It is not for me to judge whether Mrs Deeming and Mr Guy had a friendship. This is Mrs Deeming's point of view.

Wendy Lovell interjected.

The PRESIDENT: It is Mrs Deeming's point of view relative to media reports.

Wendy Lovell: On a point of order, President, this is just a direct attack. The member is being aided and abetted to make a direct attack on a member in the other place, and if she wants to do that, she should do it by substantive motion.

David Davis: Further to the point of order, President, standing order 12.12 talks about a personal explanation and it says:

> … a member may explain how they have been misrepresented or explain another matter of a personal nature.

It goes on to say:

> A proposed personal explanation must be provided in writing to the President prior to consent being granted.

I understand that is what has occurred here. But a personal explanation is equally not a wideranging attack on another person or indeed, in particular, on another member of the chamber or another chamber. In this case this is a wideranging attack on Mr Guy. I do not want to enter into the details of that for the obvious reason that I am not familiar with the details other than to the extent of what is in the public domain, which seems to show directly contrary to what Mrs Deeming is saying. On a matter here, it cannot be that it is open-ended. The member should bring a substantive motion if there are matters that she wishes to attack Mr Guy over.

The PRESIDENT: Thank you, Mr Davis –

David Davis: President, just further, I want to make the point that you have obviously seen this ahead of time, and when this is concluded, I would request that you provide some explanation to the chamber about how that has worked.

The PRESIDENT: I am happy to do that now. Mrs Deeming gave me the script to her speech just before I entered the chamber. I came into the chamber at around 5.

David Davis: Did you grant consent, President, after you had read it?

The PRESIDENT: Yes, I did. I respect that, but let me say that if this was the last sitting week and Mr Guy did not have the opportunity to respond in a personal explanation next sitting week, I would have considered it differently. Mr Guy will have an opportunity next sitting week to make a personal explanation in response if he wishes to. I do not want to be in the middle of the disagreement between these two members. It is the last thing I want to do.

David Davis: Further to the point of order, President, in fact what you have now described and set up is a tit-for-tat personal explanation. That is not how personal explanations are intended to operate.

The PRESIDENT: I am just suggesting, Mr Davis, that could be the potential. If it was the last sitting week, that potential would not be there. I am not suggesting the course of action of anyone else.

David Davis: Further to the point of order, President, I do not believe that the intention of a personal explanation is to set up a tit-for-tat arrangement between members.

The PRESIDENT: I understand that, but that is not my suggestion. I am just saying that could be the potential.

Wendy Lovell: Further to the point of order, President, I have been here 24 years, and normally when there is a personal explanation the chamber is advised that a member is going to make a personal explanation. There was no advice given to the opposition that this member was going to make a personal explanation. In fact I was scheduled to be the next person speaking on the budget and was asked by the Government Whip if I would mind doing my contribution in the next sitting week because they wanted to take the messages straightaway. President, I am going to make an allegation here that the government is setting this up, because the government asked me not to speak on my budget reply. The government said that they were going to bring in the messages. The government must have known that there was a personal explanation, and we were not advised.

The PRESIDENT: The government was not advised.

Georgie Crozier: Why was the chamber not advised?

The PRESIDENT: There is no onus that the chamber be advised. I ask Mrs Deeming to continue.

Moira DEEMING: After he let go I slumped back into my chair and remained silent and still and was deeply troubled. I could not see what he did at the time. I thought he had used one arm. Others at the table thought that he had used two. The CCTV has confirmed that he used just one arm, as I stated. Had a stranger done it, I would have given him the benefit of the doubt. Mr Guy and I were not friends. We did not have an ordinary collegial relationship, and he has a documented history of hostility towards me. I raised the incident privately with my husband, close friends and a small group of senior Liberals. For 32 days it remained out of the media. The party would not investigate or refer the matter for an independent non-criminal investigation. When senior Liberals directed me to Victoria Police, as a last resort I followed that direction. I told police that I did not know whether Mr Guy's –

Evan Mulholland: On a point of order, President, on standing order 12.18(2):

> No member will make an accusation of improper motives or a personal reflection on any member of either House, other than by substantive motion.

What we heard just then was an accusation of improper motive due to hostility. I ask you once again to draw the member to order.

The PRESIDENT: As I said, Mrs Deeming – I am not judging whether it is her truth or someone else's truth – is responding to media reports that she believes were incorrect in regard to her motives and her actions.

David Davis: Further to the point of order, President, as Mr Mulholland has made clear, it is not only the standing order regarding personal explanations that governs what occurs in this chamber; there is standing order 12.18. It is not the case that a member can make substantive allegations against a member of either house – that is 12.18(2) – other than by substantive motion. I would put it to you very clearly that Mrs Deeming has made substantive allegations against a member of the other chamber and that ought to have been by a substantive motion. It was not proper to do so by the mechanism of a personal explanation.

The PRESIDENT: I have been through this, Mr Davis, as far as a member's right to cover broad issues goes. Mrs Deeming is now talking about her interaction with other entities, so I will ask her to continue.

Gaelle Broad: On a point of order, President, I just want to clarify too because I have been acting whip here. I did seek to get your advice earlier, and I was told that once the messages were received we were going to adjourn. My understanding is we have not adjourned yet.

The PRESIDENT: Once the messages are read we are going to adjourn, which we will get to.

Gaelle Broad: Ms Lovell did adjourn and did not actually speak.

Members interjecting.

The PRESIDENT: There is nothing to do with the procedure as far as the –

Evan Mulholland: On a point of order, President, I will just take you again to standing order 12.18, 'Unparliamentary expressions', point (2), which states:

> No member will make an accusation of improper motives or a personal reflection on any member of either House …

We have a member who says they were violently attacked by a parliamentary colleague but then said if it was anyone else, they would have given them the benefit of the doubt. That is an improper motive for a personal expression. That is an exact reading of the standing orders, and I ask the President to bring the member to order.

The PRESIDENT: You can dissect the personal explanation later. It is not for us to do that now.

David Davis: Further to the point of order, President, it is for us to do that now. If another standing order is being breached in the process, it is for us to raise as a point of order the other standing order. That is what Mr Mulholland and I have done.

The PRESIDENT: No. Mr Mulholland's point of order was not in line with that. There is a page left, and I will ask Mrs Deeming to continue.

Moira DEEMING: I asked the police to assess it, hoping that if the police found that it did not meet the criminal threshold, the party would then be able to investigate it confidentially and internally. While I was overseas and unwell, and while the police investigation remained underway, my confidential communications and the CCTV footage were leaked to journalists. My private words were isolated from the other evidence, conflated with my police statement and used to publicly discredit me on the basis that I said what Mr Guy did felt like or was some kind of headlock rather than saying something like 'my head felt locked in place'. 'No offence detected' does not mean that no assault occurred. Guy's actual actions in grabbing and pulling me were ignored, and I was –

Wendy Lovell: On a point of order, President, I think that the member has gone over the top by saying what she said about 'no offence detected'. I draw your attention to the rulings of President

Atkinson when Mr Somyurek was making allegations against Mr Andrews, and he ruled it out of order – that it was not the right thing to use this chamber for.

The PRESIDENT: That is because Mr Somyurek went outside what was intended.

Melina Bath: On a point of order, President, just for clarity, anything can be written on a piece of paper that somebody deems as being a fact even if it has been disproved by the police, and as long –

The PRESIDENT: It is not for me to determine facts. It is the member's response to media reports. Whether it is right or wrong – as in the facts – is not for me to determine.

David Davis: Further to the point of order, President, I understand your point, but your point appears to – if I can be direct – wilfully misunderstand that there is another standing order that is being breached in the process. Each standing order does not stand alone. It stands as part of a context and is about behaviour in the chamber. If there is a breach of behaviour that is occurring through the breach of a standing order, then you in your role are empowered and have a responsibility to rule and stop that breach of another standing order.

The PRESIDENT: The member is summarising a number of media reports and putting her view on those reports as part of a right of reply and a personal explanation, which people in here have the right to do.

Wendy Lovell: On the point of order, President, Mr Guy is a man of good standing. He has a reputation that this member is trying to destroy. He has a wife and three boys. I know his wife and three boys. I know how this has hurt them. This is just appalling, what is being allowed to happen.

The PRESIDENT: I am not reflecting on Mr Guy at all. I am not reflecting on any member. I am affording a member a personal explanation.

Moira DEEMING: 'No offence detected' does not mean that no assault occurred.

Katherine Copsey: On a point of order, President, I ask about the process that has occurred this afternoon. I want to ask whether you turned your mind to standing order 12.18(2) in the limited time that you were given to consider the statement that was put before you this afternoon.

The PRESIDENT: I had regard to the standing order around personal explanations.

Katherine Copsey: Further to the point of order, President, can I just confirm: you only had a limited amount of time to consider the statement that was put before you; however, you have not considered whether that statement falls foul of section 12.18(2)?

The PRESIDENT: I took into account the personal explanation in terms of a member relaying their opinion on media reports that they believe reflected on them. Mrs Deeming to continue.

Moira DEEMING: Guy's actual actions in grabbing and pulling me were ignored, and I was framed as a liar and Guy as an innocent victim. No police officer, judge or other authority found that I had lied, acted maliciously or made a false complaint. I asked Ms Wilson to specify exactly what I was required to apologise for, and she did not answer. The only –

Katherine Copsey: On a point of order, President, I am conscious that this has caused a lot of consternation for members this afternoon, and I simply put it to you that you have been put in a difficult position this afternoon, with limited time to make a ruling on something that I feel is quite consequential, around whether content that you have been asked to personally allow in the chamber is in breach of 12.18(2). I wonder if you would like to take time to consider that, given that that standing order has been raised repeatedly by members in debate this afternoon.

The PRESIDENT: I feel that we have been through a long journey here. I appreciate you saying I have been in a difficult position. Thank you for putting that to me. There are a few sentences left, and

I think Mrs Deeming can finish her statement and then we can have conversations about what rulings may have been okay or not.

Moira DEEMING: The only apology wording ever presented to me came through an intermediary. It required me to say that Mr Guy's conduct was a 'non-incident' and that I had 'no right to complain' and to apologise for 'making a fuss'. I would not say those things, because they were not true. I followed the party's processes. I kept the matter confidential. I followed its direction to police, disclosed my uncertainty and sought investigation and mediation. Every member and staff member should be able to raise genuine safety-in-the-workplace concerns without fear of career-ending political retaliation. I have no idea what Mr Guy's intentions were when he grabbed me. All I have wanted from this situation –

Evan Mulholland: On a point of order, President, the member is making imputations against another member of Parliament. What we have found today is that you have not sought to consider standing order 12.18(2). The member has not just made an imputation against one member of Parliament, she has also just made an imputation about the Leader of the Opposition and member for Kew.

The PRESIDENT: I do not think she has made a serious accusation against her.

Evan Mulholland: She accused the Leader of the Opposition of not taking correct action. President, you have heard from multiple sides of the chamber today about your consideration of the standing orders prior to allowing this personal explanation. I ask you to consider the standing orders and consider asking the member to make a substantive motion rather than airing false allegations in this place.

The PRESIDENT: I think every member has got a right to make any motion or substantive motion as they see fit.

Members interjecting.

The PRESIDENT: There is one sentence left. Mrs Deeming to finish her statement, and then we can take points of order.

Moira DEEMING: All I have wanted from this situation, where I have followed the rules and eventually been disendorsed for making a private complaint, was for somebody to tell Mr Guy to keep his hands to himself.

David Davis: On a point of order, President, I can humbly just say I think you have made some rulings that are not ideal today. What I would request is that the Procedure Committee look at this matter of the interplay between those two standing orders that have been quoted. This is a problem if this is to occur frequently. Members in the other chamber in particular will have little opportunity to respond – not that a personal explanation should be eliciting a response; it should be something that is more –

The PRESIDENT: I am happy to take up that suggestion, Mr Davis, as far as the Procedure Committee goes.

Wendy Lovell: On a point of order, President, I just wonder if you can give us an assurance that this is not going to be a regular occurrence in the remaining weeks of this Parliament.

The PRESIDENT: Ms Lovell, personal explanations have been few and far between when I have been in this chamber, and I would hope I would not have to deal with another one.

Bev McArthur: On a point of order, President, I wonder if you could also clarify your definition of 'a gross abuse of parliamentary privilege'.

The PRESIDENT: I am not going into my interpretations on certain things with definitions, because we could all get up and ask for definitions. I would hope, as I said, that I will not have to deal with something like this again.

Bev McArthur: On the point of order, President, you have actually set a precedent so that anybody could come into this chamber –

The PRESIDENT: No, it is not a precedent.

Bev McArthur: you have –

The PRESIDENT: There have been a number of personal explanations over the years.

Bev McArthur: and make accusations against other members of this house or another house. It is a precedent.

The PRESIDENT: Well, you are giving your opinion, and I have to determine if someone has a right to give a personal explanation as far as media reports go.

Evan Mulholland: On a point of order, President, can I ask that after this evening's episode, where multiple members of Parliament from different sides of the chamber have questioned the direction in which this was taken and the lack of reference to the standing orders which govern this place, perhaps in future there could be some kind of review on personal explanations so that members of Parliament are not defamed in the way that we have just seen tonight, as they were outside of the chamber as well. Members of Parliament should not be able to use the parliamentary chamber to get away with serious allegations that have affected someone's family. They should not be able to.

The PRESIDENT: The house has the right to review all standing orders and how they operate.

Bills

Corrections Amendment Bill 2026

Introduction and first reading

The PRESIDENT (18:01): I have received the following message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Corrections Act 1986** to provide that a prisoner's right to be in the open air is subject to operational considerations and to validate certain actions taken without delegations in place between 29 April 2024 and 18 May 2026 and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:02): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:02): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Corrections Amendment Bill 2026 (Bill).

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

Overview

Section 47(1)(a) of the *Corrections Act 1986* (Corrections Act) provides that every person in prison who is not ordinarily engaged in outdoor work has the right to spend at least one hour each day in the open air, weather permitting.

The Bill will amend the Corrections Act to provide that, in addition to any weather considerations, the right to be in open air may be limited where it is not reasonably practicable to provide the entitlement, having regard to operational considerations, including:

- the management, good order, or security of the prison;
- the rights, safe custody, or welfare of the prisoner;
- the rights, safe custody, or welfare of any other prisoner in the prison.

The Bill also provides that no amounts are payable by the State (as damages or other monetary compensation) for any limitations of the right under section 47(1)(a) that accrued before its commencement. This provision:

- applies to any proceedings that are on foot and have not been finally determined before the Bill commences, and
- does not apply to any proceedings that have been finally determined before the Bill commenced.

The amendments in the Bill respond to the Supreme Court's judgement in *Marrogi v Secretary, Department of Justice and Community Safety & Ors (No 1)* [2026] VSC 4 (Marrogi case). In this case, the Court found that rear courtyards attached to certain cells in specific high security and management units of the Metropolitan Remand Centre and Barwon Prison did not constitute being 'in the open air' for the purposes of the Corrections Act. Whilst the State has appealed that decision, this Statement of Compatibility is prepared on the basis of the Court's judgment.

The Bill addresses both legal and operational risks arising from the Marrogi case, to ensure that:

- Corrections Victoria (CV) can manage access to open air safely and lawfully, alongside operational considerations critical to the secure, effective functioning of prisons in Victoria, and
- the State's financial exposure arising from the Marrogi case is limited.

For the avoidance of doubt, the Bill will also amend the Corrections Act to, in effect, retrospectively validate the exercise or purported exercise of certain powers and functions by Advanced Practitioners working within the Department of Justice and Community Safety (department), between 29 April 2024 and 18 May 2026 (both dates inclusive) (relevant period). The relevant powers include certain powers and functions of the department Secretary under Parts 3, 3A, 3B, 3BA and 3C of, and Schedule 3 to, the *Sentencing Act 1991*, to manage people on community corrections orders (CCOs) and other fines-related orders (applicable provisions).

Due to an administrative oversight, certain directions and actions of Advanced Practitioners undertaken (or purportedly undertaken) pursuant to applicable provisions during the relevant period took place without an appropriate written instrument of delegation in place.

Human Rights Issues

The following Charter rights are relevant to, and in some cases may be limited by, the Bill:

- protection from cruel, inhuman or degrading treatment (section 10(b));
- the right to humane treatment when deprived of liberty (section 22(1));
- the right not to be deprived of property other than in accordance with law (section 20);
- right to freedom of movement and right to liberty (sections 12 and 21);

- right to fair hearing (section 24(1));
- right not to be tried or punished more than once (section 26); and
- right to protection from retrospective criminal laws (section 27).

Limitation on the right to be in open air in prison

The Bill amends the right to be in open air under section 47(1)(a) of the Corrections Act, to enable limitation of the right where it is not reasonably practicable to provide the full entitlement in light of operational considerations, including:

- the management, good order, or security of the prison;
- the rights, safe custody, or welfare of the prisoner;
- the rights, safe custody, or welfare of any other prisoner in the prison.

The provision is relevant to, but does not limit, the human rights in the Charter to freedom of movement and right to liberty (sections 12 and 21).

This provision is relevant to and may limit the following human rights in the Charter:

- protection from cruel, inhuman or degrading treatment (section 10(b)).
- the right to humane treatment when deprived of liberty (section 22(1)).

No amounts payable by the State for past limitations of the right to be in open air

The Bill introduces new section 111AA into the Corrections Act, that provides that no amounts are payable by the State for any limitations of a person's right to be in open air that accrued before the Bill commenced.

This provision is relevant to, but does not limit, the right not to be tried or punished more than once under section 26 of the Charter.

This provision is relevant to and may limit the following human rights in the Charter:

- the right to humane treatment when deprived of liberty (section 22(1));
- the right not to be deprived of property other than in accordance with law (section 20); and
- the right to fair hearing (section 24(1)).

Retrospective validation of directions and other actions of Advanced Practitioners

For the avoidance of doubt, the Bill, in effect, retrospectively validates directions and other actions that were undertaken (or purportedly undertaken) by Advanced Practitioners pursuant to applicable provisions during the relevant period, without an appropriate written instrument of delegation in place.

The applicable provisions provide the Secretary of the department with powers and functions to manage people on CCOs and other orders, including the power to:

- issue directions to a person on a CCO or other order, such as directions to attend supervision or treatment appointments, or to engage in community work
- commence criminal proceedings against a person for breach of their CCO or other order, including where the person has not complied with directions.

The Bill introduces a new section 112F into the Corrections Act which provides that any actions or omissions of Advanced Practitioners undertaken during the relevant period under applicable provisions:

- have and are taken to have always had for all purposes, the same force and effect as if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary; and
- are not invalid, and are taken to have never have been invalid, purely because there was no valid and lawful delegation by the Secretary of the relevant function or power in place at the time.

New section 112F(6) and 112F(9) ensures that the absence of a relevant delegation from the Secretary is to be disregarded in the determination of court and tribunal proceedings. New section 112F(7) provides that the discretion of the court to exclude evidence is otherwise unaffected. New section 112F(8) ensures the Court's discretion to stay a proceeding in the interests of justice is not limited.

This provision is relevant to, but does not limit following human rights in the Charter:

- the right to freedom of movement and right to liberty (sections 12 and 21); and
- the right not to be deprived of property other than in accordance with law (section 20).

The provision is relevant to and may limit the right to a fair hearing (section 24) and protection from retrospective criminal laws (section 27).

Human rights relevant but not limited by the Bill

Right to freedom of movement and right to liberty (sections 12 and 21)

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it, and has the freedom to choose where to live. Section 21(1) of the Charter provides that every person has the right to liberty and security. Section 21(2) provides that a person must not be subjected to arbitrary detention. Here 'arbitrary' means interferences which, on the facts of an individual case, are 'capricious, unpredictable or unjust', or those that are unreasonable as they are not proportionate to a legitimate aim sought. Section 21(3) provides that a person must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law.

The Bill's limitation on people in prisons' right to be in open air for operational reasons may appear to constitute a deprivation of freedom of movement and the right to liberty, as it may reduce a person's ability to be in and move around in the open air.

However, I do not consider the right to freedom of movement or the right to liberty under sections 12 and 21 of the Charter are limited by these provisions of the Bill given:

- this limitation does not itself deprive any persons of their liberty or right to move freely within Victoria. That deprivation occurred when the sentencing court imposed the sentence of imprisonment. The right to liberty is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court;
- the Bill does not affect the head sentence of imprisonment imposed by the sentencing court nor does it increase the limitation caused by the court's sentence. The Bill only enables the conditions of imprisonment to be altered in certain circumstances. As such, the limitation on the right to be in open air in the Bill cannot properly be construed as creating any new or increased deprivation of a prisoner's liberty; and
- the Bill sets out parameters for when a person's right to be in open air may be limited, rather than this being arbitrary. The Bill makes clear that the limiting of a person's right to be in open air may only occur in light of the weather, or operational considerations, including those listed in new section 47AAA(1).

The provisions in the Bill that, in effect, retrospectively validate certain directions and other actions of Advanced Practitioners may also appear to constitute a deprivation of freedom of movement and the right to liberty, as affected individuals may have been sentenced to imprisonment or become subject to more onerous CCO or other order conditions, as a result of the actions the Bill seeks to validate.

However, I do not consider the right to freedom of movement or the right to liberty under sections 12 and 21 of the Charter are limited by these provisions of the Bill given:

- the provisions do not themselves deprive any persons of their liberty or right to move freely within Victoria. Any deprivation of these rights occurred when the sentencing court imposed a sentence of a CCO or other order on a person. As such, the Bill cannot properly be construed as creating any new or increased deprivation of a person's liberty.
- the Bill does not alter the nature or severity of the above interferences with Charter rights. Instead, the Bill only affects a precondition for conducting these interferences, which is that relevant powers must by exercised by the Secretary or their delegate. The Bill has the result that interferences with human rights that may have otherwise been unlawful (due to an appropriate written instrument of delegation not being in place) will be lawful in retrospect.

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

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

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which that person has already been finally convicted or acquitted in accordance with the law.

This right enshrines the fundamental common law principle of 'double jeopardy' and promotes fairness for persons acquitted or convicted of an offence by ensuring they are not subjected to multiple prosecutions. Section 26 of the Charter therefore guarantees a person finality and certainty in the criminal justice system, by protecting them from being the subject of further prosecutions. It could be argued the provisions in the Bill which allow for limits on people's right to be in open air and which provide that no amount is payable for past limitations of the right to be in open air could impose a level of detriment or punishment, resulting in the right under section 26 being relevant.

However, I do not consider the Bill limits the right not to be tried or punished more than once under section 26 of the Charter.

These provisions are not introduced for the purpose of imposing a punishment.

In relation to the limitation of the right to open air, the Bill sets out conditions by which the right might be limited due to operational reasons including the safety of the prisoner.

In relation to the provisions in the Bill providing no amounts are payable by the State, the objective of this provision is to limit the State's financial exposure to claims that may be brought following the Marrogi case. Given the number of people who may have been held in conditions similar to Mr. Marrogi since the commencement of the Corrections Act, it is possible that further claims alleging limitations of the right to be in open air could be brought and result in the State needing to pay compensation. The relevant provisions will assist in limiting costs to the State of these potential claims. The Bill will ensure funds can instead be directed towards resources that benefit all Victorians, including facilitating an effective criminal justice system.

Further, while these clauses may result in some detriment to affected persons, not all detriment, hardship or distress inflicted by legislation will constitute a penalty or punishment. In this Bill, the detriment will not be inflicted as a result of a person being convicted or acquitted of a crime. Rather, the detriment will be incurred based on the timing of when their claim accrued and whether the proceedings were finalised prior to the commencement of the Bill.

The nature of the detriment is also not one ordinarily associated with criminal sanction or punishment, as there is no imposition of any personal liability on a person. The Bill does not impose a penalty or sanction for breach of provisions which prescribe a rule of conduct. It also does not seek to extinguish a person's civil rights and liabilities, or cause of action. Rather, it limits the remedies available to a person who has brought a civil claim. Further, the provision does not have a purpose of retribution, stigmatisation or penalisation – rather, the purpose of the provision is to limit the State's potential financial exposure for past breaches of section 47(1)(a).

Therefore, I do not consider the Bill to be engaging nor limiting the right not to be tried or punished more than once under section 26 of the Charter.

Human rights relevant and limited by the Bill

Protection from cruel, inhuman, degrading treatment (section 10(b)) and inhumane treatment (section 22(1))

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

For the purposes of section 10(b), ill-treatment must reach a minimum standard, or threshold, of severity or intensity before it can amount to cruel, inhuman or degrading treatment.[1] The assessment of the minimum threshold is relative and depends on all the circumstances of the case, including the duration of the treatment, its physical or mental effects, and the sex, age and state of health of the alleged victim.[2]

There is also a 'severity threshold' that must be met to establish a breach of section 22(1), which is assessed by reference to (among other things) the nature, severity, duration and frequency of the impugned conduct; the nature and extent of the impact on the prisoner; any particular vulnerability or condition of the prisoner; the purpose of the treatment, and the prisoner's own conduct.[3] The starting point under section 22(1) is that people in prison should not be subjected to hardship or constraint, other than the hardship or constraint that necessarily results from the deprivation of liberty as a result of their sentence. In determining whether some hardship or constraint falls into that category, it is necessary to consider not merely what is 'theoretically possible', but also what is 'practicable', 'reasonable in the context of a prison environment', and 'consistent with the very purpose of imprisonment itself'.[4]

(i) Limitation on the right to be in open air

I accept that amended section 47(1)(a)(i) and new section 47AAA inserted by the Bill may in certain circumstances limit a person's rights under sections 10(b) and 22(1) of the Charter. While the operation of these clauses may not always meet the requisite threshold for limiting sections 10(b) and 22(1) rights, it is possible that this threshold could be met in some cases. For instance, section 10(b) and 22(1) rights could be limited if the person whose right to be in open air was limited had particular mental health concerns that were exacerbated by lack of access to open air.

As such, it is necessary to consider whether the limitations on sections 10(b) and 22(1) are reasonable and demonstrably justifiable under section 7(2) of the Charter.

The purpose of provisions limiting the right to be in open air is to mitigate the operational risks arising from the Marrogi case and ensure CV can continue to manage access to open air safely. Enabling a limitation on the right to be in open air for operational reasons, ensures the entitlement can be managed alongside other critical concerns, such as the security and safety of all people in prison. This is particularly important in the highly complex operating environment of prisons, which require careful management of multiple interests and people with varying needs.

The provisions are intended to enable the right to be in open air to be limited on an ongoing basis and/or for extended periods of time based on operational reasons, as well as in one-off, unexpected or non-routine circumstances. For example, it may be necessary for higher risk prisoners in long term management to only have access to a rear yard, and therefore not receive their daily open air entitlement, over an extended period of time. Providing access to open air in these circumstances can create significant safety risks and/or result in open air rights becoming unavailable to other prisoners. In such a case, it is intended that new section 47(1)(a)(i) would permit the right to be in open air to be limited for the duration that those operational constraints prevail. In this way the reforms are intended to address the exact scenario that arose in Mr Marrogi's case, and similar cases involving higher risk prisoners in high security and management units.

The decision of the Supreme Court in the Marrogi case found that private rear courtyards attached to a person in prison's cell, which have been historically used to provide open air, are not sufficient to meet legislative requirements. At the time of consideration of this Bill, that decision is subject to an appeal by the State.

While all efforts are made to ensure people are afforded this right, the operational reality of the system is that it is not reasonably practicable to provide each person in prison who currently has access to a private rear courtyard with daily access to alternative yards.

This is exacerbated by the complex security and safety risks posed by people in high security or management units, which would require them to be in communal yards alone and escorted by staff. Providing this cohort with access to open air could therefore be to the detriment of other prisoners, and create risks to staff safety.

Possible infrastructure changes would still not provide a solution to the operational challenge of providing daily access to open air to every person in prison. Given the security risks posed by the cohort of people held in high security and management units, there may not be any suitable infrastructure solutions available that allow access to open air while also maintaining safety and security in the prison system.

The limitation on the right to be in open air is confined to circumstances where it is not reasonably practicable to provide the entitlement in light of operational considerations. The Bill does not enable the right to be limited at large.

While this confines the circumstances in which the right to be in open air may be limited, it does not completely mitigate the risk of arbitrary limits being imposed on section 10(b) and 22(1) rights. This may particularly be the case where limitations on the right to be in open air continue over a longer period, due to certain operational conditions persisting and government being aware of these.

For these reasons, I conclude on balance that the limitation on the rights in sections 10(b) and 22(1) of the Charter are unable to be justified in accordance with section 7(2) of the Charter. Accordingly, I conclude that amended section 47(1)(a)(i) and new section 47AAA inserted by the Bill are incompatible with human rights.

For this reason, new section 47AAA contains override declarations expressly providing that the Charter does not apply to amended section 47(1)(a)(i) and new section 47AAA. It also contains a sub-section providing that the override provisions do not need to be re-enacted every 5 years. Consequently, the Charter will have no application to these new sections in perpetuity. In this exceptional case, the Charter is being overridden and its application excluded to ensure access to open air in prison can continue to be managed safely, alongside other critical considerations.

I also propose to make a statement explaining the exceptional circumstances justifying the inclusion of those override declarations.

(ii) No amounts payable by the State for past limitations of the right to be in open air

New section 111AA inserted by the Bill may also be relevant to and limit rights under sections 10(b) and 22(1), given this provision removes the ability to obtain damages to mitigate the consequences of limitations on the right to be in open air in the context of a restrictive prison environment.

Section 10(b) of the Charter provides that a person must not be 'treated or punished in a cruel, inhuman or degrading way'. The law recognises that the protection from cruel, inhuman or degrading treatment or punishment is not confined to physical pain, but also protects against acts that cause mental suffering. This extends to treatment or punishment that humiliates or debases a person, or is capable of breaking moral or physical resistance. The pain and suffering caused by such treatment must, however, meet a minimum threshold of severity before this right will be relevant.

While there has been limited judicial consideration of section 10(b), this right has predominantly been found to apply in situations where severe suffering has been deliberately inflicted, or where a victim has been intentionally harmed, humiliated or debased. The majority of cases have focused on conditions of custody and/or physical harm inflicted on a person, rather than amendments to civil rights or remedies.

I acknowledge that new section 111AA inserted by the Bill may be relevant to this right by causing distress to a person, through removing their ability to be awarded monetary amounts following a successful claim

about an unlawful limitation of their right to be in open air. However, I do not consider that the minimum threshold of severity is met in order to constitute a limitation on the section 10(b) right. While the Bill may raise concerns of unfairness or detriment being incurred, it is not directed at intentionally causing any acute or intense harm to an individual. Additionally, while the Bill removes the ability for persons to recover amounts payable by the State in certain circumstances, it does not remove the ability of a person to bring a claim for alleged limitation of their right to be in open air or for them to be awarded other forms of relief for past limitations (for example, declaratory relief).

As such, it may be more appropriate to consider these provisions in the Bill as constituting a limitation of the right under section 22(1) that all persons deprived of liberty must be treated with humanity and respect for the inherent dignity of the human person. Section 22(1) captures 'conduct which lacks humanity, but falls short of being cruel; which demeans the person, but not to an extent which is degrading; or which is clearly excessive in the circumstances, but not grossly so.'[5] Removing the ability of certain people to recover amounts payable for past limitations of their right to be in open air may compound suffering experienced as a result of their right being limited. This may be exacerbated by the fact that the person experienced this suffering while being incarcerated and therefore may place them in a particularly vulnerable position.

Nevertheless, I consider this potential limitation of section 22(1) to be reasonably and demonstrably justifiable under section 7(2), and therefore compatible with the Charter. As noted above, new section 111AA has been inserted for the legitimate purpose of limiting the State's financial exposure to further claims which may arise following the Marrogi case. Given the number of people who may have been held in conditions similar to Mr. Marrogi since the commencement of the Corrections Act, it is possible that further claims alleging limitations of the right to be in open air could be brought and result in the State needing to pay compensation. The relevant provisions will assist in limiting costs to the State of these potential claims. The Bill will ensure funds can instead be directed towards resources that benefit all Victorians, including facilitating an effective criminal justice system.

Additionally, the relevant clauses are appropriately confined to achieving this purpose, given they:

- do not seek to extinguish all causes of action and do not prevent individuals from bringing claims for past limitations on the right to be in open air as well as not prohibiting other forms of non-monetary relief from being sought and awarded;
- do not interfere with any amounts already determined as payable in proceedings finalised before the Bill commences, and
- do not limit amounts payable for limitations of the right to be in open air that occur *after* the Bill commences – the limitation on amounts payable is restricted to claims brought for any limitations of the right to be in open air in section 47(1)(a) that accrued before the Bill commences and were not determined before this date.

Right not to be deprived of property other than in accordance with law (section 20)

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with law.

In considering whether this right has been limited a court will consider whether (a) the relevant law 'deprives' a person of 'property', and (b) that deprivation is not 'in accordance with law'. The right under section 20 requires that powers authorising the deprivation of property are conferred by legislation or common law; are confined and structured rather than unclear; and are accessible to the public.[6] Laws that permit or require a deprivation of property must also not operate arbitrarily.[7]

There is no Victorian authority considering whether an entitlement to amounts payable for an accrued cause of action against the State, constitutes 'property' under the Charter. Whilst 'property' is not defined in the Charter, in *PJB v Melbourne Health* (2011) 39 VR 373 the Supreme Court of Victoria indicated that it should be 'interpreted liberally and beneficially to encompass economic interests.' Given this, it is possible that an entitlement to amounts payable arising from an unlawful limitation of the right to be in open air could be conceived of as 'property'.

Provisions of the Bill limiting amounts payable for past limitations of the right to be in open air may 'deprive' a person of such property, by preventing a person from obtaining amounts that may otherwise have been payable by the State in certain cases.

The potential deprivation of property by these provisions may still be considered lawful, if it occurs in accordance with law. For deprivation of property to be in accordance with law, the Bill must not operate arbitrarily.[8]

In *WMB v Chief Commissioner of Police* (2012) 43 VR 446, the Court of Appeal stated that a law is arbitrary where it is capricious, unjust, unpredictable or unreasonable in the sense of not being proportionate to a

legitimate purpose. While new section 111AA inserted by the Bill provides a clear, confined and publicly available legislative basis for depriving a person of property, they could still be characterised as arbitrary, in the sense of being capricious, unpredictable or unjust. This is because this provision applies to causes of action that have already accrued and in doing so, removes the ability of a cohort of people to recover amounts to which they might otherwise have been entitled to as a result of the State's wrongful conduct. This sense of capriciousness or unjustness could be particularly acute where these provisions affect people in prison, who are especially vulnerable by reason of being subject to the control of prison authorities.

However, a law will not be considered arbitrary where it is considered proportionate to achieving a legitimate purpose. As outlined above, new section 111AA inserted by the Bill is intended to achieve the legitimate purpose of reducing the State's financial exposure for any past limitations of the right to open air. Being proportionate to that aim, new section 111AA may therefore not be considered to operate in an arbitrary manner and may not result in a limitation of the property under section 20.

In any case, even if these clauses were deemed to limit section 20 rights, I consider any limitation would be reasonably and demonstrably justifiable under section 7(2).

Once more, new section 111AA has been introduced for the legitimate purpose of reducing the State's financial exposure for any past limitations of the right to open air. Given the number of people who may have been held in conditions similar to Mr. Marrogi since the commencement of the Corrections Act, it is possible claims could be brought and result in the State needing to pay compensation. The Bill will limit the State's financial exposure for responding to such claims, ensuring funds can be directed to benefit all Victorians, including facilitating an effective criminal justice system.

Additionally, the relevant provisions are appropriately confined given they:

- still enable claims for past limitations on the right to be in open air to be brought and do not prohibit other forms of non-monetary relief from being granted to successful claimants (such as declaratory relief);
- do not interfere with any amounts already awarded by courts in proceedings finalised before the Bill commences; and
- do not limit amounts payable for limitations of the right to be in open air that occur after the Bill commences – the limitation on amounts payable is restricted to claims brought for any limitations of the right to be in open air in section 47(1)(a) that accrued before the Bill commences and were not determined before this date.

I therefore consider that any limitation the Bill places on the right to property under section 20 of the Charter can be reasonably justified pursuant to the factors in section 7(2).

Provisions of the Bill that, in effect, retrospectively validate actions of Advanced Practitioners may have the practical effect of extinguishing causes of action that persons may have had against the State, such as causes of action for false imprisonment. Any such deprivation of causes of action would be authorised by, and in accordance with, the amended legislation. In my view, the relevant provisions of the Bill are publicly accessible, clear and certain. The provisions do not operate arbitrarily, for example by providing for extinguishment of cause of action by exercise of a broad discretionary power.

I therefore consider that any deprivation of property would be in accordance with law and would not limit property rights under section 20 of the Charter.

Right to fair hearing (section 24(1))

Section 24(1) of the Charter provides the right to fair hearing. This right requires judicial determination of what civil rights and liabilities exist as a matter of substantive law. However, it does not prevent the State from altering the content of those civil rights in the substantive law.[9]

The distinction between what may be regarded as a procedural bar to bringing a civil claim, which would generally engage rights under section 24, and what may alter the substantive law, which would generally not engage these rights, may be difficult to determine in some circumstances.[10] While this issue has not been judicially considered in Victoria, the European Court of Human Rights has suggested that a court should not be unduly influenced by particular legislative techniques used or labels put on the relevant restriction.[11]

It may be argued that provisions limiting amounts payable for past limitations of the right to be in open air do not impede judicial determination of such claims or act as a procedural bar to bringing such a claim, as they do not prevent claims from being brought or affect how they are determined. Rather, these clauses simply limit the kind of relief that may be awarded following a successful claim being made out.

However, the provisions may limit rights under section 24(1), given they could be considered as operating retrospectively through their application to causes of action that have already accrued before the Bill

commences, but for which proceedings are not finalised until after the Bill commences. This in turn could be seen as interfering with the judicial process.

Once more, I nevertheless consider the limitations on rights under section 24 to be reasonably and demonstrably justifiable under section 7(2) of the Charter, given they are intended to limit the State's financial exposure following the Marrogi case and are appropriately confined. As noted above, without these clauses in place, there is a risk that further claims could be brought by people who have previously been held in similar conditions to Mr. Marrogi and result in the State needing to pay compensation. The Bill will ensure funds can instead be directed towards resources that benefit all Victorians, including facilitating an effective criminal justice system.

Additionally, the provisions are appropriately confined by:

- still enabling claims for past limitations on the right to be in open air to be brought and do not prohibit other forms of non-monetary relief from being granted to successful claimants;
- not interfering with any amounts already determined as payable by a court in proceedings finalised before the Bill commences; and
- not limiting amounts payable for limitations of the right to be in open air that occur *after* the Bill commences – the limitation on amounts payable is restricted to claims brought for any limitations of the right to be in open air that accrued before the Bill commences and were not determined before this date.

It may also be argued that provisions of the Bill that, in effect, retrospectively validate actions of Advanced Practitioners limit the right under section 24(1) of the Charter by depriving an accused of the ability to argue that evidence obtained as a result of a potentially invalid action of an Advanced Practitioner should not be admitted at trial or considered in a proceeding before a tribunal.

However, I am of the opinion that these provisions of the Bill are not inconsistent with the right to a fair hearing. In *Rich v The Queen* (2014) 43 VR 558, the Court of Appeal held that similar retrospective validation provisions were consistent with the right to a fair hearing. In that decision, the Court found that the applicant's inability to contest the admissibility of subject evidence was incapable of depriving the applicant of a fair trial, unless the admission of the subject evidence itself was productive of an unfair trial. The admission of subject evidence could not have been productive of an unfair trial unless, as a matter of public policy or fairness, the subject evidence should have been excluded. In the Court's view, neither public policy nor fairness, nor any other relevant legal consideration, required that the subject evidence be excluded. The common law discretion to exclude unlawfully obtained evidence is largely based on considerations other than fairness.

The Bill, while requiring a court or tribunal to disregard the fact that a direction or other action of an Advanced Practitioner during the relevant period would have been invalid but for this Bill, explicitly preserves the Court's discretion to exclude evidence in civil or criminal proceedings or stay civil or criminal proceedings in the interests of justice.

In my view, the admission of evidence obtained in reliance of actions of Advanced Practitioners conducted in the absence of an appropriate written instrument of delegation is not productive of an unfair trial and will not lead to any unfairness to an accused. Accordingly, I am satisfied that the new 112F is consistent with the right to a fair hearing in section 24 of the Charter.

Right to protection from retrospective criminal laws (section 27)

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in. Section 27 applies to changes in the law that create an offence for acts done before the legislation comes into force, or broadens an existing offence by altering the activities to which it applies or amends criminal procedure in a way that affects the fairness of trial procedures. The section 27(1) right flows from the general principle of criminal law that a person should be able to predict the criminal culpability attaching to their actions at the time they occurred.

Proposed new section 112F, in effect, retrospectively validates certain actions of Advanced Practitioners to the extent that those actions would have been lawful if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary. In some of its operations, section 112F would not limit the right in section 27(1) of the Charter. For example, to the extent that the provision confers jurisdiction on a court in prosecutions that were invalidly commenced by Advanced Practitioners, the provision would more aptly be characterised as a retrospective conferral of jurisdiction, rather than a retroactive criminal law. To the extent that the provisions extinguish claims such as false imprisonment, the amendments would affect a person's civil claims, not criminal laws.

However, in other cases, proposed new section 112F may limit the right in section 27(1) of the Charter by validating convictions for conduct that was not a criminal offence when the conduct was engaged in because the conduct involved disobeying an invalid direction of an Advanced Practitioner.

However, I consider the limitations on the right in section 27(1) to be reasonably and demonstrably justifiable under section 7(2) of the Charter. The Bill is not intended to impose punishment. Instead, proposed new section 112F serves the legitimate purpose of mitigating the legal, financial and community safety risks arising from the absence of a delegation to Advanced Practitioners, including the risk that:

- people affected by the issue could avoid accountability for breaches of a CCO or other orders if proceedings or sentences for breaches of those orders are delayed, withdrawn, amended, set aside or overturned on the basis of an administrative oversight only;
- people affected by the issue could pose community safety risks if they are released from custody or current prosecutions against them are withdrawn or amended;
- a large number of legal proceedings could be issued against the State and could result in the State needing to pay compensation to affected people for an administrative oversight.

The Bill addresses these risks by confirming acts that were taken in good faith, pursuant to statutory powers and clarifying that any act, decision, determination, judgment or order of a court in any civil or criminal proceeding relying on those acts is lawful. Despite the absence of an appropriate written instrument of delegation to Advanced Practitioners, these officers possessed the requisite training and skills to carry out the relevant powers and functions of the Secretary and acted in good faith that valid delegations were in place to authorise them to exercise those powers and functions. The Bill does not significantly affect the circumstances in which the powers of the Secretary were exercised or the outcome of the exercise of those powers. As such, the Bill serves, rather than undermines, the value of certainty and predictability of the legal processes and of the criminal consequences of actions that underlies section 27 of the Charter.

I am satisfied there are no less restrictive means reasonably available to achieve the purpose of mitigating the relevant legal, financial and community safety risks. The Bill is appropriately confined to achieving this purpose, given it:

- is limited to matters that are related to actions taken by Advanced Practitioners during a defined period (29 April 2024 to 18 May 2026);
- only validates the exercise (or purported exercise) of specific powers, functions or duties of the Secretary under the Sentencing Act by Advanced Practitioners;
- does not apply more broadly to validate actions that are invalid other than because of the absence of an appropriate written instrument of delegation from the Secretary;
- does not create a new criminal offence or alter the substance of any direction or decision – it confirms acts that would have had the same legal effect had a valid delegation been in place;
- does not limit the discretion of the court to stay a proceeding in the interests of justice or otherwise limit the court's discretion to exclude evidence in a proceeding.

I am satisfied that the limit on the right in section 27(1) of the Charter is reasonable, balanced against the adverse consequences that may occur if this remedial legislation is not introduced. I am satisfied that the limitation on the right in s 27(1) would be justified for the purposes of s 7(2) of the Charter and that it is therefore not incompatible with the right.

Conclusion

By enabling the limitation on the right to be in open air in certain circumstances, the Bill ensures open air access can be appropriately managed alongside operational considerations critical to the safe, effective functioning of prisons in Victoria. The importance of achieving this objective warrants the exceptional inclusion of a Charter override in relation to these provisions.

While Charter rights may be limited by provisions in the Bill providing that no amounts are payable by the State for past limitations of the right to be in open air that have not been finalised before the commencement of the Bill, these limitations are reasonably and demonstrably justifiable given their important and legitimate purpose of limiting the State's financial exposure following the Marrogi case. Additionally, they are appropriately confined to ensure the Bill strikes the right balance between ensuring claims can continue to be brought for past limitations of the right to be in open air and certain non-monetary relief granted, while also providing for effective management of the State's resources.

Similarly, provisions of the Bill that, in effect, retrospectively validate certain directions and other actions of Advanced Practitioners may limit Charter rights. However, these limitations are reasonably and demonstrably

justifiable given they are appropriately confined to achieve the important and legitimate purpose of mitigating legal, financial and community safety risks.

The Hon. Enver Erdogan MLC
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

[1]*Brown v State of Victoria (No 3)* [2025] VSC 765, [497] quoting *Certain Children v Minister for Families and Children (No 2)* (2017) 52 VR 441 (***Certain Children (No 2)***), [250].

[2]Ibid.

[3]*Taylor v Attorney-General* [2022] NZHC 3170, [36], [38].

[4]*Castles v Secretary to the Department of Justice* (2010) 28 VR 141, [112], [137].

[5]*Certain Children (No 2)*, [245], quoting *Taunoa v Attorney-General* (2007) 9 HRNZ 104, [177].

[6]*PJB v Melbourne Health* (2011) 39 VR 373, *Patrick's Case*, [91].

[7]Ibid.

[8]Ibid.

[9]See *Roche v United Kingdom* (European Court of Human Rights, Application No 32555/96, 19 October 2005) (***Roche***).

[10]E.g. see discussion in *Roche*, [90]-[94]; [116]-[121].

[11]*Roche*, [121]; E.g. see also *Al-Adsani v United Kingdom* (European Court of Human Rights, Application no 35763/97, 21 November 2001), [46]-[49]. where this distinction was a relevant factor in finding that state immunity from suit was found to be a procedural bar on the national courts' power to determine the relevant right.

Statement of treaty compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:02): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In my opinion, the Bill, as introduced to the Legislative Council is, in part, compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill modifies the right to be in open air under section 47(1)(a) of the *Corrections Act 1986* (the Corrections Act).

Section 47(1)(a) provides that every person in prison has, if not ordinarily engaged in outdoor work, 'the right to be in the open air for at least an hour each day, if the weather permits'.

The Bill will amend the Corrections Act to provide that the right to be in open air may be limited where it is not reasonably practicable to provide the full entitlement, having regard to operational considerations, including:

- the management, good order or security of the prison;
- the rights, safe custody or welfare of the prisoner;
- the rights, safe custody or welfare of any other prisoner in the prison.

These provisions are intended to enable the right to be in open air to be limited in one-off, unexpected or non-routine circumstances, and on an ongoing basis and/or for extended periods of time, based on operational reasons.

The Bill will also provide that no amount is payable by the State (as damages or other monetary compensation) to any person for any limitations of the right under section 47(1)(a) that occurred before its commencement. This provision:

- applies to any proceedings that are on foot and have not been finally determined before the Bill commences, and
- does not apply to any proceedings that have been finally determined before the Bill commenced.

These amendments respond to the Supreme Court's judgement in *Marrogi v Secretary, Department of Justice and Community Safety & Ors (No 1)* [2026] VSC 4 (Marrogi case), which found that rear courtyards attached

to certain high security and management units of the Metropolitan Remand Centre and Barwon Prison did not constitute being 'in the open air' for the purposes of the Corrections Act.

The Bill addresses legal and operational risks arising from the Marrogi case, to ensure that:

- Corrections Victoria (CV) can manage access to open air safely and lawfully, alongside operational considerations critical to the secure, effective functioning of prisons in Victoria, and
- the State's financial exposure arising from the Marrogi case is limited.

The Bill will also amend the Corrections Act to retrospectively validate the exercise or purported exercise of certain powers and functions by Advanced Practitioners working within the Department of Justice and Community Safety (department), between 29 April 2024 and 18 May 2026 (both dates inclusive) (relevant period). The relevant powers and functions include certain powers and functions of the department Secretary under Parts 3, 3A, 3B, 3BA and 3C of, and Schedule 3 to, the *Sentencing Act 1991*, to manage people on community corrections orders (CCO) and other fines-related orders (applicable provisions). These include powers to:

- issue directions to a person on a CCO or other order, such as directions to attend supervision or treatment appointments, or to engage in community work
- commence criminal proceedings against a person for breach of their CCO or other order, including where the person has not complied with directions.

Due to an administrative oversight, certain directions and actions of Advanced Practitioners undertaken (or purportedly undertaken) pursuant to applicable provisions during the relevant period took place without an appropriate written instrument of delegation in place.

The Bill introduces a new section 112F into the Corrections Act which provides that any actions or omissions of Advanced Practitioners undertaken during the relevant period under applicable provisions:

- have and are taken to have always had for all purposes, the same force and effect as if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary; and
- are not invalid, and are taken to have never have been invalid, purely because there was no valid and lawful delegation by the Secretary of the relevant function or power in place at the time.

New section 112F(6) and 112F(9) ensures that the absence of a relevant delegation from the Secretary is to be disregarded in the determination of court and tribunal proceedings. New section 112F(7) of the Bill provides that the discretion of the court to exclude evidence is otherwise unaffected. New section 112F(8) ensures the Court's discretion to stay a proceeding in the interests of justice is not limited.

Consultation with the First Peoples' Assembly of Gellung Warl

Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the parts of the Bill relating to the right to be in open air or for them to otherwise make representations about the effect of those amendments on First Peoples.

The First Peoples' Assembly were notified of the provisions of the Bill that, in effect, retrospectively validate certain Advanced Practitioner actions and omissions. However, given the limited timeline, and constrained nature of the amendments, representations have not been sought or received from the Assembly.

Compatibility of the Bill with each object in section 66(3)(d) of the Statewide Treaty Act

I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025*:

(i) advancing the inherent rights and self-determination of First Peoples; and

(ii) addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

(iii) ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

It is noted that the Bill does not in its terms include any provisions which apply specifically to First Peoples – it amends a statutory entitlement that applies to all people in prison and retrospectively validates directions and actions impacting upon certain people who are or were subject to a CCO or other order. However, the practical effect of the Bill may be to undermine inherent rights, unacceptable disadvantage inflicted, human rights and fundamental freedoms of First Peoples, given Aboriginal people are significantly overrepresented in the prison population and on CCO and other orders. Aboriginal people are also marginally overrepresented in the number of people in prison who are separated, where the provisions in the Bill relating to the right to be in open air are more likely to be relied upon, given the operational challenges of providing these individuals with access to open air.

As a result, Aboriginal people may be disproportionately affected by the Bill, particularly those who have been separated in prison.

Advancing the inherent rights and self-determination of First Peoples

It is acknowledged that the exercise of the right to self-determination will necessarily be limited when an Aboriginal person is in prison, given the loss of liberty inherent in conditions of custody, or is subject to a CCO or other order, given the directions and conditions inherent in that form of supervision in the community. However, particular consideration has been given to whether, within the context of the residual liberty enjoyed by a prisoner or person on a CCO or other order, the right to self-determination is further affected by the Bill.

While CV seeks to enable self-determination rights in prisons where possible, for example by giving Aboriginal people the ability to shape how they engage with programs and culture in prison, settings such as security classifications, and where a person is accommodated within the prison system, are inherent features of a custodial environment that cannot be self-determined. As the Bill contains only amendments to the right to be in open air within these operational settings, these amendments do not further limit self-determination.

The inherent rights of First Peoples, as outlined in the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP), derive from First People's political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies.

An inherent right of First Peoples that may be impacted by this Bill includes the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights (article 40).

This is because of clauses in the Bill which provide that no amounts are payable by the State for limitations of the right to be in open air that occurred before the Bill commenced, which could limit the effective remedies available to First Peoples who may otherwise have brought claims for such past limitations of the right to be in open air.

Similarly, clauses in the Bill which, in effect, retrospectively validate certain directions and actions by Advanced Practitioners could limit the effective remedies available to First Peoples by extinguishing certain civil causes of action that may otherwise have been available to First Peoples against the State. This includes claims for false imprisonment arising from convictions or sentences affected by the absence of an appropriate written delegation.

In my opinion, the Bill is nevertheless compatible with the object of advancing the inherent rights of First Peoples. My assessment of compatibility is informed by consideration of proportionality, guided by the test in section 7(2) of the *Charter of Human Rights and Responsibilities Act 2006* (Charter).

In my opinion, the limitations on this object are proportionate to the legitimate policy purpose of these clauses in the Bill. Provisions providing no amounts are payable by the State for past breaches of the right to be in open air assist in reducing the State's financial exposure to other legal claims that may be instigated following the Marrogi case.

These provisions are appropriately confined to achieving this purpose, given they:

- do not seek to extinguish all causes of action and still enable individuals to bring claims for past limitations on the right to be in open air, as well as not prohibiting other forms of non-monetary relief from being sought and awarded;
- do not interfere with any amounts already determined as payable in proceedings finalised before the Bill commences; and
- do not limit amounts payable for limitations of the right to be in open air that occur after the Bill commences—the limitation on amounts payable is restricted to claims brought for any limitations of the right to be in open air in section 47(1)(a) that accrued before the Bill commences and that were not determined before this date.

The provisions of the Bill that, in effect, retrospectively validate directions and other actions of Advanced Practitioners serve the legitimate purposes of mitigating the legal, financial and community safety risks arising from the absence of a delegation to Advanced Practitioners.

These provisions are appropriately confined to achieving these purposes, given they:

- are limited to matters that are related to actions taken by Advanced Practitioners during a defined period (29 April 2024 to 18 May 2026);
- only validate the exercise (or purported exercise) of powers, functions or duties of the Secretary that were exercised by Advanced Practitioners during the relevant period under Parts 3, 3A, 3B, 3BA and 3C of, and Schedule 3 to, the Sentencing Act;

- do not apply more broadly to validate actions that are invalid other than because of the absence of an appropriate written instrument of delegation from the Secretary as a result of an administrative irregularity;
- do not create any new criminal offences or alter the substance of any direction or decision – they confirm acts that would have had the same legal effect had a valid delegation been in place; and
- do not limit the discretion of the court to stay a proceeding in the interests of justice or otherwise limit the court's discretion to exclude evidence in a proceeding.

In my opinion, the Bill is therefore compatible with the objects specified in section 66(3)(d)(i) of the *Statewide Treaty Act 2025*.

Addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation

The Bill does not expressly address the unacceptable disadvantage inflicted on First Peoples by colonisation. As outlined above, the provisions in the Bill apply to all people in prison and certain people subject to CCOs or other orders. There are no specific provisions which are directed to or may mitigate its impact on Aboriginal people in custody.

In its practical effect, this could compound the unacceptable disadvantage experienced by Aboriginal people in prison or on CCOs or other orders, noting that, despite efforts under the Closing the Gap National Agreement and related efforts under the Aboriginal Justice Agreement, Aboriginal people remain significantly overrepresented in prison and subject to CCOs and other orders. Additionally, as noted above, Aboriginal people are overrepresented in prison numbers and also marginally overrepresented in the number of people who have been separated in prison.

The Yoorrook Justice Commission found that '[t]he prison system does not exist separately from the ongoing processes of colonisation'. I note that incarceration can have profound impacts on a person's physical and mental health and family and cultural connections, which may be compounded by limitations on the right to open air enabled by this Bill.

In my opinion, the provisions in the Bill which provide that no amounts are payable for past limitations of the right to be in open air and provisions that retrospectively validate certain Advanced Practitioner actions are nevertheless compatible with this object. As outlined above, these provisions are a proportionate means of achieving a legitimate policy purpose, and the provisions are appropriately confined to achieving that purpose.

However, I accept that the provisions in the Bill that enable the right to be in open air to be limited in operational circumstances may compound the unacceptable disadvantage experienced by Aboriginal people.

In my opinion, the Bill is therefore, in part incompatible with the objects specified in section 66(3)(d)(ii) of the *Statewide Treaty Act 2025*.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

As noted above, the Bill does not, on its face, make distinctions based on First Peoples — it applies equally to all people in prison and certain people on CCOs or other orders. It does not include any specific provisions addressing Aboriginal people in prison or community corrections. However, as Aboriginal people are significantly overrepresented in the prison system and community corrections, and marginally overrepresented in instances of separations, they could be disproportionately affected by the rights and freedoms limited through this Bill. As such, I consider that the Bill has a differential practical effect on First Peoples.

In terms of whether this differential practical effect results in the unequal enjoyment of human rights or fundamental freedoms enjoyed by First Peoples compared to others, it is necessary to consider the human rights and fundamental freedoms relevant to the Bill.

The following rights under the Charter are relevant and may be limited by the provisions enabling the limitation of the right to open air:

- protection from cruel, inhuman or degrading treatment (section 10(b)) and the right to humane treatment when deprived of liberty (section 22(1)) – these provisions may limit these rights under the Charter in certain circumstances where the denial of open air reaches the requisite threshold, for example where limiting access to open air has potentially exacerbated a person's mental health concerns.

The following rights are relevant and may be limited by the provisions providing that no amounts are payable for past limitations of the right to be in open air that accrued before the Bill commenced:

- Right to humane treatment when deprived of liberty (section 22(1)) – removing the ability of certain people to obtain any amounts for past limitations of their right to open air may compound the suffering experienced as a result of their right being limited. While section 10(b) may be relevant, the minimum

threshold of severity required to constitute cruel, inhuman or degrading treatment is not considered to be met. This is because, unlike the limitation on open air access itself, the no amounts payable clauses do not directly affect a prisoner's physical conditions of detention. Removing the ability to seek monetary compensation for past limitations does not, of itself, constitute cruel, inhumane or degrading treatment. The Bill is not directed at intentionally causing acute harm and does not remove the ability to bring a claim. Further, it does not prohibit the granting of other forms of non-monetary relief (like declaratory relief).

- Right not to be deprived of property other than in accordance with the law (section 20) – while the 'no amounts payable' clauses in the Bill provide a clear, confined and publicly-available legislative basis for depriving a person of property, they could still be characterised as arbitrary or unpredictable. These clauses apply to causes of action that have already accrued and in doing so, remove the ability of individuals to obtain damages for limitations on their right to be in open air – that is, to enforce a right that was available to them under the existing statutory scheme. This could be seen as particularly unjust where these provisions affect people in prison, who are especially vulnerable by reason of being subject to the control of prison authorities.
- Right to fair hearing (section 24(1)) – the provisions which provide no amount is payable for past limitations of the right to be in open air could be seen as limiting the right to a fair hearing due to their potential application to causes of action that have already accrued and proceedings that may already be on foot at the time the Bill commences. This could be seen as impeding access to courts and therefore limiting the right to a fair hearing.

The following rights are relevant and may be limited by the provisions validating actions of Advanced Practitioners:

- Right to a fair hearing (section 24) – section 112F may limit this right by depriving an accused of the ability to argue that evidence obtained as a result of a potentially invalid action of an Advanced Practitioner should not be admitted at trial or considered in a proceeding before a tribunal. In the case of *Rich v The Queen* (2014) 43 VR 558, a materially identical provision was held to be consistent with section 24(1). For similar reasons, I am satisfied that section 112F(6) and 112F(9) is consistent with this right. In my view, the admission of evidence obtained in reliance on actions of Advanced Practitioners conducted in the absence of an appropriate written instrument of delegation is not productive of an unfair trial and will not lead to any unfairness to an accused.
- Right to protection from retrospective criminal laws (section 27) – in some of its operations, section 112F would not limit this right, for example where it retrospectively confers jurisdiction on a court in relation to prosecutions that were invalidly commenced. However, in other cases, the provision may limit this right, where it has the effect of validating a conviction for conduct that was not a criminal offence at the time it was engaged in, because it was conduct consisting of disobeying an invalid direction of an Advanced Practitioner. I consider the limitation on this right to be justified under a proportionality assessment, because the purpose of section 112F is not to impose punishment but to confirm acts taken in good faith under statutory powers that were affected by an administrative oversight, and because the provision serves rather than undermines the value of certainty and predictability that underlies section 27. As noted above, the provision is also appropriately confined, including being limited to the exercise (or purported exercise) of particular powers and functions during a specific time period.

Pursuant to article 24(2) of UNDRIP, the Bill may also be relevant to and limit the right of First Peoples' enjoyment of the highest attainable standard of physical and mental health. Access to open air is important to the physical and mental well-being of all people in custody and limiting the right to open air may disproportionately affect Aboriginal people in prison, given their significant overrepresentation in the prison population generally and marginal overrepresentation within people who have been separated.

As noted above, the Bill may also engage and limit the right to fair procedures for the resolution of conflicts and disputes, under UNDRIP article 40.

The provisions limiting amounts payable by the State engage the right to just and fair procedures for the resolution of disputes, given they could limit the effective remedies available to First Peoples who may otherwise have brought claims for such limitations of the right to be in open air.

The retrospective validation provisions may also engage the right under article 40 of the UNDRIP to access just and fair procedures for the resolution of disputes and to effective remedies, to the extent that section 112F has the effect of extinguishing civil causes of action, such as claims for false imprisonment, that may otherwise have been available to First Peoples affected by the absence of a valid delegation.

Further, in accordance with article 7(1) of the UNDRIP, the right to life, physical and mental integrity, liberty and security of person held by First Peoples is also relevant and may be limited by the Bill. While all people in prison may experience a limitation of their rights in sections 10(b) and 22(1) of the Charter, the limitation of the right to open air may have an additional, disproportionate impact on the rights of Aboriginal people in prison under article 7(1).

In considering whether the differential effects of the Bill on Aboriginal people results in 'unequal enjoyment' of these human rights, I have considered the degree to which the difference in enjoyment of these rights is inconsistent with First Peoples being afforded equal dignity and respect.

For **clauses that retrospectively validate certain directions and other actions by Advanced Practitioners**, I consider that the Bill has a differential practical effect on First Peoples. This is on the basis that while the retrospective validation clauses apply generally to directions and other actions of Advanced Practitioners during the relevant period, First Peoples are disproportionately represented in community corrections. As at May 2026, Aboriginal and Torres Strait Islander people comprised approximately 10.4 per cent of people in community corrections and approximately 11.5 per cent of people on supervised court orders, despite representing less than 2 per cent of the Victorian population. As such, First Peoples form a disproportionately high proportion of people impacted by the unlawful directions or actions of Advanced Practitioners during the relevant period.

However, I do not consider that this difference is incompatible with First Peoples being afforded equal dignity and respect. I form this view on the basis that there is no significant risk that the retrospective validation provisions are incompatible with the Charter. I also note the narrow circumstances in which the human rights of First Peoples' may be limited, particularly given the provisions do not create any new criminal liability or alter the substance of any direction or decision – they only confirm acts that would have had the same legal effect had a valid delegation been in place.

I consider that these provisions are compatible with the equal enjoyment of human rights and fundamental freedoms by First Peoples as they are appropriately confined and proportionate to achieving their purpose, as detailed above.

For **clauses providing no amounts are payable by the State for past limitations of the right to be in open air**, I consider that the Bill has a differential practical effect on First Peoples. This is on the basis that while the no amounts payable clauses apply universally to all people in prison, Aboriginal people are disproportionately represented in the prison population and within the separated cohort most likely to have experienced limitations on open air access. As such, Aboriginal people are likely to form a disproportionately high proportion of prospective claimants affected by the removal of the monetary remedy.

I consider that the differential effect results in a difference in enjoyment of such rights and freedoms that it may result in First Peoples not being afforded equal dignity and respect. However, in my opinion this impact on the rights of First Peoples is still compatible with the equal enjoyment of human rights and fundamental freedoms by First Peoples. This is informed by a consideration of proportionality using section 7(2) of the Charter, regarding the limitations on rights under sections 20, 22(1), or 24 of the Charter and articles 7 and 40 of UNDRIP.

I form this view that the limitations on these rights are proportionate on the basis that:

- The reforms have been implemented for the legitimate purposes of limiting the State's financial exposure to claims following the Marrogi case. As outlined above, people could bring claims following the Marrogi case, which could result in the State needing to pay compensation. The relevant provisions will assist in limiting costs to the State of these potential claims and instead ensure funds can be directed towards benefiting all Victorians.
- These provisions are appropriately confined to achieving this purpose, given they:
    - do not seek to extinguish all causes of action and still enable individuals to bring claims for past limitations on the right to be in open air, as well as not prohibiting other forms of non-monetary relief from being sought and awarded;
    - do not interfere with any amounts already determined as payable in proceedings finalised before the Bill commences; and
    - do not limit amounts payable for limitations of the right to be in open air that occur after the Bill commences—the limitation on amounts payable is restricted to claims brought for any limitations of the right to be in open air in section 47(1)(a) that accrued before the Bill commences and were not determined before this date.

For the **clauses limiting the right to open air**, I acknowledge that these clauses may result in the unequal enjoyment of human rights and fundamental freedoms of First Peoples, including rights under sections 10(b) and 22(1) of the Charter and under article 7 of UNDRIP.

There are a number of factors that assist in mitigating the impact of these limitations. These provisions have been enacted for the legitimate policy purpose of enabling the right to be in open air to be limited for operational considerations. This ensures that the entitlement can be managed in a safe way, alongside other critical concerns, including the security and safety of all people in prison. This is particularly important in the highly complex operating environment of prisons.

The provisions are intended to enable the right to be in open air to be limited on an ongoing basis and/or for extended periods of time based on operational reasons, as well as in one-off, unexpected or non-routine circumstances. For example, it may be necessary for higher risk prisoners in long term management to only have access to a rear yard, and therefore not receive their daily open air entitlement, over an extended period of time. Providing access to open air in these circumstances can create significant safety risks and/or result in open air rights becoming unavailable to other prisoners. In such a case, it is intended that new section 47(1)(a)(i) would permit the right to be in open air to be limited for the duration that those physical and operational constraints prevail. In this way the reforms are intended to address the exact scenario that arose in Mr Marrogi's case, and similar cases involving higher risk prisoners in high security and management units.

These provisions are also appropriately confined given, they only enable the right to be in open air to be limited based on operational considerations – they do not enable the right to be limited at large. In addition, the Bill expressly provides, that the 'safe custody, welfare and rights' of the person in prison and any other people in prison, may be considered (in addition to other relevant operation considerations). This provides scope for the safe custody, welfare and rights of Aboriginal people in prison to be taken into account in all decisions around access to open air.

However, I acknowledge that these factors do not completely mitigate the risk of undue limits being imposed on rights under sections 10(b) and 22(1) of the Charter and impacts under article 7 of UNDRIP, and may not always be proportionate to achieving their purpose. This may be particularly the case where limitations of the right to be in open air continue over a longer period, due to certain operational conditions persisting.

For this reason, the Bill contains override declarations expressly providing that the Charter does not apply to provisions which limit the right to be in open air. They also contain a sub-section providing that the override provisions do not need to be re-enacted every 5 years, meaning the override applies in perpetuity. In this exceptional case, the Charter is being overridden and its application excluded to ensure access to open air in prison can continue to be managed safely, alongside other critical considerations.

I acknowledge that the effect of the provisions, including the Charter override, may result in a difference in enjoyment of human rights and fundamental freedoms held by First Peoples that it is inconsistent with First Peoples being afforded equal dignity and respect, particularly given the overrepresentation of Aboriginal people in custody and people who have been separated.

I further note that both the Yoorrook Justice Commission and the independent *Cultural Review of the Adult Custodial Corrections System* found that racism persists in the Victorian justice system, including the corrections system, and drives overrepresentation and poor treatment of Aboriginal people in prisons. Implementation of the provisions in this context will require careful consideration of the cultural rights of Aboriginal people. More broadly, the Government continues to support reform of the custodial correctional system and acknowledges long-term change and future investment will be required.

The confined nature of the Bill, in conjunction with existing operational CV policies around managing Aboriginal people in prison, will assist in mitigating this impact.

In my opinion the Bill is, therefore, in part incompatible with the objects specified in section 66(3)(d)(iii) of the *Statewide Treaty Act 2025*.

Conclusion

For the reasons set out above, in my opinion, the Bill is, in part, compatible with the objectives set out at section 66(3)(d)(i)-(iii) of the *Statewide Treaty Act 2025*.

The Hon. Enver Erdogan MLC
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:02): I move:

That the bill be now read a second time.

Ordered that second-reading speech, except for the statement under section 31(1) of the Charter of Human Rights and Responsibilities Act 2006, be incorporated into *Hansard*:

The Bill will amend the right of people in prison to be in open air under the *Corrections Act 1986*. Section 47(1)(a) of that Act provides that every person in prison who is not ordinarily engaged in outdoor work has the right to spend at least one hour each day in the open air, weather permitting.

The Bill provides that, in addition to any weather considerations, the right to be in open air may be limited where it is not reasonably practicable to provide the entitlement, having regard to operational considerations. The Bill also provides that no amounts are payable by the State for any limitations of the right to open air that accrued before its commencement.

The amendments in the Bill respond to the Supreme Court's judgement in *Marrogi v Secretary, Department of Justice and Community Safety & Ors (No 1)* [2026] VSC 4 (Marrogi case). At the time of consideration of this Bill in the Parliament, that decision is subject to an appeal brought on behalf of the State.

The Bill addresses legal, financial and operational risks arising from the Marrogi case. It ensures that Corrections Victoria (CV) can continue to manage access to open air safely, alongside operational considerations critical to the safe, secure, and effective functioning of prisons. It also limits the State's financial exposure to other legal claims that could follow the Marrogi case.

For the avoidance of doubt, the Bill also, in effect, retrospectively validates certain directions and other actions of Advanced Practitioners working within the Department of Justice and Community Safety (department), that were undertaken between 29 April 2024 and 18 May 2026 (both dates inclusive) (relevant period), without an appropriate written instrument of delegation in place. This amendment is intended to minimise risks that may arise from actions undertaken by Advanced Practitioners in the relevant period without an appropriate written instrument of delegation in place.

The right to open air

The Bill amends section 47(1)(a) of the Corrections Act to provide that, in addition to weather considerations, the right to be in open air may be limited where it is not reasonably practicable to provide the full entitlement, having regard to operational considerations. Operational considerations is a broad term that is not defined, but the Bill specifies that it includes:

- the management, good order, or security of the prison;
- the rights, safe custody, or welfare of the prisoner;
- the rights, safe custody, or welfare of any other prisoner in the prison.

These amendments enable access to open air to be managed alongside operational considerations, including to ensure the management, good order and security of the system and the safety of people in prison and prison staff.

The provisions are intended to enable the right to be in open air to be limited on an ongoing basis and/or for extended periods of time, as well as in one-off, unexpected or non-routine circumstances.

In relation to one-off, unexpected or non-routine circumstances, these may arise for a range of reasons, and result in it not being reasonably practicable for a prisoner to be provided open air on a given day or for a period of time. For example, this might arise where a person is separated for a duration after an incident, to protect their or another person's safety.

In relation to ongoing and extended limitations of open air, it may be necessary for example for higher risk prisoners in long term management to only have access to a rear yard over an extended period of time. This reflects longstanding practice across the prison system.

Conversely, providing higher risk prisoners in long term management access to open air in other areas of the prison such as external exercise yards can create significant operational impacts. These may include safety risks to staff and other people in prison, and could result in open air rights becoming unavailable to other prisoners. In such a case, it is intended that new section 47(1)(a)(i) would permit the right to open air to be limited for the duration that those operational constraints prevail, to support the safe management of the prison system.

In this way the reforms are intended to address the exact scenario that arose in Mr Marrogi's case, and similar cases involving higher risk prisoners in high security and management units. The operational reality of the system is that it is not reasonably practicable to provide each person in prison who currently has access to a private rear courtyard with their daily right to be in open air in alternative yards.

For example, there are complex security and safety risks posed by people in high security or management units, which would require them to be escorted by staff to exercise yards and in communal spaces, either alone or under very limited circumstances with one or two other approved prisoners. Providing this cohort with access to open air could therefore be to the detriment of other people in prison, and create risks to staff safety.

Plausible infrastructure changes would still not provide a solution to the operational challenge of providing daily access to open air to every person in prison. In particular, given the security risks posed by the cohort of people held in high security and management units, there may not be any suitable infrastructure solutions available which allow access to open air while also maintaining safety and security in the prison system.

The limitation on the right to be in open air is also appropriately confined, further ensuring it provides for safe, holistic management of access to open air. Limitation of the right is only available due to operational considerations.

Nevertheless, the Government accepts that sections limiting the right to be in open air may be incompatible with some Charter rights. New section 47AAA therefore includes subsections providing that the Charter does not apply to this provision, and that those override declarations do not need to be re-enacted every 5 years (as is ordinarily required under section 31(7) of the Charter).

The Government does not take this step lightly. In this exceptional case, the Charter is being overridden and its application excluded to ensure access to open air in prison can continue to be managed safely, alongside operational considerations. This is particularly important in the highly complex operating environment of prisons, which require careful management of multiple interests and people with varying needs.

Limiting liability for past breaches

The Bill further provides that no amount is payable to any person, for any loss or damage arising from or in connection to a limitation of the right to be in open air that occurred before the Bill commenced. These provisions:

- will apply to any proceedings that are on foot and have not been finally determined before the Bill commences, and
- will not apply to any proceedings that were finally determined before the Bill commenced.

The amendments will help limit the State's financial exposure to legal claims that may follow the Marrogi case.

Importantly, these measures in the Bill are appropriately confined to ensure they strike the right balance between limiting unnecessary financial compensation and providing fairness in legal proceedings. The amendments will not disturb any proceedings finalised before the Bill's commencement, including any amounts determined by a court to be payable. The Bill also still enables claims to be brought for past limitations of the right to open air, only limiting the relief available to successful claimants. Finally, the Bill will not limit amounts payable for any limitations of the right to open air that accrue after the Bill commences, under the new amended sections.

Validating past directions and other actions of Advanced Practitioners

For the avoidance of doubt, the Bill, in effect, retrospectively validates directions and other actions that were undertaken (or purportedly undertaken) by Advanced Practitioners pursuant to Parts 3, 3A, 3B, 3BA and 3C of, and Schedule 3 to, the *Sentencing Act 1991* (applicable provisions) during the relevant period, without an appropriate written instrument of delegation in place.

The applicable provisions provide the Secretary of the department with powers and functions to manage people on community corrections order (CCOs) and other fines-related orders, including the power to:

- issue directions to a person on a CCO or other order, such as directions to attend supervision or treatment appointments, or to engage in community work
- commence criminal proceedings against a person for breach of their CCO or other order, including where the person has not complied with directions.

These powers and functions had previously been delegated by the Secretary to department staff, to ensure efficient functioning of the corrections system. The title of these staff members changed to 'Advanced Practitioners' in April 2024, following a departmental restructure. Through administrative oversight, the relevant instrument of delegation was not updated to reflect this title change. This was rectified in May 2026.

The amendments in the Bill, in effect, retrospectively validate any directions or actions undertaken by Advanced Practitioners under applicable provisions during the relevant period, including those which may have led to criminal prosecutions or a person spending time in prison. This ensures such directions or actions cannot be legally challenged or reversed purely on the basis of administrative oversight. In turn, this ensures appropriate management of community safety risks.

I acknowledge the impact of this administrative oversight on victims and affected families and am committed to ensuring they have access to the supports needed. I am assured by the department that processes are being put in place to ensure this oversight does not occur again.

Conclusion

Access to open air remains an important part of humane prison conditions, and the system will continue to provide the right wherever safe and reasonably practicable, consistent with current practice.

These reforms help strike the balance between ensuring people in prison obtain the benefits of being in open air where practicable, while also enabling the continued safe and secure operation of the system. The Bill also minimises the State's financial exposure to past limitations of the right to open air. This ensures resources are reserved for the broader community's benefit, including to preserve an effective criminal justice system for all.

By in effect, retrospectively validating certain past directions and actions of Advanced Practitioners, the Bill is an important step in remedying an administrative oversight. It ensures, beyond doubt, that relevant actions and their consequences are not invalidated purely on the basis of such oversight and that community safety can continue to be appropriately managed.

I commend the Bill to the house.

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

Lizzie BLANDTHORN: I wish to make a statement under section 31 of the Charter of Human Rights and Responsibilities Act 2006, explaining the exceptional circumstances that justify the inclusion of the override declaration in several clauses of the Corrections Amendment Bill 2026. The Corrections Amendment Bill 2026 will amend the Corrections Act 1986 to provide that a prisoner's right to be in the open air does not apply in circumstances where it is not reasonably practicable in light of operational considerations. The government accepts that sections limiting the right to be in open air may be incompatible with some charter rights. New section 47AAA therefore includes subsections providing that the charter does not apply to this provision and that those override declarations do not need to be re-enacted every five years as is ordinarily required under section 31(7) of the charter. The government does not take this step lightly. In this exceptional case the charter is being overridden and its application excluded to ensure access to open air in prison can continue to be managed safely alongside operational considerations. This is particularly important in the highly complex operating environments of prisons, which require careful management of multiple interests and people with varying needs.

Furthermore, I wish to advise the chamber of amendments passed in the Assembly to this bill. The Department of Justice and Community Safety recently identified an error concerning the management of some offenders on community corrections orders between April 2024 and May 2026. The department did not update some paperwork following a change in job title of some of our hardworking community corrections officers. To avoid doubt, the amendments retrospectively validate certain actions taken by advanced practitioners during the impacted period. The amendments ensure an administrative oversight does not create avoidable risks to community safety or undermine the corrections system. I commend the amended bill to the house.

Melina BATH (Eastern Victoria) (18:05): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Consumer Legislation Amendment Bill 2026

Introduction and first reading

The PRESIDENT (18:05): I have received the following message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Australian Consumer Law and Fair Trading Act 2012** in relation to forfeiture, seizure and debt collection, the **Conveyancers Act 2006** in relation to the suspension of licences, the **Domestic Building Contracts Act 1995** in relation to certain agreements to vary domestic building contracts, the **Estate Agents Act 1980** in relation to the suspension of licences and the sale of residential properties, the **Owners Corporations Act 2006** in relation to payment plans and proceedings, the **Residential Tenancies Act 1997** in relation to persons subjected to family violence and personal violence, compensation, keys and security devices, bonds and Part 4A parks, the **Retirement Villages Act 1986** in relation to the release of entry payments, the **Sale of Land Act 1962** in relation to section 32 statements and deposit moneys, the **Subdivision Act 1988** in relation to applications to VCAT, the **Tobacco Act 1987** in relation to powers to close premises, powers and penalties for commercial landlords and the forfeiture and destruction of illicit tobacco, the **Motor Car Traders Act 1986** in relation to the administration of the Motor Car Traders' Guarantee Fund, warranty periods, licences, record keeping and the sale of used motor cars, certain other Acts and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:07): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:07): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> **Opening paragraphs**
>
> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the Charter), I make this Statement of Compatibility with respect to the Consumer Legislation Amendment Bill 2026 (the Bill).
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The purpose of the Bill is to:
>
> a) acquit the Victorian Government's commitments to strengthen protections for Victorian consumers in the housing market, by:
>
> - improving the information available prior to property sales and prohibiting estate agents from benefiting from early release of deposits;
> - strengthening renter protections and outcomes for renters through reforms to the *Residential Tenancies Act 1997*;
> - providing for a process by which owners of owners corporation lots can request payment plans for the payment of certain fees and charges; and
> - authorising the Business Licensing Authority (BLA) to suspend licenses of estate agents and conveyancers in certain cases of non-compliance.

b) strengthen consumer supports and modernise ways of doing business under the *Motor Car traders Act 1986*.

c) strengthen regulatory compliance and enforcement in relation to consumer goods and enhance consumer protection by:

- providing for the forfeiture of seized documents or things to the Crown if they remain uncollected after notice had been given to the person or owner from whom the document or thing had been seized and for the Minister for Consumer Affairs to authorise the disposal of a thing seized subject to an information or safety standard, an interim or a permanent ban;
- clarifying certain circumstances in which a person will be prohibited from engaging in debt collection; and
- combatting the sale of illicit tobacco.

d) make miscellaneous amendments to a number of other Acts to ensure the consumer protections provided by these Acts are effective and operate as intended.

The Bill amends laws across Consumer Affairs and other portfolios, including amendments to:

- the **Estate Agents Act 1980** (EA Act) and the **Sale of Land Act 1962** (SL Act) to:
  - expand the comparable property disclosure requirements for a sale of land to include key features of the selected comparable properties;
  - require real estate agents to publish a reserve price agreed with the vendor at least 7 days before any auction or fixed-date sale;
  - increase the prominence of the Property Price Statement and property price information in property advertisements;
  - require vendors to make the section 32 statement available at least 14 days before an auction or fixed date sale, or 14 days before a contract is signed; and
  - prevent estate agents from taking commissions prior to settlement or until a contract is rescinded.
- the **Residential Tenancies Act 1997** (RT Act) to:
  - strengthen renter protections by prohibiting unreasonable refusal for extra keys and fobs for rental properties, capping the cost of breaking a fixed-term residential rental agreement of less than five years, enabling renters to make bond payments directly to the Residential Tenancies Bond Authority (RTBA); and,
  - support the administration of the TBS by requiring bond debt repayments received by the Secretary to be paid into the Residential Bonds Investment Interest Account (RBIIA) and to clarify that provisions in Division 3A of Part 10 also apply to former renters to enable recovery of an outstanding debt to the State; and
  - improve outcomes for residents of Part 4A parks (commonly known as residential parks) by establishing a register of Part 4A Parks, removing the ability to issue a 'without cause' notice to vacate to site tenants, introduce annual site agreement checks, clarify how deferred management charges and rent increases may be imposed, and inserting power to prescribe an industry Code of Practice; and
  - strengthen existing protections for renters who are victim survivors of family violence in applications for bond and prohibit rental providers and their agents from discriminating against victim survivors unless an exemption is applicable; and
  - make statue law revision amendments.
- the **Owners Corporations Act 2006** (OC Act) to:
  - facilitate the use of payment plans for lot owners experiencing financial hardship;
  - clarify the authorisation requirements for an owners corporation to commence a legal proceeding.
- the **Subdivision Act 1988** (Subdivision Act) to clarify the authorisation required for an owners corporation to make an application to the Victorian Civil and Administrative Tribunal (VCAT) for orders relating to plans of subdivision.
- the EA Act and **Conveyancers Act 2006** (Conveyancers Act) to enable the BLA to suspend an estate agent or conveyancer's licence if they do not meet specified trust account audit requirements.

- the **Motor Car Traders Act 1986** (MCT Act) to:
  - streamline and support access to remedies for consumers;
  - strengthen consumer protections; and
  - better regulate use of new technologies and contemporary business practice.
- the **Australian Consumer Law and Fair Trading Act 2012** (ACLFT Act) to:
  - clarify certain circumstances in which a person will be prohibited from engaging in debt collection; and
  - provide for the forfeiture of certain documents or things to the Crown if they remain uncollected after their seizure and for the Minister for Consumer Affairs to authorise the disposal of things seized that are subject of an information standard, safety standard or an interim or a permanent ban.
- the **Tobacco Act 1987** (Tobacco Act) to strengthen Victoria's enforcement approach to combatting the sale of illicit tobacco, through the introduction of:
  - closure powers, to enable relevant Victorian agencies to close illicit tobacco traders;
  - landlord penalties, to create consequences for those who knowingly permit the sale of illicit tobacco at premises they own;
  - landlord powers, including allowing a landlord to terminate a lease following a closure order by providing written notice; and
  - provisions relating to pre-trial destruction of illicit tobacco, to introduce the ability to destroy large quantities of illicit tobacco, as soon as practicable.
- other Acts to make minor and technical amendments.

Human Rights Issues

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

- Recognition and equality before the law (section 8)
- Freedom of movement (section 12)
- Privacy and reputation (section 13)
- Freedom of expression (section 15)
- Protection of families and children (section 17)
- Cultural Rights (section 19)
- Property rights (section 20)
- Right to a fair hearing (section 24)
- Rights in criminal proceedings (section 25)
- Right not to be tried or punished more than once (section 26)

Recognition and equality before the law (Section 8)

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination, is equal before the law, is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. This section also clarifies that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

Discrimination under the Charter means discrimination within the meaning of the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute set out in section 6 of that Act (including, for example, age, sex or disability). Discrimination can either be direct or indirect. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Section 9(3) of the EO Act sets out a number of factors to be considered in deciding reasonableness, which can be summarised as follows:

- the nature and the extent of the disadvantage caused;

- whether the outcome is proportionate to what the respondent sought to achieve by imposing the requirement, condition or practice;
- the costs of any alternative measures;
- the respondent's financial circumstances; and
- whether reasonable adjustments or accommodation could be made to reduce the disadvantage caused.

Family violence reforms to the RT Act

Clauses 52–55 of the Bill inserts sections 30AB, 94FA and 145BA into the RT Act to prohibit rental providers from discriminating against victim survivors by not letting a rented premises on the basis of a prospective renter being a victim survivor of family violence. This engages and promotes the right to recognition and equality before the law because women and other population segments, such as First Peoples and LGBTIQA+ people, are statistically more likely to be a victim survivor of family violence and these new provisions seek to address discrimination that is experienced disproportionately by those cohorts. Renters who are victim survivors of family violence will therefore be better able to apply for rental properties on an equal playing field in practice.

Clauses 52–55 of the Bill may also limit the right to recognition and equality before the law as proposed new sections 30AB(3) and 94FA(3) will exempt specified entities, such as social and affordable housing providers, from the new requirement that will prohibit rental providers and rooming house operators from refusing to let a rented premises to someone due to being a victim survivor of family violence. Women and First Peoples are over-represented in social housing and are statistically more likely to be a victim survivor of family violence. While this creates a distinction with renters in the private rental market, I consider that this limitation on the right created by the Bill is reasonably justified as a measure required to ensure that social and affordable housing providers can continue to allocate appropriate housing based on a wholistic assessment of priority of need, including having regard to whether a renter is a victim survivor of family violence.

Clauses 101–102 of the Bill may also limit the right to recognition and equality before the law by amending the RT Act to clarify that perpetrators of family violence can be held liable for loss or damage in excess of the value of the bond, subject to VCAT's discretion. While this amendment does not contain reference to gender, it is likely to impact men disproportionately as they are statistically more likely to be the perpetrators of family violence. However, I consider that any limitation on the right created by the Bill is reasonably justified to give effect to the objectives of the bill, which is to provide renters who are victim survivors of family violence protections from liability for loss or damage in circumstances of family violence. I further note that determinations around liabilities are subject to proceedings through VCAT and its' review processes, ensuring that renters have recourse to impartial consideration of their matters by the Tribunal.

Amendment of the Domestic Building Contracts Act 1995 (DBC Act) – New section 38A inserted

Clause 15 of the Bill engages and may limit the right to recognition and equality before the law because clause 15 inserts a new requirement into the DBC Act that certain agreements to vary a domestic building contract must be in writing that is in English and readily legible. This reflects requirements that apply to a domestic building contract when entered into, consistent with section 31 of the DBC Act.

To the extent that the Bill may limit the right to recognition and equality before the law, any limitation or restriction is reasonable and demonstrably justified as English is the de facto national language, acting as the primary language for government, education, and commerce, and is spoken by between 73–90% of the population as their main language. Requiring variations to contracts to be written in English and readily legible ensures that the terms of the contracts, which are often high value and complex for a consumer to understand, are clearly identifiable and that contractual disputes can be resolved understanding the full intended context and meaning of the contract.

The requirement for a contract variation to be written in English does not remove the ability for a translation of a contract to be prepared where required to ensure accessibility for the parties involved in the contract. Negotiations can also occur in a language other than English.

Accordingly, I consider that these clauses under the Bill are compatible with the right to recognition and equality before the law under section 8 of the Charter.

Freedom of movement (Section 12)

Section 12 of the Charter provides that every person within Victoria has the right to move freely within Victoria, to enter and leave it, and has the freedom to choose where to live. This right extends to accessing public spaces, such as the ability of individuals to move through, remain in, enter or depart from public spaces, including freedom from physical barriers and procedural impediments.

The right extends, generally, to freedom to move throughout the State without impediment or restrictions (both physical and procedural) and a right to access public places and services. This right is, however, not an

absolute right under the Charter and may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society, including the property rights of others.

Family violence reforms to the RT Act

Clauses 52–55 of the Bill engage and promote the right to freedom of movement by prohibiting rental providers refusing to let a rented premises to someone because they are a victim survivor of family violence. This supports victim survivors' ability to move between rental premises and secure housing without discrimination. Clauses 100–102 of the Bill also engages and promotes the right to freedom of movement by strengthening protections to prevent victim survivors from being attributed with liability for loss or damage caused by family violence. This supports victim survivors to remain in housing instead of being forced to vacate rental premises due to inadequate protection from liability in circumstances involving family violence.

Amendments to the Tobacco Act

Clause 120 of the Bill limits this right by introducing new Part 3B to the Tobacco Act, which enables the making of short-term closure notices (up to 90 days) and long-term closure orders. The Bill provides authorisation for the Regulator (Secretary to the Department of Justice and Community Safety), the Chief Commissioner of Victoria Police and the Magistrates' Court of Victoria, as appropriate, to close premises.

Closure notices and orders will enable the forced closure of Victorian premises selling or supplying illicit tobacco, including selling tobacco without a licence, and when a tobacco supply business is in possession of illicit tobacco. It will be an offence to enter, remain on or sell things from closed premises without reasonable excuse. The effect of the amendment is that owners, occupiers, employees and customers will be prevented from entering premises subject to a notice or an order without reasonable excuse or an exemption notice. New section 36Z of the Tobacco Act makes it an offence for a person to enter, remain or sell anything from premises that the person knows, or could reasonably be expected to know, are closed premises, without reasonable excuse.

Accordingly, the right to freedom of movement is limited by the Bill. The right to freedom of movement may be subject to reasonable limitations under section 7(2) of the Charter.

Closure powers are necessary for the protection of public health from the harmful effects of illicit tobacco by ensuring premises that are not compliant with the law are closed. The closure powers are expected to disrupt the trade in illicit tobacco and will supplement the existing regulatory tools that Tobacco Licensing Victoria has as part of the tobacco licensing scheme (including immediate suspension of a licence) and Victoria Police powers, to provide a greater ability to disrupt the illicit tobacco trade and associated organised crime supply chains. There is no less restrictive means to achieve these purposes, as retaining the status quo (not having closure powers) means that businesses will continue to trade in illicit tobacco and the community will continue to access illicit tobacco.

The amendments strengthen Victoria's approach to combatting the sale of illicit tobacco to reduce harm to the community.

The amendments are accompanied by important safeguards:

- A closure order can only be made if the statutory criteria are satisfied. A short-term closure notice can only be made if the decision-maker: (i) reasonably suspects that any illicit tobacco is being sold or otherwise supplied at the premises (new section 36V); or (ii) reasonably suspects there is illicit tobacco at the premises in the possession or under the control of a person who carries on a tobacco supply business; or (iii) believes on reasonable grounds that a tobacco supply business is being carried on at the premises without a licence. A long-term closure order can only be made if the Magistrates' Court is satisfied that: (i) illicit tobacco is being, or is likely to be, sold or otherwise supplied at the premises (new section 36X); (ii) there is any illicit tobacco at the premises in the possession or under the control of a person who carries on a tobacco supply business; or (iii) a tobacco supply business is being carried on at the premises without a licence.
- New sections 36V and 36X provide that, when issuing a short-term closure notice or long-term closure order respectively, the decision-maker may have regard to whether the notice or order will impact the ability of the community to access essential goods and services and any other matter the decision maker considers appropriate.
- Exemptions can be granted for persons to enter or remain in a closed premises.
- The new section 36Z offence contains exceptions, including a "without reasonable excuse" defence.
- Short-term closure notices are limited to 90 days duration and must be cancelled if the notice is no longer required.
- Long-term closure orders may only be made by the Magistrates' Court (new section 36X(3)).

- The owner or occupier of premises subject to a long-term closure order may apply to the Magistrates' Cout for cancellation of the order (new section 36Y).

I consider that any limitation on the right to freedom of movement created by clause 120 is necessary given the purpose of the Bill to disrupt the sale of illicit tobacco and the harms caused by the illicit trade on the community. I therefore consider the limitation is reasonably justified and proportionate to achieve that purpose.

Accordingly, I consider that these clauses under the Bill are compatible with the right to freedom of movement before the law under section 12 of the Charter.

Privacy and reputation (section 13)

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully and arbitrarily interfered with and not to have their reputation unlawfully attacked. 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.

Require estate agents to disclose property sale information to the Director of Consumer Affairs Victoria

Clause 19 of the Bill engages and may limit the right to privacy and reputation by inserting new section 47AN into the EA Act, which provides that an estate agent must disclose property sale information in relation to the sale of residential property to the Director of Consumer Affairs Victoria, unless an exemption is granted. While some vendors may consider sale price information to be private, this information is already subject to mandatory disclosure to the Valuer-General. Furthermore, property addresses and sale prices are ultimately made publicly available with the Valuer-General, albeit for a fee and after a delay of several weeks following settlement. The reforms seek to accelerate the transparency of information generated in an open market.

Given that property price information can already be accessed by the public, and serves a significant consumer protection purpose, any interference with the right to privacy and reputation is considered proportionate and lawful, and not arbitrary. In my view this requirement is lawful as the information and process for disclosure is precisely defined, and not arbitrary as its disclosure will improve the provision of information to better facilitate a well-functioning housing market. Disclosure of property sale information may be considered arbitrary where disclosure of this information may put a person at risk of harm (for example in circumstances of family or personal violence), which would be a disproportionate harm compared to the intended benefit achieved by information disclosure. There will be an exemption from the requirement to disclose information in such instances, to ensure that private information is not required to be disclosed arbitrarily.

Require estate agents to request disclosure of a vendor's reserve price and publication of that reserve price in the Property Price Statement 7 days before an auction or fixed date sale

Clause 26 of the Bill engages and may limit the right to privacy and reputation by inserting new sections 47AG to 47AM into the EA Act. New section 47AG provides that an estate agent must request a seller's reserve price in writing before an auction or fixed date sale and, under new section 47AH, the estate agent must then publish the seller's reserve price for a property at least 7 days before an auction or fixed date sale.

The seller's reserve price may be considered information of a private nature as it is information that sellers have historically withheld, with few electing to disclose it prior to sale unless compelled to do so. Sellers may avoid revealing their reserve price because they consider it weakens their negotiating position by signaling the minimum price they will accept, reducing competitive bidding and the chance of achieving a higher sale price.

Currently the seller's reserve price will become known at the end of the sale process by prospective purchasers who attend the auction, as offers are rejected if they do not meet that reserve, and accepted if they do. Therefore, a sellers' reserve price is only considered private information before the sale has occurred.

To the extent that clause 26 of the Bill may limit the right to privacy by requiring the disclosure and publication of information that may be of a private nature, I consider that any limitation of the right to privacy will be neither unlawful nor arbitrary. In my view this requirement is lawful as the information and process for disclosure is precisely defined, and it is not arbitrary as it is required to ensure estate agents inform prospective purchasers of important pricing information regarding a property, they are considering purchasing.

Additionally, sellers will not be compelled to sell if they receive a bid at or above their disclosed reserve price, limiting any impact the disclosure of this private information may have on their negotiating position. This information disclosure will improve the provision of information to better facilitate a well-functioning housing market.

Require estate agents to publish the sold price of a property in the Property Price Statement 7 days after the sale becomes unconditional

Clause 26 of the Bill may limit the right to privacy by inserting new section 47AJ into the EA Act, which requires an estate agent to amend the property price statement to include the sold price of a property within 7 days of the sale becoming unconditional, unless an exemption is granted. The price for which a property is sold may be considered to be information of a private nature, as evidenced by the fact that some vendors and sellers currently choose not to openly disclose the sold price following a sale and instead choose to keep the information private. This information can currently be accessed for a fee from the Valuer-General but is not available until settlement of a property sale. The extent to which the reforms limit the right to privacy is mitigated by the fact that they primarily remove cost barriers to access the information and make the information publicly available at an earlier point in time.

To the extent that clause 26 of the Bill may limit the right to privacy by requiring the disclosure of information that may be of a private nature, I consider that any limitation will be neither unlawful nor arbitrary. In my view this requirement is lawful as the information and process for disclosure is precisely defined, and not arbitrary as its disclosure will improve the provision of information to better facilitate a well-functioning housing market. Disclosure of sold price information may be considered arbitrary where disclosure of this information may put a person at risk of harm (for example in circumstances of family or personal violence), which would outweigh the aim of a well-functioning housing market. There will be an exemption from the requirement to disclose sold price information available in such instances, to ensure that private information is not required to be disclosed arbitrarily.

Power for the BLA to suspend a licence under the Conveyancers Act and the EA Act

Clause 12 may engage the right not to have a person's reputation unlawfully attacked by inserting section 32A into the Conveyancers Act, which provides that if a licensee fails to comply with the requirements of section 84(1) or 85(1A) of the Conveyancers Act (which require trust records to be audited and the subsequent audit report to be lodged with the Director within 10 business days), the BLA may suspend the conveyancer's licence for a period of up to 12 months. A similar power is reflected in clause 23, which inserts new section 24E of the EA Act which provides that if an estate agent fails to comply with the requirements of section 64(1), 64(1A), or 64(2A) of the EA Act (which require trust accounts to be audited, that they must be audited by a qualified person, and the subsequent report must be lodged with the Director within 10 business days) the BLA may suspend a licence for a period of up to 12 months. In both cases the purpose of suspending a licence is to address non-compliance with trust account audit requirements and reduce consumer harm. This may engage the right not to have a reputation unlawfully attacked through restricting a person's ability to practice in their chosen profession.

To the extent this could engage the right not to have a person's reputation unlawfully attacked, the engagement does not limit the right. Suspension must be undertaken within the legislative framework of the Bill, and therefore any resulting damage to a person's reputation would not be unlawful.

Prohibiting unreasonable refusal for request for additional keys and fobs for rental premises

Clause 58 of the Bill engages, but does not limit, the right to privacy by prohibiting rental providers from unreasonably refusing a request from a renter for an additional key or security device. Rental providers are also prohibited from disabling a key or security device unless permitted under the RT Act. Rental providers are able to refuse a renter's request if there is a reasonable justification.

Clause 58 of the Bill engages and promotes the right to not have a person's family or home interfered with and is consistent with a renters' right to exclusive possession of the rented premises during the term of their residential rental agreement. However the provision of additional keys or security devices to a renter may limit the right to privacy of co-renters within a rental premises or other residents within a building where the rental premises is located, by providing access to common areas of the building for people who may not be listed on the residential rental agreement. This clause may create an arbitrary interference of the right to privacy for co-renters in rental premises where a renter requests additional keys or security devices for the rental premises or for residents within a building where the rental premises is located.

To the extent that this could limit co-renter or other residents right to privacy, the limitation is reasonable and can be demonstrably justified in a free and democratic society. The new clause builds in a threshold requiring requests for additional security devices or keys to be provided only when the request is reasonable and enables the rental provider to refuse the request for additional keys and fobs where the request is unreasonable. The Bill also sets out the circumstances in which a security device or key can be disabled by a rental provider to mitigate against the misuse of security devices or keys which may also impact the privacy of other residents in an apartment building. As such I believe the new clause is consistent with the right to privacy in the Charter.

Bond paid directly to the Residential Tenancies Bond Authority (Authority)

Clause 79 of the Bill creates an offence at section 405B of the RT Act for a rental provider or their agent to refuse to enter into a rental agreement with a renter because they have elected to pay their bond directly to the Authority. Without this prohibition a rental provider may arbitrarily and unreasonably refuse to enter into a residential rental agreement with a renter who chooses to pay bond directly to the Authority. This engages and promotes the right to family and home by ensuring that a renter's right to occupy a home is not unlawfully and arbitrarily interfered with because of their choice to pay a bond directly to the Authority.

Reforms to Part 4A of the RT Act (residential parks)

Clause 67 of the Bill engages the right to privacy and reputation by inserting new section 206ZZCA into the RT Act which requires the Director to keep and maintain a register of Part 4A parks. Proposed section 206ZZCA(3) of the RT Act provides for the information that is to be included in the register.

Clause 67 of the Bill also engages the right to privacy in proposed section 206ZZCB of the RT Act that requires the operator of a Part 4A park (commonly known as a residential park) to give notice to the Director, Consumer Affairs Victoria (Director) including the particulars required to enable the Director to record in the register the matters specified in section 206ZZCA(3) of the RT Act. Those particulars include personal information including the name, business telephone number and email address of any person located at the park who is a representative of the operator, if they are a different person to the operator.

The operator must register the Part 4A park with the Director prior to permitting a site tenant to occupy a Part 4A site and subsequently give the Director an annual update on information included in the register. For existing Part 4A parks, registration will be required within 3 months of the commencement of the proposed amendments. The Director must publish specified information on a public register, provided it is not personal information protected by the *Privacy and Data Protection Act 2014*.

Although clause 67 engages the right to privacy, I consider that this provision is compatible with the Charter as it does not unlawfully or arbitrarily interfere with that right. The new provision clearly articulates that the information that must be submitted to the Director is limited only to that needed to identify operators of Part 4A parks for regulatory purposes. The scope of information published on the public register will be narrower and limited to the information required to support prospective site tenants to make informed decisions about entering into and living in a Part 4A park, such as park location, the website details of the park, park size and the nature of the park.

Clause 70 of the Bill engages the right to privacy by repealing section 207ZG of the RT Act which removes the option for a site owner to issue a 'without cause' notice to a site tenant to vacate the site at the end of the term of a fixed term site agreement. By protecting site tenants from no fault eviction, this amendment engages and promotes the right to privacy in the Charter and promotes a site tenants' right not to have their home unlawfully and arbitrarily interfered with.

Family violence reforms

Clauses 52–55 of the Bill engage and promote the right to privacy by ensuring that providers of rental premises cannot discriminate against a person because a prospective renter has been subjected to family violence. By protecting the prospective renter in this way, victims of family violence are not at a greater risk of being refused a tenancy simply due to their circumstances. As such, prohibition has the effect of having their right not to have their family and home or correspondence unlawfully and arbitrarily interfered with.

Authorising a review of a motor car trader's licence following the making of a specified VCAT order

Clause 162 of the Bill engages the right to privacy and reputation by amending the MCT Act to provide for the BLA to conduct a review of a licence of a licensed motor car trader where VCAT has made a 'specified tribunal order' against them. A 'specified tribunal order' is defined as an order requiring a licensed motor car trader to pay an amount to a purchaser of a motor car in relation to a transaction involving the buying, selling or exchanging of a motor car or the offering to buy, sell or exchange a motor car. This includes an order requiring a refund, compensation or payment in relation to a breach of contract of sale of a motor car.

The BLA will only review orders made by the Tribunal and, where available, reasons for decision for those orders. Orders and reasons for decision are publicly available and are exempt from the privacy protections in the *Victorian Civil and Administrative Tribunal Act 1998* under section 34(6)(b) of that Act.

To the extent that the right to privacy is engaged, I consider that the requirements of new Division 2A of Part 2 of the MCT Act to be inserted by clause 162 of the Bill are precise and appropriately prescribed, not arbitrary and are permitted by law through the Bill.

The power for the BLA to suspend a motor car trader's licence following a licence review engages the right to not have a person's reputation unlawfully attacked because this restricts a person's ability to practise in

their chosen profession. In my view, any interference with a person's reputation will not be unlawful as a decision to suspend will be undertaken within the defined legislative framework to be inserted by clause 162.

These amendments are reasonable to give effect to the licence review process, which will benefit consumers by increasing compliance with the MCT Act and by providing an incentive for licensed motor car traders to engage in early and effective resolution of disputes with consumers.

Requiring owners or operators of internet sites or digital platforms to produce information

Clause 175 of the Bill engages the right to privacy by amending section 82AD to give the Director and inspectors appointed under the ACFLT Act the power to require specified persons to provide information orally or in writing about a person's licensed or unlicensed motor car trading business. Clause 175 also expands the list of specified persons in section 82AD(3) to include owners or operators of internet sites or digital platforms. The purpose of these amendments is to support the Director in taking compliance and enforcement action for contraventions of the MCT Act, particularly in relation to car sales conducted through auction houses by unlicensed traders.

To the extent that the right to privacy is engaged, I consider that the amendments made by clause 175 of the Bill are precise and appropriately prescribed, not arbitrary and in accordance with the law. The information that can be requested is clearly described in legislation and is appropriately limited to information relating to a licensed motor car trader's business as a motor car trader or an unlicensed person's trading in motor cars. It is appropriate and proportionate for this information to be accessible to the Director and inspectors for the purposes of addressing unlawful activity in the motor car trading industry.

Reforms to the OC Act

Clause 40 of the Bill inserts new sections 32A to 32J into the OC Act which provides for payment plans for payment of fees by lot owners to their OC. Clause 40 engages and may limit the right to privacy and reputation by providing that –

- an application for a payment plan must be in the approved form. It is anticipated that the approved form will require inclusion of some personal information by a lot owner (new section 32A(2)); and
- under new section 32C(2) evidence may be prescribed for the purposes of an owner occupier lot owner demonstrating hardship to support their application for a payment plan and such evidence may include personal information which an owners corporation (or person delegated by the owners corporation) may temporarily retain to assess whether the request is supported by relevant evidence.

Clause 48 of the Bill inserts a range of provisions dealing with information use and disclosure of personal information collected for the purposes of administering payment plan requests under the OC Act, including providing for the protection of a lot owner's information provided for this purpose from misuse, interference or loss, return and destruction of lot owners' information and disclosure of lot owners' information. The new provisions include penalties for non-compliance.

I consider the privacy protections included in the Bill in clause 48 to safeguard any prescribed personal information are sufficient to ensure that any limitation of the right to privacy flowing from clause 40 of the Bill are neither unlawful nor arbitrary.

Forfeiture of certain documents and things to the Crown and subsequent destruction of seized things if uncollected

Amendments to be made to the ACLFT Act by clauses 5 and 6 of the Bill may limit the right to privacy and reputation by permitting the forfeiture of certain documents containing personal information belonging to a person. These clauses will amend the ACLFT Act to provide that any document or thing seized under Part 6.4 of the ACLFT Act by an inspector within Consumer Affairs Victoria may be forfeited to the Crown, if the Director, Consumer Affairs Victoria has sought to return the item where obliged to do so but the item remains uncollected after the lapse of a notice of collection. Once a document or thing is forfeited, the former owner will have no surviving right to apply for its return or right of compensation.

To the extent that clauses 5 and 6 provide for the forfeiture of a document containing personal information to the State, I am of the view that the provisions are precise, properly prescribed by law, and do not operate arbitrarily. As a practical matter, seized documents often remain uncollected, as they are generally copies of original documents and are of limited utility to their owner. In the absence of appropriate management processes, such documents may accumulate over-time, resulting in unnecessary storage costs and administrative burden for the State.

However, clauses 5 and 6 establish clear processes for the retrieval of documents by the owner prior to forfeiture and for their management following forfeiture, given personal information may be involved.

Clause 5 establishes requirements by which the person from whom an item was seized, or the owner of the item, must be notified before the item is forfeited to the Crown. A notice of collection must be issued in

writing to the relevant person, specifying how the document or thing may be collected and the consequences of the item not being collected. If the relevant person is unable to be identified or located, the notice may be published in the Government Gazette, to ensure that any deprivation of property only occurs after information on the collection of an item is provided in a manner accessible to the public.

Clause 6 provides that any document forfeited to the Crown must, following forfeiture, be managed in accordance with the *Public Records Act 1973*. This means that, under the proposed amendments, forfeited documents will remain subject to the statutory framework governing the storage, access, retention and disposal of public records. In this way, the transfer of control over private information is regulated by law and confined to what is reasonably necessary.

Accordingly, I consider that this clause under the Bill is compatible with the right privacy and reputation under section 13 of the Charter.

Amendments to the Tobacco Act

Clause 120 of the Bill introduces:

- new section 36V, which allows Tobacco Licensing Victoria or the Chief Commissioner of Police to issue a short-term closure notice; and
- new section 36X, which allows the Magistrates' Court to make a long-term closure order; and
- new section 36ZD(2), which requires Tobacco Licensing Victoria to give written notice to the Chief Commissioner of Police of an intent to issue a short-term closure notice or apply for a long-term closure order; and
- new section 36ZD(4), which requires the Chief Commissioner of Police to give written notice to Tobacco Licensing Victoria of an intent to issue a short-term closure notice or apply for a long-term closure order; and
- new section 36ZE, which allows a landlord to terminate a commercial lease, with respect to a premises subject to a long-term closure order; and
- new sections 36V(5)(b), 36W(3)(b) and 36X(6)(b) and 36ZC, which contain public notice requirements. These provisions require the notice or order to be posted at the front of the premises or another place at or near the premises where it is likely to come to public attention and enable the Regulator to make information about the notice or order publicly available on the Department of Justice and Community Safety website.

The making of a short-term closure notice or long-term closure order and the ability to terminate a lease may engage the right to privacy and the right not to have one's home interfered with. While there is doubt as to whether the term "home" in section 13(a) captures a person's workplace, the definition of home provided by the United Nations Human Rights Council includes a person's workplace. As these measures may exclude a tenant from being able to enter and conduct their business at the premises this interferes with their territorial privacy.

In so far as these amendments capture information about a natural person affected by the closure notice or order, it will engage the right to privacy and reputation.

Section 13(a) of the Charter contains internal limitations that permit lawful and non-arbitrary interferences with a person's privacy. Interference with privacy will be arbitrary if it is capricious, unpredictable, unjust or unreasonable (*Minogue v Thompson* [2021] VSCA 358, [55]). Therefore, where an interference with privacy is lawful and not arbitrary, it does not come within the scope of section 13 of the Charter.

The closure of premises occurs according to the law and is not arbitrary because it follows the criteria specified in the legislation. Exemptions can also be granted for persons to enter, or remain in, a closed premises.

The disclosure of information between the Chief Commissioner of Police and Tobacco Licensing Victoria and the notice requirements will be required by law and is not arbitrary as it occurs in circumstances specifically outlined in the legislation where a closure notice or order has been made. While new section 36ZC provides discretion to Tobacco Licensing Victoria, it is limited to circumstances where a closure notice or order has been made and serves an important public notice function.

These provisions provide notice to the public where closure notices or orders have been made. The intention of this is to provide notification to the community about the closure and prevent inadvertent contravention of the short-term closure notice or long-term closure order.

Further, the information sharing provisions between Tobacco Licensing Victoria and Victoria Police will strengthen the monitoring and enforcement of closure powers. In assisting the regulation of tobacco licensing, the amendments will have significant community benefit. I do not consider the right to privacy and reputation

is limited by clause 120 of the Bill as any interference with privacy will fall within the internal limitation in section 13(a) of the Charter.

Accordingly, I consider that these clauses under the Bill are compatible with the right to privacy and reputation under section 13 of the Charter.

Freedom of expression (section 15)

Section 15(2) of the Charter provides that every person has the right to freedom of expression. This includes the freedom to seek, receive and impart information and ideas of all kinds; whether orally, in writing, in print or by way of art or other medium chosen by that person. The right to freedom of expression is generally considered to also include a right to not impart information. Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons and for the protection of national security, public order, public health or public morality.

Require estate agents to disclose property sale information to the Director of Consumer Affairs Victoria

Clause 19 of the Bill engages and may limit the right to freedom of expression by inserting new section 47AN into the EA Act, which provides that an estate agent must disclose property sale information in relation to the sale of residential property to the Director of Consumer Affairs Victoria, unless an exemption is granted. Requiring this information to be disclosed may engage and limit the estate agent's (or agent's representative's) right to freedom of expression, which includes the right to not impart information. To the extent that clause 19 of the Bill may engage or limit the right to freedom of expression by requiring that particular information be imparted, I consider any engagement of this right is balanced by the requirement to protect the rights of other estate agents and the public, specifically prospective purchasers and vendors in the housing market.

These amendments are required to ensure that estate agents and the public have access to pricing information of sold properties to enable them to better understand current market prices. In some cases, requiring this information to be imparted may put a person at risk of harm (for example in family or personal violence situations), and in these cases their safety may be prioritised over the right of the public to access this information to facilitate an effective housing market. There will be an exemption in such instances, to ensure that the benefit from requiring that information to be provided is balanced with any risk of harm.

Amendments to the EA Act to require an estate agent to request and publish the vendor's reserve price in the Property Price Statement seven days before an auction or fixed date sale

Clause 26 of the Bill inserting new sections 47AG and 47AH into the EA Act which engage and may limit the right to freedom of expression by requiring that an estate agent must request a seller's reserve price in writing and publish that reserve price at least 7 days before an auction or fixed date sale can be held.

However, I consider that this limitation is reasonable as these requirements are necessary to promote the right to freedom of expression insofar as they enhance a prospective purchasers' right to receive information, by improving access to pricing information about the property they are considering purchasing. Any limitation on the right to freedom of expression is therefore justified to ensure that consumers have the necessary information to make fully informed decisions when considering purchasing residential property, with more accurate knowledge of likely costs.

Amendments to the EA Act to require the publication of the sold price of a property in the property price statement within 7 days after the sale becomes unconditional and make the property price statement available for 18 months after the sale becomes unconditional

Clause 26 of the Bill may engage and limit the right to privacy by inserting new section 47AJ into the EA Act, which requires an estate agent or agent's representative to update the property price statement to include the sold price of a property within 7 days of the sale becoming unconditional, as defined in the Act, unless an exemption is granted. New section 47AM then provides the property price statement must be made available without fee or charge for at least 18 months after the sale becomes unconditional. Requiring this information to be published may engage and limit the right of freedom of expression of the estate agent (or agent's representative), as well as the seller and the purchaser, which includes the right to not impart information.

To the extent that clause 26 of the Bill may engage or limit the right to freedom of expression by requiring particular information to be imparted, I consider that any limitation of this right is balanced by the requirement to protect the rights of other estate agents and the public, specifically prospective purchasers and vendors in the housing market. These amendments are required to ensure that estate agents and the public have access to pricing information of properties sold to enable them to better understand current market prices. In some cases, requiring this information to be imparted may put a person at risk of harm (for example in family or personal violence situations), and in these cases their safety may be prioritised over the right of the public to access this information to facilitate an effective housing market. There will be an exception in such instances, to ensure that the benefit from requiring that information to be provided is balanced with any risk of harm.

Clause 26 of the Bill also engages and promotes the right to freedom of expression by (inter alia) inserting new section 47AJ and 47AM into the EA Act. Publishing this information promotes the right to freedom of expression as it positively impacts estate agents' and prospective purchasers' ability to receive information about the actual price at which properties in Victoria have been sold. This will be useful for prospective purchasers looking to understand what comparative properties in the area have historically sold for, or for estate agents looking for properties on which to base their estimated selling price (which must take into account the sale of comparative properties as provided by section 47AC of the EA Act).

Amendments to the EA Act require an estate agent to publish a link or QR code to an internet site containing the property price statement in a physical advertisement

Clause 25 of the Bill engages or may limit the right to freedom of expression by amending section 47AF of the EA Act to require estate agents or agents' representatives to ensure that physical advertisements of residential property that specify information about the property also refer to an Internet site that contains a property price statement, by including either an internet address or QR code link to the Internet site. Requiring the estate agent or agent's representative to publish this information may engage or limit the estate agent or representative's right to freedom of expression, which includes the right to not impart information.

However, I consider that this limitation is reasonable as these requirements are necessary to promote the right to freedom of expression insofar as they enhance a prospective purchasers' right to receive information, by improving access to pricing information about the property they are considering purchasing. Any limitation on the right to freedom of expression is therefore justified to ensure that consumers have the necessary information to make fully informed decisions when considering purchasing residential property, with more accurate knowledge of likely costs.

Amendments to the EA Act require an estate agent to amend or remove advertisements with a selling price or estimated selling price lower than the reserve price

Clause 27 of the Bill engages or may limit the right to freedom of expression by inserting new sections 47C(2EA) and 47C(2EB) into the EA Act to require estate agents or agents' representatives to take all reasonable steps to:

- remove or amend any advertisement on an Internet site that includes a selling price or likely selling price lower than the seller reserve price within one business day of being notified of the sellers' reserve price, and
- remove or amend any advertisement not published on an internet site that includes a selling price or likely selling price lower than the seller reserve as soon as practicable being notified of the sellers' reserve price.

Requiring the estate agent or agent's representative to remove or amend information may limit their freedom of expression and may also limit freedom of commercial expression.

However, I consider that these requirements also promote the right to freedom of expression, insofar as they enhance a prospective purchaser's right to receive information, by improving access to pricing information about the property they are considering purchasing. These amendments are therefore justifiable measures to ensure that consumers have the necessary information to make fully informed decisions when considering purchasing residential property, with more accurate knowledge of likely costs.

Accordingly, I consider that these clauses under the Bill are compatible with the right to freedom of expression under section 15 of the Charter.

Protection of families and children (Section 17)

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to protection by society and the State. Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

Family violence reforms to the RT Act

Clauses 52–55 of the Bill engage and promote the protection of families and children by prohibiting rental providers, rooming house operators and caravan park owners from refusing to let rented premises to someone due to their being a victim survivor of family violence.

Clauses 52–55 of the Bill may also limit the right of families and children to be protected as proposed new sections 30AB(3) and 94FA(3) will exempt specified entities, such as social and affordable housing providers, from a new requirement that will prohibit rental providers and rooming house operators from refusing to let a rented premises to someone due to their being a victim survivor of family violence. In addition, I note that women and First Peoples are statistically more likely to be a victim survivor of family violence and that single mother families are statistically the largest demographic groups in social housing. While this creates a

distinction with renters in the private rental market, I consider that this limitation on the right created by the Bill is reasonably justified as a measure required to ensure that social and affordable housing providers can continue to allocate appropriate housing based on priority of need, including having regard to whether a renter is a victim survivor of family violence.

Clauses 100–102 of the Bill are intended to ensure that VCAT has discretion to make orders that a victim survivor is not held liable for loss or damage in circumstances of family violence. In doing so, these clauses engage and promote the rights of families and children to be protected by strengthening protections under the RT Act to support victim survivors and their children to secure safe rental housing and be protected from perpetrators of family violence.

Clauses 101–102 of the Bill may also limit the right of families and children to be protected by amending the RT Act to clarify that perpetrators of family violence can be held liable for loss or damage in excess of the value of the bond, subject to VCAT's discretion.

Children or one parent families may be indirectly impacted where VCAT makes orders against the parent who is a perpetrator, including making a parent liable for up to all loss or damage suffered by the rental provider. However, I consider that the limitation on the right created by the Bill is reasonably justified to give effect to its objectives, which include to provide renters who are victim survivors of family violence protections from liability for loss or damage in circumstances of family violence. I further note that determinations around liabilities are subject to legal proceedings through VCAT and its' review processes, ensuring that renters have recourse to impartial consideration of their matters by the Tribunal.

Accordingly, I consider that these clauses under the Bill are compatible with the right to protection of families and children under section 17 of the Charter.

Cultural rights (section 19)

Section 19 of the Charter protects the cultural rights of all persons with a particular cultural, religious, racial or linguistic background, and acknowledges that Aboriginal persons hold distinct cultural rights that should be protected.

Amendment of the DBC Act

Clause 15 of the Bill may engage with cultural rights by inserting new section 38A into the DBC Act which restricts a builder from entering into certain variations to a domestic building contract unless the contract conforms to a number of requirements listed in clause 15, including that the contract is written in English and readily legible.

To the extent that the Bill may limit cultural rights, the limitation is reasonable and justifiable. The Bill ensures that parties to a domestic building contract are afforded greater consumer protections by promoting greater understanding for parties of the variations being made, including the works and costs under the variation. Requiring variations to contracts to be written in English and readily legible ensures that the terms of the contract are clearly identifiable.

For these reasons, I am of the opinion that the provisions in the Bill are compatible with the cultural rights in section 19 of the Charter.

Property rights (Section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Prohibiting an auction of a residential property occurring if the sellers reserve price was not published 7 days prior

Clause 26 of the Bill will engage and likely limits the property rights of vendors by inserting new section 47AI into the EA Act to provide that it is an offence for an estate agent or agent's representative to conduct an auction or fixed date sale of a residential property if the seller's reserve price for the property was not published 7 days prior, in accordance with new section 47AH(1). This reform may interfere with a vendor's property rights by limiting their ability to transfer their property in a manner and at a time of their choosing. In my view any limitation on property rights would be lawful, as the provision that authorises the limitation is clearly set out in section 47AI. The limitation would not be arbitrary, as any limitation of property rights resulting from this reform is necessary to ensure the requirements regarding disclosure of a seller's reserve price are complied with, which is necessary to achieve the policy intent of improving property purchasers' access to price information in the public market.

Amendment of EA Act to provide for estate agent or agents representative to forfeit commission in cases where they are found to have breached prescribed sections

Clause 29 engages the property rights of an estate agent or agent's representative who is found to have committed an offence against new sections 47AH, 47AC(2EA) and 47AC (2EB) of the EA Act, by amending section 94A(1) of that Act to include reference to these sections. Section 94A provides that the Court may order the person (found to have committed a relevant offence) to pay to the Victorian Property Fund any commission in relation to that offence.

Under section 94A(1) of the EA Act, forfeiture of commission is to be treated as a fine in the amount of the commission and not a confiscation of property. While this engages property rights as it is a 'deprivation of property', in my view it would be lawful and not arbitrary, as the commission was calculated and invoiced as a result of an estate agent or agent's representative "having" committed an offence and the confiscation of that commission is necessary to ensure that a person does not benefit from property obtained through unlawful conduct. Additionally, the language in the Bill is clear as to which offences it relates.

Prohibiting estate agents from accessing commission or other amounts they may be entitled to prior to settlement

Clause 107 of the Bill may engage the property rights of an estate agent by inserting new sections 26A and 26B into the SL Act, which provide that an estate agent must not access their commission or any other amounts to which they are entitled before settlement. This reform may delay an estate agent's ability to access their property (being their commission or any other amounts to which they are entitled). Prior to the amendment, if a deposit was released prior to settlement in accordance with section 27 of the SL Act, estate agents could claim their commission and other amounts to which they were entitled from that deposit. This created risk for purchasers, who may face difficulties if issues arise prior to settlement (for example, if the settlement fails due to the vendor or purchaser failing to meet the conditions of contract or deliver vacant possession and they need to retrieve monies taken by the estate agent.

Any engagement with the right to property is moderated by the fact this amendment would not deny the estate agent their legal entitlement to their commission but only defer the ability to access that entitlement until after settlement. Additionally, I am of the view that the clause is precise and appropriately described, is in accordance with the law and is not arbitrary as it is necessary to better protect the purchaser's deposit, in the case that a contract may fall through prior to settlement and the purchaser needs to retrieve the deposit.

Cap the cost of breaking a rental agreement

Clause 60 of the Bill may limit the right to property by inserting new section 211A(3A) into the RT Act to limit the amount of compensation that may be awarded to a rental provider for loss of rent where a fixed-term rental agreement of less than 5 years is terminated early by the renter. New section 211A(3A) will limit the amount of compensation to a maximum of one week's rent where there is 25 per cent or less of the term of the agreement remaining when the agreement is terminated; 2 week's rent when there is 50 per cent or less but more than 25 per cent of the term of the agreement remaining when it was terminated; 3 week's rent when there is 75 per cent or less but more than 50 per cent of the term of the agreement remaining when the agreement is terminated; and 4 week's rent when there is more than 75 per cent of the term of the agreement remaining when the agreement is terminated.

To the extent that the right to property is limited, I am of the opinion that the formula for calculating compensation provides a reasonable amount of compensation to rental providers who may have suffered from loss of rent and is in accordance with the law. The capped amount provides certainty for renters and rental providers as to the maximum amount that can be awarded by VCAT for loss of rent. The reform does not prevent rental providers from seeking compensation under section 210 of the RT Act for other losses incurred including re-advertising and re-letting costs for the property and does not prevent VCAT from considering the matters provided under section 211 of the RT Act.

Accordingly, I consider that any such deprivations will be compatible with the right to property under the Charter.

Prohibiting unreasonable refusal for extra keys and fobs for rental properties in the RT Act

Clauses 58 and 59 of the Bill engages the right to property by ensuring that rental providers cannot unreasonably refuse requests from renters for additional keys or security devices and cannot disable a key or security device except under specified exceptions. Refusing to give an additional key or security device to a renter without a reasonable justification for the refusal could constitute an arbitrary interference in the renter's right to property. Amending the RT Act to create an offence for a rental provider to disable a key or security device except in specified circumstances ensures renters cannot be arbitrarily denied access to the rented premises. This reform is consistent with the right to property in the Charter and promotes the right not to have one's home arbitrarily interfered with.

Reforms to Part 4A of the RT Act (residential parks)

Clause 70 of the Bill engages the right to property by repealing section 207ZG of the RT Act, which removes the ability of a site owner in a Part 4A park to issue a 'without cause' notice to a site tenant to vacate a site at the end of a fixed term agreement. While this reform may limit the property rights of site owners, the site owner (or landowner or mortgagee, in certain circumstances) will still be authorised under the RT Act to regain possession by issuing a notice to vacate for a range of reasons specified in the Act, such as causing damage to a Part 4A site (section 207W), for dangerous, disruptive or threatening behaviour (sections 207X–207Z), use of the Part 4A site for an illegal purpose (section 207ZC) or subletting or assigning the Part 4A site without the site owner's consent (section 207ZD). Any limitation of the right created by the reform is reasonable and demonstrably justified. This reform is also consistent with a key element of the right to privacy and reputation under section 13 of the Charter – the right not to have one's home arbitrarily interfered with.

Family violence reforms to the RT Act

Clause 55 of the Bill may limit the right to property by amending the RT Act to give VCAT the discretion to make orders requiring a rental provider to compensate a prospective renter for loss caused by the rental provider having discriminated against the prospective renter. This amendment is reasonably justified to ensure that there is legal recourse for renters in response to alleged discrimination, in addition to providing specific and general deterrence for rental providers to not discriminate against victim survivors when determining to let rented premises. I further note that determinations by VCAT that discrimination occurred are subject to safeguards afforded through the legal proceedings and the subsequent appeals processes by providing that parties have the opportunity to be heard regarding an allegation.

Clauses 101–102 of the Bill may limit a family violence perpetrator's right to property by amending section 420A of the RT Act to explicitly clarify that VCAT has discretion to order that a person who has perpetrated family violence against their co-renter may be liable for all loss or damage incurred by their rental provider, irrespective of the value of the bond. This amendment is reasonably justified to give effect to the purposes of the bill which include to further protect the rights of victim survivor renters. Any limitation of the right to property of the perpetrator will also be made by a Tribunal in accordance with law and not in an arbitrary manner.

Strengthening odometer tampering offences

Clause 166 of the Bill may engage the right to property by amending the offence against odometer tampering in section 38(1) of the MCT Act to clarify the types of actions that constitute odometer tampering. The amended odometer tampering offence will prohibit a person from altering an odometer, removing an odometer, substituting an odometer or disabling an odometer. This may limit a person's control over their property by restricting what they are able to do with their odometer.

Clause 167 of the Bill may also engage the right to property by inserting new section 38B into the MCT Act which creates an offence for a motor car trader to offer a used motor car for sale or exchange unless they take reasonable steps to verify the accuracy of the odometer reading. This may limit a motor car trader's control over their property by prohibiting them from selling a used motor car if they have failed to take these reasonable steps.

To the extent that clauses 166 and 167 may engage the right to property, I consider that the clauses are precise and appropriately prescribed, not arbitrary and in accordance with the law. The prohibited conduct relating to odometer tampering is clearly outlined and the limitations are balanced by the existing defence in section 38(3) of the MCT Act, enabling genuinely faulty odometers to be repaired or replaced when necessary. The requirement for motor car traders to take steps to verify the accuracy of an odometer reading reflects best business practice and recognises that motor car traders have a higher capability and responsibility compared with private sellers. The new offence contains a non-exhaustive list of reasonable steps to assist motor car traders in understanding their obligations. These reforms will benefit consumers who face significant financial loss if they purchase a car with an artificially inflated value due to a tampered odometer. Accordingly, I am satisfied that the right to property is not limited by these amendments.

Forfeiture of certain documents and things to the Crown and subsequent destruction of seized things if uncollected

Amendments to be made to the ACLFT Act by clauses 5 and 6 of the Bill may limit the right to property by providing for the forfeiture of certain documents or things belonging to a person in certain circumstances. These clauses will amend the ACLFT Act to provide that any document or thing seized under Part 6.4 of the ACLFT Act by an inspector within Consumer Affairs Victoria may be forfeited to the Crown, if the Director, Consumer Affairs Victoria has sought to return the item where obliged to do so but the item remains uncollected after the lapse of a notice of collection. Once a document or thing is forfeited, the former owner will have no surviving right to apply for its return or right of compensation.

To the extent that clauses 5 and 6 allow for the loss and disposal of a person's property, I am of the view that the clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law.

Clause 5 establishes clear requirements by which the person from whom an item was seized, or the owner of the item, must be notified before the item is forfeited to the Crown. A notice of collection must be issued in writing to the relevant person, specifying how the document or thing may be collected and the consequences of the item not being collected. If the relevant person is unable to be identified or located, the notice may be published in the Government Gazette, to ensure that any deprivation of property only occurs after information on the collection of an item is provided in a manner accessible to the public. A notice of collection must be issued within 3 months of the relevant item being seized unless this period is extended by court order, in which case the notice will be published within 30 days after the end of the extended period and must give the relevant person a period of 28 days within which to collect the document or thing. If a person is unable to collect the document or thing within 28 days, they may authorise another person to collect it on their behalf.

The process established under clauses 5 and 6 operates alongside existing provisions in Part 6.4 of the ACLFT Act to ensure items are only seized where necessary and justified, and without undue deprivation of a person's property; for example, section 166 of the ACLFT Act requires an inspector to provide a copy of a retained document to the person from whom it was seized as soon as practicable after its seizure.

Clause 6 of the Bill enables the Minister under the ACLFT Act to direct the disposal, including destruction, of a class of objects forfeited to the Crown, being only those objects seized subject to an information or safety standard or an interim or permanent ban made under the ACL (Victoria). This power may only be exercised with clear and justifiable limits. Before making such a direction, the Minister must have regard to various relevant matters, for example whether the item is, or is likely to be, subject to legal proceedings.

For these reasons I am of the opinion that, to the extent that clauses 5 and 6 may constitute a deprivation of property or limitation of the right to property, any such deprivation or limitation is reasonable, justifiable and will be in accordance with law and therefore compatible with the right to property.

Amendments to the Tobacco Act

The following reforms in Part 11 of the Bill engage the right to property:

- the power to issue short-term closure notices (new section 36V) and long-term closure orders (new section 36X) interfere with the rights of owners of the premises, landlords and tenants who are no longer able to enjoy the property, noting there are offence (new section 36Z) to enter or remain on or sell anything from a closed premises. The owner and occupier will not be able to enter or remain on the property or carry on a business. Landlords' ability to use or lease their property is also interfered with. There will be no compensation payable by the State in respect of anything done under or arising out of the issuing of a closure notice or order; and
- the offence for a landlord knowingly allowing another person to use the premises to sell or otherwise supply illicit tobacco; and
- the power of landlords to terminate leases by giving written notice to the tenant where a long-term closure order is in place. This will interfere with the rights of the occupier as their lease can be terminated which means they are required to vacate the property and no longer enjoy their rights as a tenant over the property; and
- the forfeiture and disposal of illicit tobacco, as the authorities will be able to dispose of a person's illicit tobacco.

In each of the circumstances identified above, there is likely to be a deprivation of property. This deprivation is in accordance with the law as these powers are conferred by legislation, confined and precise and accessible to the public.

Existing case law (*PJB v Melbourne Health*) also requires that it be shown that the Bill does not operate arbitrarily. The Court of Appeal, in *WMB v Chief Commissioner of Police* (2012) 43 VR 446 in the context of discussing the meaning of 'arbitrary' in section 13(a) of the Charter, has stated that a law is arbitrary where it is capricious, unjust, unpredictable or unreasonable in the sense of not being proportionate to a legitimate purpose.

I consider that none of the reforms operate arbitrarily for the reasons discussed below.

The purpose of the short-term closure notices and long-term closure orders is to further disincentivise and disrupt the illicit tobacco trade and unlicensed trading. It is also to reduce access to illicit tobacco products, which will have a positive health impact on the community. The introduction of closure powers is intended to impose a significant economic deterrent and disrupt the organised crime supply chains, which will have a positive impact on the community.

There are features in the framework that make the reforms just, reasonable and proportionate, including:

- a closure notice or order can only be made if the statutory criteria is satisfied;
- short-term closure notices are limited to up to 90 days duration and must be cancelled if the notice is no longer required;
- long-term closure orders may only be made by the Magistrates' Court (new section 36X(3)). Providing the Magistrates' Court with the discretion to determine the maximum length of closure order is also necessary to support the objective of interrupting organised crime supply chains. It will also ensure the duration of the order is based on the severity of the offending behaviour;
- further, when issuing a short-term closure notice or making a long-term closure order, the decision-maker may have regard to whether the notice or order will impact the ability of the community to access essential goods and services (new sections 36V(2) and 36X(4), respectively). This would allow a business who provides essential services in, for example, a regional area, to be partially closed, with the essential services still being able to be provided to the community; and
- the Bill also provides that short-term closure notices may be varied or cancelled by Tobacco Licensing Victoria or the Chief Commissioner of Police (new section 36W), and that the owner or occupier of premises that are subject to a long-term closure order can apply to the Magistrates' Court of Victoria for cancellation or revocation of the long-term closure order (new section 36Y).

The Bill provides that if a long-term closure order is made and the premises are subject to a lease, a landlord can terminate the lease by providing written notice to the tenant. If the tenant has not removed their property from the premises after the notice period has ended, the landlord can deal with the tenant's property as appropriate, including by disposing of the property. Providing these powers to landlords complements the closure powers scheme by making it harder for illicit tobacco traders to resume trading at the same location.

It is my view that these powers are not arbitrary, as the power for landlords to terminate a lease, and later deal with the tenant's property (if it is not removed from the premises during the notice period) can only be exercised once the Magistrates' Court has assessed the evidence and determined that a long-term closure order should be made. That is, the Magistrates' Court must be satisfied that illicit tobacco is being, or is likely to be, sold or otherwise supplied at the premises, there is illicit tobacco in the possession or under the control of a person carrying on a tobacco supply business (whether the business is carried on at the premises or elsewhere), or a tobacco supply business is being carried on at the premises without a licence.

In these circumstances, where a Court has found that illicit activity is occurring (or is likely to occur), it is just, reasonable and proportionate for landlords to terminate a lease. This will not only disrupt the illicit tobacco trade from premises in Victoria but also protects the property rights of landlords. It will ensure that landlords who have not been involved in illegal activity are not financially penalised because of the illegal conduct of their tenants. Without this mechanism, a landlord may suffer financial and other loss due to not being able to end the lease and re-lease the premises to a different tenant. Providing landlords with an ability to dispose of a tenant's property left at the premises after the notice period has ended, will also facilitate the ability of landlords to rent the premises to a new tenant.

With respect to the amendments that introduce a new process for the disposal of illicit tobacco (new section 37D), the process is tightly confined and all requirements for managing illicit tobacco to the point of destruction or disposal are clearly articulated. There is also an opportunity for a person to apply to the Magistrates' Court to seek the return of the seized item where they can demonstrate it is not illicit tobacco. The reforms serve an important purpose of reducing the significant safety hazards, costs and burden with the storage of the illicit tobacco while still maintaining evidentiary standards for court proceedings. There is significant public interest in protecting the community from the illicit tobacco trade, reducing the burden and cost of storing illicit things for extended periods of time and minimising security and safety concerns associated with that storage.

To the extent the rights of natural persons are engaged, I do not consider the right to property is limited. This is because any interference falls within the internal limitation of section 20. If the right to property is limited, having regard to the harmful effects of the illicit tobacco trade on the Victorian community, I consider any limitation to be reasonable and justified under section 7(2) of the Charter for the reasons discussed above.

Accordingly, I consider that these clauses under the Bill are compatible with property rights before the law under section 20 of the Charter.

Fair hearing (Section 24)

Section 24(1) of the Charter provides that a person charged with a criminal offence or, who is a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The term 'civil proceeding' in section 24(1) of the Charter has been interpreted as encompassing proceedings that are determinative of private rights and interests in a broad sense, including some administrative proceedings. It is well recognised that judicial determination of a person's civil rights and liabilities is a crucial element of the fair hearing right. This right will be engaged where a person is prevented from having their civil rights or liabilities in a proceeding considered by a court. However, this right does not prevent the State from amending the substantive law to alter the content of those civil rights.

Family violence reforms to the RT Act

Clause 55 of the Bill engages and promotes the right to a fair hearing by providing parties with the opportunity to be heard before VCAT regarding an allegation of discrimination by a rental provider on the basis of a prospective renter being a victim survivor of family violence.

Reforms to the OC Act

Clause 32 of the Bill engages and promotes the right to a fair hearing by amending section 18 of the OC Act to clarify the resolution requirements required to authorise an owners corporation to commence a legal proceeding. Clause 32 will amend section 18 of the OC Act to clarify that an ordinary resolution (more than 50% of lot owners), rather than a special resolution (at least 75% of lot owners) is required to commence a non-monetary claim in VCAT or the Magistrates' Court (and in corresponding interstate equivalents to the Magistrates' Court). I consider that clarifying that only an ordinary resolution of the owners corporation is required for non-monetary claims to be made in these Courts and Tribunals promotes the right to a fair hearing by removing ambiguity that a higher resolution is required, thereby increasing the likelihood of lot owners resolving to commence proceedings.

Reforms to the Subdivision Act

Clause 114 of the Bill engages and promotes the right to a fair hearing by amending section 34D of the Subdivision Act. Section 34D(1)(b) provides that a member of an owners corporation, an owners corporation itself, an administrator of an owners corporation or a person with an interest in the land affected by the owners corporation may apply to VCAT for 'an order consenting on behalf of a member or group of members of an owners corporation to the doing by the owners corporation of any of the things set out in section 32 or 33 of the Subdivision Act, including altering a subdivision.

The amendments carried by clause 114 will restore VCAT's ability to make an order in response to an application under section 34D(1)(b) where more than half of the membership of the owners corporation previously consented to the action in question. The Bill inserts this ground for permitting an order as an addition to the existing ground which applies when a member or group of members who previously refused consent to the action in question owns more than half of the lot liability of the owners corporation. I consider that permitting VCAT to make an order under either circumstance increases lot owner access to VCAT and promotes the right to a fair hearing.

Authorising a review of a motor car trader's licence following the making of a specified VCAT order

Clause 162 of the Bill may engage the right to a fair hearing by establishing a process where the BLA may undertake a review of a motor car trader's licence following a VCAT order. As noted above, a 'civil proceeding' under s 24(1) of the Charter is not limited to a proceeding decided by judicial decision-makers and may encompass some administrative proceedings. While the right to a fair hearing may be engaged by the licence review process, in my view, the administrative decisions provided for in clause 162 of the Bill are compatible with section 24(1) of the Charter because of the key procedural fairness safeguards established in the Bill and existing safeguards in the MCT Act.

Following the review of a licence, the BLA may impose conditions or restrictions on a licence. I note the Bill does not provide an opportunity for a licensee to provide reasons to the BLA as to why conditions or restrictions should not be imposed, however clause 162 provides that the BLA must provide written notice to the licensee of its intention to impose conditions or restrictions on a licence. The purpose of imposing conditions or restrictions on a licence is to address non-compliance and reduce consumer harm. In my view any limit to procedural fairness and therefore the right to a fair hearing caused by the absence of opportunity for an affected person to provide reasons is justifiable as a person whose interests are affected by a decision of the BLA to impose conditions or restrictions on a licence may apply to VCAT for review of the decision under section 32 of the MCT Act.

If the BLA intends to suspend a licence, the BLA must provide written notice of its intention to suspend the licence to the licensee as soon as practicable after reviewing the licence: new section 29H. The notice is required to set out key details including the grounds on which the BLA intends to suspend the licence, the period within which the licensee may respond to the notice (the 'show cause period') and the consequences if the licensee does not respond to the notice. The show cause period must not be less than 30 days after a notice of intention to suspend the licence is served: new section 29H. The licensee may make written

submissions to the BLA in relation to any matter contained in the notice: new section 29I. The BLA must notify the licensee of its decision on suspension: new section 29J. In addition to these safeguards, clause 162 provides that a person whose interests are affected by a decision of the BLA to suspend the licence under new Division 2A may apply to VCAT for a review of the decision. This affords individuals affected by suspension a hearing before an independent and impartial tribunal and satisfies the requirements in section 24(1) of the Charter.

Power for the Business Licensing Authority to suspend a license under the Conveyancers Act and the EA Act

Clause 12 may engage the right to a fair hearing by inserting new section 32A which provides that if a licensee fails to comply with the requirements of section 84(1) or 85(1A) of the Conveyancers Act (which require trust records to be audited and the subsequent audit report to be lodged with the Director within 10 business days), the BLA may suspend a conveyancer's licence for a period of up to 12 months. A similar power is reflected in clause 23 which inserts new section 25E of the EA Act, which provides that if an estate agent fails to comply with the requirements of section 64(1), 64(1A), or 64(2A) of the EA Act (which require trust accounts to be audited, that they must be audited by a qualified person, and the subsequent report must be lodged with the Director within 10 business days) the BLA may suspended a license for a period of up to 12 months. In both cases the purpose of suspending a licence is to address non-compliance with trust audit requirements and reduce consumer harm. While the right to a fair hearing may be engaged, in my view, the administrative decisions provided for in clause 12 and clause 23 of the Bill are compatible with section 24(1) of the Charter because of the existing safeguards in the Conveyancers Act and EA Act which allow an impacted person to apply to VCAT for a hearing if desired.

I note the Bill does not provide an opportunity for a licensee to provide reasons to the BLA as to why the licence should not be suspended, however proposed new section 32A(1) and new section 25E(1) provide that if the BLA decides to suspend a license under the Conveyancers Act or EA Act respectively the BLA must give prior written notice that the licence will be suspended if reporting requirements are not complied with, giving the licensee time to comply with reporting requirements and avoid the licence suspension.

In my view any limit to procedural fairness and therefore the right to a fair hearing caused by the absence of opportunity for an affected person to provide reasons is justifiable as a person whose interests are affected by a decision of the BLA to suspend a licence may apply to VCAT under section 187 of the Conveyancers Act for a review of any decision made by the BLA under the Conveyancers Act, and under section 32 of the EA Act for a review of any decision made by the BLA under the EA Act . This affords individuals affected by suspension a hearing before an independent and impartial tribunal and satisfies the requirements in section 24(1) of the Charter.

Forfeiture of certain documents and things to the Crown and subsequent destruction of seized things if uncollected

Clause 8 of the Bill may limit the right to a fair hearing by repealing section 174 of the ACLFT Act to remove the requirement that the Director, Consumer Affairs Victoria apply to the Magistrates' Court for an order permitting the destruction of goods subject to a safety standard and interim or permanent ban seized by an inspector. New section 167AA, inserted by clause 6, provides that the Minister under the ACLFT Act may direct the disposal of things seized subject to a safety standard or an interim or permanent ban that have been forfeited to the Crown. In addition, under the Bill, the Minister's power to direct disposal will extend to things seized for non-compliance with a product information standard made under the Australian Consumer Law, as defined in the ACLFT Act. The Minister may, before ordering the disposal, have regard to matters including whether the thing is or will likely be used as evidence in a proceeding or if the thing is subject to a search warrant and likely to be brought before the Magistrates' Court under the warrant.

To the extent the Bill may limit the right to fair hearing, the limitation is reasonable and justifiable. Goods subject to an information or safety standard or an interim or permanent ban are generally not appropriate to be available for purchase as consumer goods. As these goods are generally no longer usable by their owner or lack important information for the consumer, they go uncollected, resulting in unnecessary costs to the State of storing and handling items and to initiate and run court applications to seek an order for their destruction. Importantly, the power to direct the disposal of an item seized subject to an information or safety standard or an interim or permanent ban can only be exercised where the item has been forfeited to the Crown after unsuccessfully issuing a notice of collection under clause 5 of the Bill. As detailed above, clause 5 of the Bill contains various requirements to support the collection of a seized item by the person from whom it was seized.

Amendments to the Tobacco Act

Clause 124 of the Bill engages this right by introducing new sections 37D and 37E, which enables the pre-trial disposal of illicit tobacco. This could reduce the availability of tobacco for evidentiary purposes and affect the ability of an accused to prepare their defense.

In my view, these amendments will not limit the fair trial of an accused. The Bill will only permit the pre-trial destruction of illicit tobacco in tightly circumscribed circumstances.

These include:

- a sample of the illicit tobacco that is sufficient to be analysed is retained;
- other evidence regarding the appearance and quantity of the illicit tobacco is retained (such as photographs);
- an analyst or botanist must analyse the sample and provide a certificate of their analysis; and
- the sample of the illicit tobacco must be retained until the proceedings are finally determined.

I consider these processes will ensure fairness to the accused is maintained, while reducing the safety hazards, burden and cost of storing large amounts of illicit tobacco.

If the contrary view is taken and the right to a fair hearing is limited by these amendments, I consider it is a justified and reasonable limit pursuant to section 7(2) of the Charter. As discussed above, these reforms have an important purpose of reducing the significant safety hazards, costs and burden with the storage of illicit tobacco while still maintaining evidentiary standards for court proceedings. The safety risks and burden are avoidable and not in the public interest to maintain.

Any impact on fair hearing is confined and subject to safeguards, including the retention of samples and other evidence. The circumstances in which illicit tobacco may be destroyed pre-trial are appropriately and narrowly tailored to achieving the purposes of the amendments while maintaining fair hearing rights. There are no less restrictive means available to achieve these purposes of reducing the cost and burden of storage, ensuring safety of staff and alleviating security concerns. While I consider the right to a fair hearing is not limited, to the extent it is, I consider any limitation to be justifiable under section 7(2) of the Charter.

Accordingly, I consider that this clause under the Bill is compatible with the right to a fair hearing under section 24 of the Charter.

Rights in criminal proceedings (section 25)

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The High Court has described this right as incorporating the fundamental requirement that 'the prosecution in a criminal case has the burden of proving guilt', that is, that a conviction can follow only where every element of an offence has been proved by the prosecution beyond reasonable doubt.

Strengthening odometer tampering offences

Clause 166 of the Bill limits rights in criminal proceedings by amending section 38(2) of the MCT Act to align with the definition of "tamper" inserted to section 38(4). This existing provision reverses the onus of proof in circumstances where a motor car was on the premises of a motor car trader or in the possession, custody or control of a motor car trader when odometer tampering occurred. This clause will limit the section 25(1) right to be presumed innocent until proven guilty as it shifts the burden of proof onto an accused motor car trader in a criminal proceeding, so that a motor car trader is required to prove the odometer tampering was not done by or on behalf of the motor car trader.

I am satisfied that, to the extent that clause 166 limits the right to be presumed innocent, the limitation is compatible with the Charter because it is a reasonable, justified and proportionate to the legitimate purpose of the offence which aims to protect consumers from the consequences of purchasing a car with a tampered odometer.

Unlike motor car traders, consumers generally have limited ability to determine whether the reading on an odometer is likely to be inaccurate. Consumers who unknowingly purchase a car with high mileage may suffer significant consequential harm, including the disruption of their transport and associated costs should the car break down and be unable to drive. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where regulatory offences may cause harm to the public.

The purpose of the reverse onus is to address the fact that in this circumstance, the facts are usually solely within the knowledge of the defendant. It is extremely difficult to prove the offence of odometer tampering against a motor car trader because of the number of people such as repairers or salespersons who may have had possession of the car even though it is still under the general control of the trader. However, it is the motor car trader who ultimately stands to profit most from selling a car with inflated value due to odometer tampering. The limitation is reasonable and proportionate because the prosecution is still required to prove beyond reasonable doubt that odometer tampering took place. A motor car trader charged with odometer tampering may rely on the existing defence in section 38(3) of the MCT Act, which provides that it is a

defence to a prosecution for odometer tampering if the person proves that the tampering was not done with intent to deceive by or on behalf of the person charged.

Motor car traders have chosen to engage in the regulated activity of trading in motor cars, which involves assuming the responsibilities and duties that apply to this activity. The reverse onus provision in clause 166 amends the existing reverse onus provision in section 38(2) of the MCT Act, which has existed in largely the same form since the MCT Act's commencement in 1986. Motor car traders should have the necessary processes in place to ensure that odometer tampering does not occur while a car is on their premises or in their possession, custody or control.

In my view, there is no less restrictive way of ensuring accountability for motor car traders when the odometer of a motor car they are selling has been tampered with, accordingly, I consider that this provision is compatible with the Charter.

Amendments to the Tobacco Act

Part 11 of the Bill introduces a number of offences:

- clause 116 of the Bill inserts new offences (new section 11B) for commercial landlords who, without reasonable excuse, knowingly allow a person to sell illicit tobacco or allow a tobacco supply business to possess illicit tobacco on the premises;
- clause 120 of the Bill inserts a new offence (new section 36Z(1)) for a person who, without reasonable excuse, enters or remains on premises that the person knows, or could reasonably be expected to know, were closed premises;
- clause 120 of the Bill inserts new offences (new sections 36Z(2)–(4)) for a person who, without reasonable excuse, sells anything (that is not a tobacco product), sells a tobacco product or sells a commercial amount of illicit tobacco from premises that the person knows, or could reasonably be expected to know, were closed premises;
- clause 120 of the Bill inserts a new offence (new section 36ZA) for a person who removes or interferes with a closure notice or order; and
- clause 120 of the Bill inserts a new offence (new section 36ZF(2)) for a person who fails to comply with a requirement to give notice that a commercial lease subject to closure order has ended.

The more serious offences include a defence where a person has a reasonable excuse.

These offences engage the right to be presumed innocent until proven guilty in section 25 of the Charter, as they impose an evidential onus on the accused when seeking to rely on the defence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidential onus falls short of imposing any burden of persuasion on an accused. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution who must prove the elements of the offence.

Accordingly, I do not consider the above 'reasonable excuse' offence provisions in the Bill limit the right to be presumed innocent in section 25(1) of the Charter.

The Bill also introduces provisions that regulate evidentiary matters:

- new section 37D(6) provides that a written certificate of an analysis conducted by an analyst or botanist of a sample is evidence of the matters stated in it;
- new section 37E(7) provides that a disposal notice or disposal certificate is evidence of the matters contained in it, including the description of the illicit tobacco and quantity; and
- new section 39B provides evidence that a thing is labelled as a tobacco product or labelled in a way a reasonable person would take to be labelled as a tobacco product, is evidence the thing is or contains tobacco product.

These provisions may limit the right of an accused to be presumed innocent of offences where the facts contained in the certificate or new section 39B are relied on in court proceedings to show that fact. This is because the accused will be required to counter those matters.

To the extent this right is limited by the previously mentioned provisions, I consider the limitation to be reasonable and justified under section 7(2) of the Charter. The provisions do not impede the accused from challenging any evidence presented in the proceeding and presenting contrary evidence. The amendments are justified for the purposes outlined above of reducing the significant safety hazards, costs and burden with the storage of the illicit tobacco while still maintaining evidentiary standards for court proceedings. I consider there are also no less restrictive and reasonably available means to achieve the purpose of these reforms.

Accordingly, I consider that this clause under the Bill is compatible with rights in criminal proceedings under section 25 of the Charter.

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

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law.

Authorising a review of a motor car trader's licence following the making of a specified VCAT order

The licence review process to be established by clause 162 of the Bill may engage a person's right not to be punished more than once, as they will authorise the BLA to undertake a licence review process following the making of a specified tribunal order made against a licensed motor car trader. A 'specified tribunal order' is defined as an order requiring a licensed motor car trader to pay an amount to a purchaser of a motor car in relation to a transaction involving the buying, selling or exchanging of a motor car or the offering to buy, sell or exchange a motor car. This includes an order requiring a refund, compensation or payment in relation to a breach of contract of sale of a motor car. There will also be the power to prescribe further types of orders. Accordingly, a person may have a civil award made against them by VCAT and subsequently be subject to a licence review process flowing from the same conduct.

I note that, it has been found that disciplinary proceedings and resulting consequences that limit a person's ability to work in a particular field are aimed at protecting the public and are not punitive actions, so that section 26 was not engaged (Psychology Board of Australia v Ildiri). In my view a decision by the BLA, following a licence review, to impose conditions or restrictions on a motor car trader's licence or to suspend the licence are similarly aimed at protection of the public against impugned behaviour of a trader, and should not be characterised as an (additional) punishment for the motor car trader. For this reason, I am of the opinion that these provisions are compatible with the right not to be tried or punished more than once in section 26 of the Charter.

I consider that the Bill is compatible with the Charter as it does not unreasonably or unjustifiably limit any rights under the Charter.

Ingrid Stitt MP
Special Minister of State
Minister for Government Services
Minister for Mental Health
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Statement of treaty compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:07): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. I note that due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Consumer Legislation Amendment Bill 2026 (the Bill) or for them to otherwise make representations about the effect of the Bill on First Peoples.

2. In my opinion, the Bill is compatible with the objects set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

3. The purpose of the Bill is to:

   3.1 acquit the Victorian Government's commitment to strengthen protections for Victorian consumers in the housing market through reforms to the *Conveyancers Act 2006*, *Estate Agents Act 1980*, *Owners Corporation Act 2006*, *Residential Tenancies Act 1997* (RT Act), *Sale of Land Act 1962* and the *Subdivision Act 1988* by:

   (a) improving the disclosure of key information in property sales by ensuring accurate and timely access to key property information, including price information, and reduce risks to consumers as a result of pressure from real estate agents seeking to gain early access to sales commissions from deposit moneys;

   (b) streamlining government enforcement of non-compliance by estate agents and conveyancers with trust account audit obligations, including empowering the Business Licensing Authority to suspend the licence of a non-compliant estate agent or conveyancer;

   (c) strengthening renter protections and outcomes for renters;

(d) providing for a process by which lot owners lots can request payment plans from an owners corporation for the payment of certain fees and charges and increasing access to the Victorian Civil and Administrative Tribunal (VCAT) for owners corporations in relation to orders relating to plans of subdivision; and

3.2 strengthen regulatory compliance and enforcement in relation to consumer goods and enhancing consumer protection through reforms to the *Australian Consumer Law and Fair Trading Act 2012* (ACLFTA), *Motor Car Traders Act 1986* and the *Tobacco Act 1987* by:

(a) providing for the forfeiture of certain documents or things to the Crown if they go uncollected after their seizure pursuant to an information or safety standard or an interim or permanent ban made under the Australian Consumer Law and for the Minister for Consumer Affairs to authorise the disposal of those seized documents or things;

(b) clarifying circumstances in which a person will be prohibited from engaging in debt collection;

(c) strengthening consumer protections for purchasers of motor cars and updating governance procedures for determination of claims by consumers against the Motor Car Traders Guarantee Fund; and

(d) combatting the sale of illicit tobacco by introducing powers to close premises, introducing penalties for commercial landlords and address the forfeiture and destruction of seized illicit tobacco.

3.3 make miscellaneous amendments to a number of other Consumer Acts, including the *Domestic Building Contracts Act 1995* and the *Retirement Villages Act 1986* to ensure the consumer protections provided by those Acts are effective and operate as intended.

Consultation with the First Peoples' Assembly of Gellung Warl

4. I note that due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

5. I have considered whether the Bill is compatible with the objects at section 66(3)(d)(i)–(iii) of the *Statewide Treaty Act 2025*:

5.1 advancing the inherent rights and self-determination of First Peoples;

5.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

5.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

6. In relation to provisions of the Bill which will:

6.1 improve outcomes for Victorian renters through reforms to the RT Act to:

6.2 strengthen regulatory oversight and consumer protections for site tenants of Part 4A Parks;

6.3 cap the cost of breaking rental agreements and require rental providers to provide additional keys or fobs, and enable renters to pay bonds directly to the Residential Tenancies Bond Authority;

6.4 strengthen protections for Victorian consumers through reforms to the *Conveyancers Act 2006*, *Estate Agents Act 1980*, *Owners Corporation Act 2006*, *Sale of Land Act 1962* and *Subdivision Act 1988* to:

6.5 improve the accuracy and timeliness of key information in property sales ensuring accurate and timely access to key property information, including price information, and reduce risks to consumers as a result of pressure from real estate agents seeking to gain early access to deposits;

6.6 streamline government enforcement of non-compliance with property professionals' trust account audit obligations;

6.7 provide for a process by which owners of owners corporation lots can request payment plans with statutory protections for the payment of certain fees and charges;

6.8 increase access to VCAT for owners corporations in relation to orders relating to plans of subdivision;

6.9 strengthen compliance and enforcement activity with regard to consumer goods and services through reforms to the ACLFTA, *Motor Car Traders Act 1986* and *Tabacco Act 1987* to

6.10 provide for the forfeiture and disposal of certain documents or things seized under Part 6.4 of the ACLFTA;

6.11 improve consumer protections and to modernise the regulatory framework for the motor car trading industry;

6.12 combat the sale of illicit tobacco;

6.13 make minor and technical amendments to the *Domestic Building Contracts Act 1995* and the *Retirement Villages Act 1986* to ensure the consumer protections provided by these Acts operate as intended.

7. In my opinion these provisions of the Bill do not affect any of the objects specified in section 66(3)(d)(i)–(iii) of the *Statewide Treaty Act 2025* and is therefore compatible with each of those objects.

8. In relation to provisions of the Bill which will amend the RT Act to strengthen protections for victim survivor renters, including protecting victim survivor renters from liability for loss and damage caused by a perpetrator and introducing a prohibition on discrimination against victim survivor renters in the context of rental applications.

9. I note that First Peoples have been found to be disproportionately affected by family violence.

10. The final report of the Royal Commission into Family Violence observed at page 7 that Aboriginal and Torres Strait Islander peoples, especially women and children, are disproportionately affected by family violence and face unique barriers to obtaining assistance.

11. Given the disproportionate impact of family violence on First Peoples, this reform will benefit First Peoples by advancing the equal enjoyment of human rights and fundamental freedoms by First Peoples relating to housing needs and safety.

12. As such, in my opinion the proposed amendments are compatible with the inherent rights and self-determination of First Peoples at section 66(3)(d)(i) of the *Statewide Treaty Act 2025*, and do not limit addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation at section 66(3)(d)(ii).

13. The Bill will also insert sections 30AB(3), 94FA(3) and 145BA(3) into the RT Act which exempts specified entities, such as social, community and affordable housing providers, from the new requirement that prohibits rental providers from refusing to let a rented premises to someone due to being a victim survivor of family violence.

14. First Peoples are over-represented in social housing and, as previously noted, may be disproportionately affected by family violence. As such, these First Peoples may not enjoy the same benefit from these reforms as other renter cohorts.

15. However, I consider that any limitation of enjoyment of the rights conferred by these reforms is not incompatible with the object at section 66(3)(d)(iii) of the *Statewide Treaty Act 2025* as amendments are to strengthen protections for victim survivors of family violence, including First Peoples and will ensure First Peoples will have equal enjoyment of the protections provided by these reforms. The exemption of specified entities under new sections 30AB(3), 94FA(3) and 145BA(3) does not prevent social, community and affordable housing providers, as part of their application processes, from positively discriminating in favour of victim survivor rental applicants (including First Peoples) and in doing so, prioritise their housing needs and safety.

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Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:07): I move:

That the bill be now read a second time.

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

This Bill gives Victorian consumers stronger protections in areas that matter most for households such as housing, renting, and other essential goods and services, including purchase of motor cars. The reforms

respond to growing cost of living pressures facing Victorian households by improving transparency and ensuring consumers have access to clearer and more reliable information when making important decisions.

The Bill also strengthens compliance and enforcement arrangements to deter misconduct and ensure businesses and individuals who fail to comply with the law are held accountable. Importantly, the Bill also introduces reforms to ensure Victorian law enforcement agencies have the powers available to disrupt organised crime around illicit tobacco in line with other jurisdictions across Australia.

The Bill will further improve outcomes for renters through amendments to the Residential Tenancies Act 1997

Reforms will strengthen protections for residents of residential parks and improve oversight and professional standards in the industry

The Victorian Government is committed to enhancing protections for site tenants living in Part 4A parks (also known as residential parks) and supporting them to make informed choices about their housing. Residential parks are a fast-growing industry, commonly marketed as a lower cost or alternative accommodation option for older Victorians. However, complex products and fee structures have left residents unable to easily compare offerings and make informed decisions about their rights and obligations, putting them at greater risk of making decisions that do not adequately meet their needs or financial circumstances.

This government has already legislated to mandate standard form agreements and improve pre-contractual disclosure requirements for site tenants in residential parks. The Bill will build on these important reforms by responding to further recommendations from the 'Life in Residential Parks' report published by the Commissioner for Residential Tenancies in 2025. The Bill will regulate how deferred management charges (DMC) – a type of exit fee – are to be calculated, and how rent increases can be made, so that residents can make better informed decisions and forecast future expenses with confidence.

DMC are common in the residential park industry and enable site tenants to enter a park at a lower upfront price, in exchange for deferring payment of a contribution towards the costs of managing, maintaining and improving the park over the course of their occupancy. Some site tenants may be charged a DMC based on the sale price of the Part 4A dwelling at the time they exit from the park. As this amount cannot be known at the time of entry into the site agreement, site tenants cannot determine the extent of their liability to pay a DMC until they leave a park, at which time they may face unexpectedly high exit costs. This Bill will require DMC to be calculated by reference to the purchase price of the tenant's Part 4A dwelling on the Part 4A site at the time they enter the park, together with the duration of the tenant's occupancy, and in accordance with any further requirements that may be prescribed by regulations.

The Bill will provide that rent may only be increased under a Part 4A site agreement by reference to the Consumer Price Index (CPI) or at a fixed rate set in regulations, whichever is higher. All other types of rent increases, including rent increases based on unpredictable market rent reviews, will be banned. If a site owner wishes to raise rent above that level for exceptional reasons, they will require substantial support from at least 75% of those site tenants subject to the increase. Should the 75% threshold not be met, site owners may only increase rent above the fixed rate by applying to the Victorian Civil and Administrative Tribunal (VCAT). To ensure arrangements between existing site tenants and owners remain predictable and fair, these changes will only apply to new agreements entered into after the commencement of these provisions.

As a further measure to improve transparency for those living in residential parks, site tenants will have the right to request an annual site agreement check from the site owner. Site owners with a DMC in their site agreements will, however, also be required to provide an annual DMC statement to site tenants. This Bill will also improve security of tenure for site tenants on fixed term tenancies by removing the ability to evict a site tenant at the end of their fixed term site agreement without cause. These changes will apply to both existing and new site tenants, regardless of when they started living in a residential park.

The Bill will also improve transparency and oversight of the sector by creating a public register of residential park operators. The register will be maintained by the Director, Consumer Affairs Victoria, and will benefit both the regulator and prospective residents by providing information related to park location, size and other relevant consumer information. The Bill will also introduce a new regulation making power authorising the development of a mandatory code of practice that residential park operators must follow. The code of practice may cover agreed standards relating to park operations, dispute resolution processes, repairs and maintenance and other related matters.

Together, these changes are an important step forward in ensuring those living in residential parks have fair and transparent renting arrangements.

This Bill also provides strengthened protections for renters

Limit on break-lease fees that renters need to pay

Renters may need to break their lease for a variety of reasons, and they should have the ability to do so without the fear of having to pay an excessive amount. The Bill sets clear, tiered caps on the amount a rental provider can claim for lost rent when a renter needs to end a fixed-term lease early. The amendment will apply to fixed-term agreements of less than 5 years. The Bill sets a maximum amount of compensation for lost rent that a renter will have to pay based on how much of the rental agreement remains. Other costs associated with breaking a lease early, such as advertising and reletting costs, can still be negotiated between a renter and their rental provider or determined by the Victorian Civil and Administrative Tribunal (VCAT) when agreement is not reached.

Prohibiting rental providers from unreasonably refusing request for additional keys and fobs

This Bill also strengthens renters' rights by ensuring renters can request an additional key or fob to access their home. A request by a renter cannot be unreasonably refused by their rental provider or agent and cannot charge excessive fees for providing an additional key or fob. Renters will only need to pay for the key or fob itself, and the cost of procuring and activating it.

This Bill will also protect renters from being denied access to their properties by making it an offence for rental providers or their agents to disable a key or fob for reasons other than those permitted under the Residential Tenancies Act. This reform addresses growing instances of renters being denied access to their home as 'punishment' for paying rent late or breaking building rules.

Renters paying bond directly to the Residential Tenancies Bond Authority (Authority) and streamlined bond payments

The new bond management system is already delivering benefits to renters, and the Bill will make the process even easier by providing renters the option to pay their bond directly to the Authority rather than having to pay it via a rental provider or agent. Streamlining the bond payment system ensures greater flexibility while reducing risk for renters.

The Bill will also clarify that payments from renters repaying debts owed to the State under the Portable Rental Bond Scheme (Scheme) are paid into the Residential Bonds Investment Account, rather than the Consolidated Fund. Further, amendments in the Bill will support administration of the Scheme by clarifying that certain provisions also apply to former renters, enabling the Authority to recover an outstanding debt to the State, including where the relevant rental agreement is no longer in effect.

Further reforms strengthening protections for victims of family or personal violence

The Bill makes amendments to the Residential Tenancies Act to strengthen the operation of existing protections for renters who are victim survivors of family and personal violence. The Bill will ensure that victim survivor renters can be fully protected from liability where there has been family violence, and that VCAT can hold a perpetrator co-renter solely liable in both applications for the repayment of bond and compensation.

To strengthen existing protections for victim survivors who are renters, the Bill will introduce a prohibition on discrimination to explicitly prohibit rental providers or their agents from discriminating against victim survivors by refusing to let a premises on the basis that the rental applicant or renter has been or is subject to family or personal violence. Victim survivor renters may apply to VCAT for compensation orders in respect of any loss suffered as a consequence of discrimination by a rental provider or their agent. The Bill also extends this prohibition to rooming house operators and caravan or caravan park owners, recognising that victim survivors rely on a broad range of tenancy types to meet their housing needs.

The Bill includes an exemption from the new prohibition, but only for entities who provide social, community or affordable housing to ensure that those providers can continue to prioritise victim survivor applicants when allocating housing in accordance with the specific eligibility requirements for those housing programs.

The Bill will improve outcomes in the property market by making amendments to the *Estate Agents Act 1980* and *Sale of Land Act 1962*

Buying a property is the largest purchase most Victorians will make in their lifetime. We know that underquoting is a critical issue for those wishing to purchase a property. Too many Victorians are spending time and money chasing the dream of owning a home only to have a property sell for far more than the advertised price.

We also know that buying a home is a complex process, with homebuyers needing to consider a lot of detailed information before making an informed decision about a property. This is why this government is introducing reforms to increase and simplify access to property price information and promote fairness, transparency and efficiency in Victoria's property market.

First, the Bill introduces a requirement for real estate agents to publish a property seller's reserve price at least 7 days prior to an auction or fixed date sale. This change will give homebuyers confidence that the advertised price will match the actual reserve price on auction day and avoid buyers spending time and money attending auctions and commissioning inspections for properties they never had a chance of purchasing.

Secondly, the Bill introduces a requirement for real estate agents to publish a property's final sold price, as part of its property price statement, once a sale becomes unconditional. Agents will also be required to provide key information about a property, including its sold price and key features, to the Director, Consumer Affairs Victoria (CAV) after the sale becomes unconditional. The Director CAV will then be able to publish that information in a central location. These disclosure reforms will give buyers, sellers and real estate agents a clearer understanding of what comparable homes in their area are selling for in real time.

The Bill will also make a number of other changes that will increase access to property information, including:

- requiring a property seller's section 32 statement to be made available 14 days before an auction or fixed date sale or 14 days before a contract is signed
- requiring the indicative sale price and property price statement to be easily found in online advertising, and
- expanding comparable property requirements to require estate agents to list key features of the comparable property.

We know that the early release of deposits presents a significant financial risk for consumers in situations where settlement may fail. We also know that the legislative process for an early release of deposit is confusing, which may lead to sellers and homebuyers agreeing to an early release without properly understanding the risks. Despite the risks involved, it is in the real estate agent's interest to secure an early release of the deposit so that they can access their commission earlier.

This Bill will reduce these risks to homebuyers and sellers by repealing section 27 in the Sale of Land Act, which provides a process for securing an early release of deposit, and prohibiting real estate agents from taking their commission from a deposit if it is released prior to settlement. Homebuyers and sellers will still be able to agree an early release of deposit, but it will need to be done via a term in the contract of sale.

The Bill will streamline suspension processes for real estate agents and conveyancers who breach trust account requirements

This government recognises that trust account audit requirements are essential for ensuring transparency and consumer confidence in the handling of deposits. The Bill strengthens these requirements by amending the *Conveyancers Act 2006* and the Estate Agents Act to allow the Business Licensing Authority to suspend a real estate agent or conveyancer's licence if they fail to comply with trust account audit requirements. These amendments will better protect consumers from the risk of losing trust money by strengthening CAV's enforcement powers so that it can more quickly address non-compliance with trust account obligations.

Reforms to the OC Act will protect owners corporations lot owners from the harms of first-resort debt recovery action

Payment plans with statutory protections, accepted by default for owner-occupiers

Owners of apartments within a plan of subdivision, like all homeowners, are experiencing intense cost of living pressures. An increasing number of lot owners are falling behind on their owners corporations (OC) fees and are being pursued by their OCs with costly and heavy-handed debt recovery action. We know that this can lead to financial hardship escalating quickly, causing needless financial and psychological distress. That's why this Bill introduces a framework in the *Owners Corporations Act 2006* (OC Act) where lot owners in OCs can access payment plans to spread payment of their OC fees over a longer period and be covered by statutory protections from debt recovery action while a payment plan is in place and being complied with.

The government understands that owner-occupiers of apartments are most at risk from mounting OC debt: in some cases, losing their homes to bankruptcy proceedings. To protect those most at risk, this Bill requires that when owner occupier lot owners request a payment plan, it will be accepted by default. OCs with more than two lots will only be able to refuse a request for a payment plan from an owner occupier lot owner if the lot owner has not provided prescribed evidence of hardship, or the OC does not have funds to support the requested payment plan. Regulations will be made prior to commencement of these reforms to assist OCs to make careful decisions about whether to refuse a payment plan.

Clarifying and improving access to VCAT for OCs and lot owners

The government is also aware of issues under the OC Act and Subdivision Act limiting access to VCAT. The Bill will amend section 18 the OC Act to clarify that an OC may bring a non-monetary claim in VCAT with approval of an ordinary resolution by the OC, not a special resolution. This will give OCs certainty that they can enforce rules and resolve procedural matters as intended. Section 34D of the Subdivision Act will also be

amended by this Bill to ensure that lot owner applicants to VCAT for review of decisions under the Subdivision Act can apply regardless of whether the applicants were in the majority or minority of the decision in question.

The Bill will modernise and improve the regulatory framework for motor car traders through amendments to the *Motor Car Traders Act 1986* (MCT Act)

The government recognises that buying a motor car can be one of the most expensive and important purchases many Victorians make. Owning a motor car supports Victorians to get employment, transport family members to care and education, and to maintain independence.

Consumers should be confident that when they buy a motor car, they get what they pay for and their rights will be protected. That is why the Bill will introduce reforms to support consumers to access remedies, strengthen consumer protections and modernise the regulatory framework.

Streamlining and supporting access to remedies for consumers

The Bill will make it easier for consumers to access remedies when something goes wrong after they buy a motor car. Many consumers are either are not aware of the options available to them or find the processes difficult to navigate.

The Bill will create a single, more accessible point of contact for consumers by abolishing the Motor Car Traders Claims Committee and transferring its functions to the Director CAV. This will leverage the expertise of CAV to assist with claims against the Motor Car Traders' Guarantee Fund (the Fund). The Bill also enables the Fund to be used for consumer education, advocacy and assistance services, and education programs for motor car traders about their obligations. This will strengthen consumer understanding of their rights and avenues for redress.

The Bill includes a regulation-making power to enable additional grounds for claims against the Fund to be prescribed so that the claims process is more responsive over time. The new regulation-making power can also be used modernise the methods for calculating warranty periods in respect of second-hand vehicles to ensure the law keeps pace with improving quality of modern motor cars. Any changes made by regulations will be subject to consultation and a Regulatory Impact Statement process.

Strengthening consumer protections

The Bill will strengthen key consumer protections, provide for more robust monitoring of compliance with licensing requirements by licensed motor car traders (LMCTs), and strengthen CAV's compliance and enforcement powers.

The MCT Act will be amended to enable the Business Licensing Authority (BLA) to review an LMCT's licence whenever VCAT makes a monetary order against them in favour of a consumer. In these cases, the BLA will have the option to suspend or impose conditions on a licence, ensuring alignment of consequences when a claim is admitted against an LMCT.

LMCTs will be required to take reasonable steps to identify odometer tampering

The government takes odometer tampering very seriously. When a motor car is sold with a tampered odometer, consumers are at risk at paying a higher price for a motor car and are also at risk of serious faults occurring sooner than they expect. The Bill will better define odometer tampering, making offences easier to investigate and enforce. LMCTs will also be required to take reasonable steps to verify the accuracy of the odometers of used motor cars before offering them for sale or exchange, and to advise prospective buyers in writing where there are reasonable grounds to doubt the odometer's accuracy. Penalties will apply for non-compliance.

To strengthen record keeping and reporting requirements, the Bill will require auction houses to keep additional information about those buying and selling motor cars, and to notify the Director CAV when a single party is involved in four or more sales in a year. This will allow CAV to investigate and better respond to unlicensed motor car trading. Again, penalties will apply non-compliance with these requirements.

Modernising the regulatory framework

The Bill will also modernise the MCT Act and support modern business practices, by:

- requiring the operators of digital platforms advertising cars to produce information and documents requested by a CAV inspector
- ensuring motor car traders provide required documents to consumers prior to the sale of a used motor car
- requiring motor car traders to display a prescribed notice containing their licence number on their website, as well as their physical place of business

- enabling dealings books to be kept electronically, with no paper back-up.

Together, these reforms will deliver a more contemporary fairer framework for motor car trading in Victoria.

Amendments to the Tobacco Act 1987

The purpose of the amendments to the Tobacco Act 1987 (Tobacco Act) are to address the urgent need to combat the illicit tobacco industry and its links to serious and organised crime networks, which are continuing to have wide-ranging negative impacts on the Victorian community.

The amendments proposed in this Bill will strengthen Victoria's tobacco legislative framework by supplementing the existing enforcement approaches available under the Tobacco Act.

The Bill will introduce:

- closure powers, to allow Tobacco Licensing Victoria and Victoria Police to close premises that are trading illicit tobacco
- landlord penalties, to create consequences for those who knowingly permit the sale of illicit tobacco at their premises
- landlord powers, allowing a landlord to terminate a lease because of a long-term closure order by providing written notice
- provisions relating to pre-trial destruction of illicit tobacco, to introduce the ability to destroy large quantities of illicit tobacco, as soon as possible.

Closure powers

Closure powers will be broader than existing regulatory tools and will affect the premises themselves, shutting down all illegal operators, whether or not a licence to sell tobacco is held.

The Bill introduces short-term closure notices (of up to 90 days), able to be issued in writing by Tobacco Licensing Victoria or Victoria Police. It also introduces long-term closure orders, made by the Magistrates' Court on application by Tobacco Licensing Victoria or Victoria Police.

Closure powers will be used when there is a need to shut down a trader quickly. They will be able to be used on licensed and unlicensed premises caught selling, possessing or trading in illicit tobacco.

The Bill will require relevant thresholds to be met prior to using the closure powers, and for the decision-maker to consider whether closure of a premises would impact the ability of the community to access essential goods and services. This will ensure regional communities are not unnecessarily disadvantaged by a premises' closure.

Once closed via a short-term closure notice or long-term closure order, no one will be able to access the premises, unless an exemption has been issued.

The Bill requires a public notice to be displayed at the entrance of the closed premises. Tobacco Licensing Victoria will also be able to post information about the closure on their website. These provisions are important to ensure the public is aware of premises that have been closed.

The Bill introduces significant penalties for breach of a short-term closure notice and a long-term closure order. It will be an offence to enter or remain on closed premises that the person knows, or could reasonably be expected to know, are closed premises, without a reasonable excuse. It will also be an offence to sell or otherwise supply non-tobacco products, tobacco products or commercial qualities of illicit tobacco from closed premises that the person knows, or could reasonably be expected to know, are closed premises and to remove or interfere with the closure notice or order displayed at a closed premises.

Landlord powers and penalties

The Government recognises that landlords should not be unfairly disadvantaged due to their tenant acting illegally. While leases generally include provisions that allow a landlord to terminate a lease if their tenant has engaged in illegal activity, the Bill will ensure landlords can take action to terminate a lease if a long-term closure order is in place over the premises.

The Bill also places an obligation on landlords to notify Tobacco Licensing Victoria when a lease related to a premises subject to a long-term closure order ends.

The Bill introduces an offence for owners of premises who know their tenants are trading in illicit tobacco, therefore enabling criminal activity. This will provide a clear legal and financial disincentive to deter landlords from permitting illicit tobacco supply from their stores and encourage them to support lawful businesses instead.

Changes to facilitate destruction of illicit tobacco

The Bill includes amendments that streamline the destruction of illicit tobacco while maintaining fair trial rights. This includes through a forfeiture notice process where the accused can apply to the Magistrates' Court for a finding that the thing seized is not illicit tobacco. Samples of illicit tobacco will be taken and retained so the accused may seek independent analysis. The Bill requires certain evidentiary requirements to be met prior to the destruction, and for the Secretary or Chief Commissioner of Police to issue a disposal notice authorising the destruction. The person who conducts the destruction must issue a disposal certificate confirming the details of the destruction.

The reforms will allow for the significant reduction of stockpiles of illicit tobacco and will reduce the health and safety risks, reduce storage space, costs and risks, including addressing security concerns with potential stockpiles.

The amendments to the Tobacco Act made by the Bill are directly aimed at targeting the illicit tobacco trade in Victoria. They will bring Victoria into line with other jurisdictions which have introduced closure schemes and are reflective of the Government's commitment to address these issues as effectively and efficiently as possible, in line with community expectations.

Amendments to the Australian Consumer Law and Fair Trading Act 2012

Forfeiture of certain documents and things to the Crown and subsequent destruction of seized things if uncollected

The Australian Consumer Law and Fair Trading Act 2012 (ACLFT Act) establishes a framework for the retention and return of anything seized under Part 6.4, including goods subject to a safety standard or an interim or permanent ban. In practice, many seized consumer goods are not suitable for purchase because they are either unsafe for use or do not contain information necessary for consumers. As a result, these seized goods often go uncollected by their owner, creating unnecessary costs for the State associated with their storage and handling and the need to commence court proceedings to obtain orders for their destruction.

This Bill addresses this issue by streamlining and modernising the administrative processes relating to the collection, forfeiture and disposal of documents and things seized under Part 6.4 of the ACLFT Act. Specifically, the Bill replaces the current requirement for an application to the Magistrates' Court for an order authorising the destruction of certain things, with a new process under which the Minister for Consumer Affairs may authorise the disposal of a thing seized subject to an information or safety standard, or an interim or permanent ban under the Australian Consumer Law.

Importantly, only certain things that have been forfeited to the Crown may be disposed of under this framework. Forfeiture will occur only after the Director CAV has taken the required steps to issue a notice to collect the seized document or thing, where there is an obligation to do so, and it remains uncollected at the expiry of a 28-day notice period. In instances where the person is not identifiable or is uncontactable, the Director CAV must publish a notice in the Government Gazette to assist with the collection of the seized document or thing.

This reform is expected to support more efficient administration and reduce unnecessary storage costs and enable CAV to direct its resources away from unnecessary administrative processes and towards its core compliance and enforcement functions.

Clarifying persons prohibited from engaging in debt collection

The ACLFT Act restricts who may engage in debt collection in Victoria. To further protect consumers from the risk of egregious debt collection practices, the Bill clarifies that a corporation will be prohibited from engaging in debt collection where, within the previous five years, they have been found by a court to have breached Commonwealth or state and territory consumer protection laws by using physical force, undue harassment or coercion in the course of their business activities.

The substantive reforms will be complemented by minor amendments to ensure consumer protections in existing Acts work as intended

Alongside the major reforms I have outlined today, the Bill will also make a number of minor amendments to ensure existing consumer protections and recent amendments work as intended.

The Bill will amend the *Domestic Building Contracts Act 1995* to ensure that contract variations that impact the new First Resort Home Warranty Scheme for residential building work up to three storeys are evidenced in writing to avoid confusion about what has been agreed and that additional building work undertaken will be covered by the First Resort Home Warranty Scheme. The Bill will also make minor and technical amendments to ensure the *Domestic Building Contracts Amendment Act 2025* operates as intended, including to: transfer responsibility for approving the form of a contract warning to the Victorian Building Authority,

to require the form to be published in the Government Gazette, and to amend the definition of 'domestic building work' to reflect that the preparation of plans and specifications will be removed from the definition.

The Bill will also make a minor and technical amendment to the *Retirement Villages Act 1986* to clarify that, for the purpose of releasing an entry payment made by a new resident of a retirement village to the village operator or owner, an agent holding the entry payment is only required to be satisfied that an occupancy permit has been issued under the *Building Act 1993* where the relevant building or part of a building that the resident is to occupy was, at the time the residence contract was entered into, not yet constructed, or was under construction, instead of in all cases.

Together the reforms in the Bill respond to the real pressures facing Victorian households and help ensure Victorian consumers are better informed, protected and supported. This Bill strengthens consumer protections by improving market transparency and supporting fairer outcomes through stronger regulatory oversight in housing, property sales, motor trading and other consumer goods and services. The Bill also provides Victorian law enforcement agencies with the tools they need to combat illegal tobacco sales and its links to serious and organised crimes networks.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (18:07): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Equal Opportunity Amendment (Work from Home) Bill 2026

Introduction and first reading

The PRESIDENT (18:07): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Equal Opportunity Act 2010** to enact a right to work from home and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:08): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:08): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (**Charter**), I make this Statement of Compatibility with respect to the Equal Opportunity Amendment (Work from Home) Bill 2026 (**Bill**).

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

Overview

The Bill seeks to legislate a right to work from home for two days per week, where reasonable, in the *Equal Opportunity Act 2010* (**EO Act**). This right is applied on a pro rata basis for employees who do not work full time. The Bill specifies the factors that must be considered by an employer in determining whether it is

reasonable for an employee to work from home, being the inherent requirements of the employee's role and the impacts on the employer.

The Bill will provide categories of employees that cannot access the right to work from home. To ensure a well-trained and skilled workforce, employees undertaking a probationary period at the commencement of their employment and employees participating in formal training programs, such as apprentices, trainees, work experience students and interns will not have access to the right at this stage of their employment. However, these employees would be eligible to benefit from the reforms and exercise the right to work from home for two days a week, where reasonable, once their probation period or training program has concluded. Further categories of employees may be prescribed by regulations, if required.

Those employees who can request flexible work arrangements under the *Fair Work Act 2009* (**Fair Work Act**) on the basis of their particular circumstances (for example if the employee is pregnant or is 55 or older) will continue to be able to access these rights for flexible work under that Act, where their request for flexible work arrangements relates to those particular circumstances. Requests for flexible working arrangements under the Fair Work Act, can among other things, including working from home. Certain categories of employees are also already covered by the Fair Work Act.

The dispute resolution pathways under the EO Act, namely the Victorian Equal Opportunity and Human Rights Commission and the Victorian Civil and Administrative Tribunal, will be extended to disputes which arise where an employee considers that their employer has unreasonably refused their right to work from home or contravened the provisions regarding the new right.

Human Rights Issues

In my opinion, the human rights under the Charter engaged by the Bill are the:

- right to recognition and equality before the law (section 8 of the Charter); and
- right to protection of families and children (section 17 of the Charter).

For the reasons outlined below, I am of the view that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society. I consider that other provisions of the Bill promote human rights.

Right to recognition and equality before the law

The Bill engages the right to equality in section 8 of the Charter because it has the potential to both promote and limit equality before the law.

On one hand, access to regular working-from-home arrangements may enhance workplace participation, especially for women and people facing barriers to entry into the workforce, aiding productivity and worker satisfaction.

It also brings the benefits of working from home, such as reduction in the cost of commuting and improved work/life balance, to a broader sector of the Victorian community. In this way, the reform promotes greater equality before the law.

On the other hand, the proposed reforms in the Bill could be said to limit the right to equality with regards to roles which cannot be performed remotely or for employees who lack a suitable environment within which to conduct their work from home. The employees who cannot benefit from the proposed reforms may be disadvantaged by comparison to those whose roles can be performed away from the office. The Bill addresses this by ensuring that the right applies across all business sizes and industries and only exempting limited cohorts of employees. It also requires employers to cover necessary costs to enable the employee to work from home, including essential equipment and secure access to the employer's information systems.

Employees who are otherwise eligible to request flexible working arrangements under the Fair Work Act based on their particular circumstances (such as where the employee is pregnant or is 55 or older), will continue to be able to do so where they are making a request on the basis of those circumstances. However, like other Victorians, if these employees would like to work from home for two days per week because it is their preference and not based on their circumstances, they may do so under the Bill. This promotes equality before the law and ensures existing protections for employees with particular circumstances (such as where the employee is pregnant or is 55 or older), still have access to other pathways to request flexible working arrangements.

A key aspect of the proposed reforms is that the right to work from home will apply only where it is reasonable. 'Reasonableness' will be assessed on a list of factors prescribed in the Bill that relate to the inherent requirements of the employee's role and the impact that working from home would have on the employer.

The Bill further engages the right to equality before the law by potentially impacting the ability of employers and business owners to conduct their business. Industry and employer stakeholders have raised concerns that the reforms will negatively impact on businesses through the requirement to provide equipment for employees working from home, a potential increase in industrial disputes, and challenges in attracting and retaining staff in frontline roles for which work from home is unlikely to be possible. However, these risks are intended to be addressed through the 'reasonableness' factors that must be considered when determining if an employee can work from home.

The 'reasonableness' factors included in the Bill support employers to vigorously analyse employee requests to work from home with regard to the inherent requirements of their role, including the need for in-person attendance to satisfy that role effectively. A consideration when making this assessment is whether the employee's role includes legal requirements related to safety, welfare, supervision or security. This clarifies that the right is not intended to detract from the critical functions that frontline employees complete to keep Victorians safe. The reasonableness factors also require balancing the inherent requirements of the employee's role with the impacts of that individual working from home are likely to have on the employer. This includes productivity and efficiency, safety, supervision, training and professional development of employees, building relationships with stakeholders, clients or customers, customer service outcomes, confidentiality and cost.

In time, it is expected that hybrid working (working from home for a portion of the week) will become the new norm for businesses and employees alike, which will provide benefits for the entire Victorian community.

The Bill aims to strike a balance between ensuring that the right to work from home applies to as broad a sector of Victorian employees as possible, whilst also taking into account the operational realities of businesses, ultimately bringing great benefits for the Victorian community at large. For this reason, to the extent that the Bill limits the right to equality in section 8 of the Charter, this limitation is reasonable and justified.

Right to protection of families and children

Section 17(1) of the Charter provides that 'families are the fundamental group unit of society and are entitled to be protected by society and the State'. The Bill engages this right because it directly assists in the capacity of eligible employees to maintain and support family life by reducing commuting time and increasing flexibility in managing work and caring responsibilities. A work-from-home entitlement may promote the ability of parents and carers to participate more fully in family life, alongside their employment, thereby supporting the protection of the family unit. In this way, the proposed reforms in the Bill promote the right to protection of families and children. In addition, the Bill does not impact existing entitlements under other legislative frameworks such as the Fair Work Act.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some of the provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society in accordance with section 7(2) of the Charter.

I commend the Bill to the House.

Hon. Jaclyn Symes MP
Treasurer
Minister for Industrial Relations
Minister for Development Victoria and Precincts

Statement of treaty compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:08): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In my opinion, the Equal Opportunity Amendment (Work from Home) Bill 2026 (Bill) is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025* (Treaty Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill proposes to legislate a right to work from home for two days a week through amendments to the *Equal Opportunity Act 2010* (EO Act).

The Bill will set out criteria for an employer to assess the reasonableness of an employee working from home, which will be based on the inherent requirements of the employee's role and the impact that employee

working from home would have on the employer. The matters to be considered when determining if it is reasonable for an employee to work from home are:

- the inherent requirements of the employee's role, including whether those requirements can be satisfied
    - without the employee's attendance in person at their regular workplace; or
    - without the employee using equipment at their regular workplace; or
    - without in person interactions between the employee and members of the public or clients or customers of the employer; and
    - having regard to any legal requirements relating to safety, welfare, security and supervision
- the impact that the employee working from home would have on the employer, including whether the employee working from home on specific days or at specific times
    - would likely cause a significant decrease in productivity or efficiency for the employer; or
    - would have an adverse impact on any person's safety; or
    - would have a significant adverse impact on supervision, training or professional development of the employer's employees; or
    - would have a significant adverse impact on the capacity to build relationships between the employee and stakeholders, clients or customers of the employer; or
    - would have a significant adverse impact on customer service outcomes; or
    - would have a significant adverse impact on confidentiality or data protection; or
    - would impose financial costs on the employer that are excessive; or
    - would require the employer to make changes to the working arrangements of the employee or any other employee that are impractical; or
    - would require the employer to make new hirings that are impractical; or
- any prescribed reasons.

The dispute resolution pathways under the EO Act, primarily through the Victorian Equal Opportunity and Human Rights Commission and the Victorian Civil and Administrative Tribunal, will be extended to disputes which arise in relation to an employer deciding that it is not reasonable for an employee to work from home.

Consultation with the First Peoples' Assembly of Gellung Warl

Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

In my opinion, the Bill is compatible with the following objects set out at section 66(3)(d) of the Treaty Act:

- advancing the inherent rights and self-determination of First Peoples;
- addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
- ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Advancing the inherent rights and self-determination of First Peoples (section 66(3)(d)(i))

The inherent rights of First Peoples, including the right to self-determination, are recognised by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Assembly has identified that the right to self-determination for First Peoples includes economic self-determination. The right to economic self-determination, empowers and supports First Peoples to make decisions about First Peoples' financial resources and encompasses the right to freely pursue economic development.

The Bill may indirectly limit the achievement of economic self-determination for First Peoples by imposing obligations on businesses owned and operated by First Peoples. This includes potential increased equipment and administration costs to set up employees working from home.

However, whether the work-from-home entitlement arises is determined by a test of 'reasonableness'. This test is sufficiently broad to address various scenarios which may be faced by a First Peoples–owned business, due to which it may not be possible for the business to allow employees to work from home for the period of time being requested. The reasonableness factors direct the employer to consider operational and financial obstacles which may prevent the business from being able to reasonably offer work-from-home arrangements for employees but are simultaneously sufficiently limited to avoid denials of work-from-home requests based on irrelevant considerations. The test aims to strike the balance between considering the legitimate needs of all businesses, including those operated by First Peoples, against the new right to work from home which will benefit all eligible Victorian employees, including First Peoples.

The Bill will ensure that the right to work from home applies across all business sizes and industries and only exempts limited cohorts of employees such as those on probation and trainees. Ultimately, it is intended that the benefits to the Victorian community will outweigh any potential negative impacts on businesses.

Despite the potential limitation on the right to economic self-determination, the Bill is nonetheless compatible with the object of advancing the inherent rights and self-determination of First Peoples, as the limitation is reasonably justifiable in the circumstances for the following reasons:

- This Bill represents a positive and modern reform that will benefit a large sector of the Victorian community, including First Peoples. The right to work from home reflects contemporary expectations about flexible and hybrid work and helps create more inclusive, adaptable and resilient workplaces.
- The reforms in the Bill may enhance equal participation in employment for people who experience structural barriers to traditional workplace attendance, including First Peoples (and in doing so advance economic self-determination for those employees). An employee is only entitled to work from home where it is reasonable, taking into account both the requirements of the employee's role and the impacts on the business. On balance, my view is that the obligations on business owners are proportionate when considered alongside the advancements for employees, and the requirement that work-from-home arrangements meet the "reasonableness" test set out in the Bill.

Addressing unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation

The Yoorrook Justice Commission's 'Truth be Told' report ('Yoorrrook Report') describes the effects of colonisation on First Peoples. It describes how the gap between outcomes for First Peoples and other Victorians in areas including education and employment is caused by the impacts of colonisation in the past, which continue today.

The Bill may address the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation. It does this by improving access to employment, including through reducing commuting costs. These measures can help mitigate barriers arising from housing constraints, particularly in remote and regional areas, and support greater workforce participation for people living in rural and regional communities.

In my opinion, the Bill is compatible with the object in section 66(3)(d)(ii) of the Treaty Act because it addresses the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation due to the following:

- The amendments apply equally to First Peoples and non–First Peoples.
- The ability to work from home improves equality by enhancing equal participation in employment. The Bill is expected to support the workforce participation of First Peoples living in regions where long commutes are a barrier to exclusively working onsite. The Bill may support distribution of economic activity across the state which would support regional businesses owned by First Peoples and boost regional employment.
- The Bill provides greater flexibility to manage work alongside family and cultural responsibilities for a broader sector of the Victorian community and enables greater connection to country and community.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

A Bill may affect the equal enjoyment of rights and freedoms by First Peoples where, in its express terms or practical effect, it has a differential effect on First Peoples as compared to the broader community.

It is possible that the Bill may not present the same benefits to First Peoples as the broader Victorian community. However, ahead of the reforms being tested, and subsequent data generated, it is not possible to know whether the advantages of the Bill will be proportionately accessed by the First Peoples community, as to the broader Victorian community.

As the Bill does not in its terms deal with First Peoples and does not directly or indirectly in its practical effect engage the human rights or fundamental freedoms of First Peoples, the Bill is compatible with this object.

Hon. Jaclyn Symes MP
Treasurer
Minister for Industrial Relations
Minister for Development Victoria and Precincts

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:08): I move:

That the bill be now read a second time.

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

The Bill proposes to legislate a right to work from home for two days a week, where reasonable, through amendments to the *Equal Opportunity Act 2010* (EO Act). The Attorney-General will be the responsible Minister for the new provisions in the EO Act.

For Victorians, working from home has innumerable benefits. It saves families money at a time where every dollar makes a difference. It cuts congestion and improves work–life balance with less time being spent commuting. It increases workplace participation, especially for women and people facing barriers to entry into the workforce, aiding productivity and worker satisfaction. Yet, this is all at risk, as every day Victorian employees are being denied reasonable work from home requests. In an Australian-first, this Bill will create a right to work from home for two days a week, where reasonable, thereby enabling more Victorian employees to access the benefits of working from home.

These reforms are intended to benefit as many Victorians as possible and to that end, there are no exemptions based on business size or industry. However, the Bill will provide categories of employees that cannot access the right to work from home. To ensure a well-trained and skilled workforce, employees undertaking a probationary period at the commencement of their employment and employees participating in formal training programs, such as apprentices, trainees, work experience students and interns, will not have access to the right at this stage of their employment. However, these employees would be eligible to benefit from the reforms and exercise the right to work from home for two days a week, where reasonable, once their probation period or training program has concluded. Further categories of employees may be prescribed by regulations, if required.

Those employees who can request flexible work arrangements under the *Fair Work Act 2009* (Cth) (Fair Work Act) on the basis of their particular circumstances (for example if the employee is pregnant or is 55 or older) will continue to be able to access these rights for flexible work under that Act, where their request for flexible work arrangements relates to those particular circumstances. Requests for flexible working arrangements under the Fair Work Act, can among other things, including working from home. However, like other Victorians, if these employees would like to work from home for two days per week because it is their preference and not based on their circumstances, they may do so under the Bill. This promotes equality before the law. Certain categories of employees are also already covered by the Fair Work Act.

The proposal to introduce a new right to work from home for two days a week will protect employees from unreasonable refusals of work from home requests. Whether it is reasonable for an employee to work from home will only be assessed in relation to the inherent requirements of the employee's role and the impact that the employee working from home will have on the employer. In determining reasonableness, the list of factors to be considered include:

- whether the inherent requirements of the role can be performed remotely or require in-person workplace attendance
- whether the employee can only undertake the inherent requirements of their role using workplace-based equipment
- whether the inherent requirements of the employee's role require in-person interactions including with clients, customers or members of the public
- whether the impact of allowing the employee to work from home would be likely to result in a significant loss in productivity or efficiency for the employer
- whether the impact of the employee working from home would have an adverse impact on safety, or have a significant adverse impact on supervision, training or the professional development of

staff, capacity to build stakeholder, client or customer relationships or customer service outcomes, or a significantly adverse impact on confidentiality and data protection

- whether the financial cost of implementation to the relevant employer would be excessive
- whether it would be impractical to change the working arrangements of other Victorian based employees or recruit new employees in Victoria to accommodate the employee working from home.

These reasonableness factors will ensure that only those employees who reasonably can work from home, will be able to do so. For example, our frontline workforces play a critical role in providing care and education and keeping our communities safe. These employees have obligations in relation to safety, welfare, security and supervision that require in-person interaction. The reasonableness factors are drafted to ensure that these critical tasks continue to be carried out in our community. In addition, the Bill makes it clear that legal requirements relating to safety, security, welfare or supervision must be considered (among other things) as part of the inherent requirements of the employee's role.

An employer may determine the specific days of the week that an employee may work from home. In doing so, they will be required to apply the reasonableness factors. As an example, to mitigate any likely significant loss in business efficiency or productivity, an employer may determine that it is only reasonable for the employee to work from home on Mondays and Fridays on the basis that their business's peak trade period is Tuesday to Thursday, and in consideration of the reasonableness factors outlined in the Bill.

An employee who wishes to exercise their right to work from home will be required under the Bill to make the request in writing to the employer, with the employer having to consider the request and respond to the request in writing within 21 days, outlining whether or not they have determined it is reasonable for the employee to work from home as requested. Where the employer determines that it is not reasonable for the employee to work from home as requested, they must provide written reasons for their decision.

The Bill extends the existing dispute pathways under the EO Act to the new right. Where an employee considers that their employer has unreasonably refused their request to work from home, an employee may lodge a complaint with the Victorian Equal Opportunity and Human Rights Commission seeking conciliation or make an application direct to the Victorian Civil and Administrative Tribunal under the EO Act to resolve the dispute. Where the Victorian Civil and Administrative Tribunal determines that it is reasonable for the employee to work from home, they can order that the employer allow the employee to do so.

Where a dispute raises federal jurisdiction, for example, if one of the parties resides interstate, or where it is not clear which pathway the application is being made under (for example under the Fair Work Act or the Equal Opportunity Act) the matter may be heard by the Magistrates' Court of Victoria. Applications made under the Fair Work Act will continue to be determined by the Fair Work Commission where there is a dispute.

The Victorian Equal Opportunity and Human Rights Commission will also support implementation of the proposed reform by producing guidance material.

The Bill specifies that the employer is responsible for the reasonable costs associated with enabling the employee to work from home, including IT hardware and software.

The Fair Work Act states that a modern award or enterprise agreement applies subject to the EO Act. The Bill makes it clear that these reforms are not intended to detract from existing and more beneficial flexible working arrangements provided for eligible employees under the federal scheme. This means that a term of a modern award or enterprise agreement that includes flexible work arrangements will have effect, to the extent that it is more beneficial to the employee than the new reforms proposed in the Bill.

The Bill does not alter existing occupational health and safety or workers compensation schemes. Under the *Occupational Health and Safety Act 2004*, employers have a duty to provide a working environment for their employees that is safe and without risks to health. They must do this so far as is reasonably practicable. The *Workplace Injury Rehabilitation Compensation Act 2013* establishes a 'no fault' injury compensation scheme for people who are injured arising 'out of or in the course of their employment'. These Acts currently apply to employees working from home and will continue to do so following implementation of the Bill.

Similarly, the Bill does not alter existing land taxation requirements. Land tax is not charged on a person's principal place of residence where an employee is working from home, on the basis that they are not conducting their own business from home (they are simply working for their employer at a different location).

Working from home offers significant benefits for employees, families and the broader economy. This Bill represents a positive and modern reform that will benefit the broader Victorian community. The right to work from home reflects contemporary expectations about flexible working and helps create more inclusive,

adaptable and resilient workplaces. It strikes the right balance between allowing businesses to meet their operational needs and ensuring that reasonable work from home requests will be protected.

I move that the Bill be read a second time, and I ask that my Second Reading Speech be incorporated into Hansard.

I commend the Bill to the House.

Melina BATH (Eastern Victoria) (18:08): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Firearms Amendment Bill 2026

Introduction and first reading

The PRESIDENT (18:09): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Firearms Act 1996** to ensure the continuation of the firearm prohibition order scheme, to make further provision for the categorisation of firearms, to increase penalties for certain offences and to impose a citizenship requirement and a firearms background check requirement on the holding of a licence, to make consequential amendments to the Firearms Amendment Act 2018 and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:09): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:10): 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 Firearms Amendment Bill 2026 (the **Bill**).

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

Overview of the Bill

The Bill introduces amendments to the *Firearms Act 1996* (**Firearms Act**). The purpose of the Bill is to amend the Firearms Act to:

- ensure the continuation of the firearm prohibition order (**FPO**) scheme;
- make further provision for the categorisation of firearms;
- increase penalties for offences relating to trafficking of firearms and FPOs;
- impose a citizenship requirement and a background check requirement on the holding of a licence under the Firearms Act;
- make consequential amendments to the *Firearms Amendment Act 2018*.

Human Rights

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

- the right to equal protection of the law without discrimination (section 8(3));
- the right to property (section 20); and
- the right to a fair hearing (section 24(1)).

Human Rights issues

Continuation of the FPO scheme

Part 2 of the Bill deals with the continuation of the FPO scheme introduced by the *Firearms Amendment Act 2018* (the **Amendment Act**). Clauses 4, 5 and 6 repeal provisions of the Firearms Act and Amendment Act which collectively operated to effect the sunset of the FPO scheme on 8 May 2028, being 10 years after the scheme came into operation. The effect of these amendments is to make the FPO scheme permanent.

Making the FPO scheme permanent does not itself impose any new limits on human rights, but rather continues the limitations imposed by the Amendment Act when inserting Part 4A in the Firearms Act. I refer to the to the Statement of Compatibility which accompanied that Bill for a discussion of the human rights impacts of the already existing scheme.

While this Bill does not alter the substantive nature of the scheme beyond extending the duration of its operation, I acknowledge that the limitations on human rights affected by Part 4A of the Firearms Act are significant. While the majority of the rights limited by the Amendment Act were – for the reasons set out in the Statement of Compatibility for the Amendment Act – reasonably justified under s 7(2) of the Charter, the Minister introducing the Bill acknowledged that the FPO scheme may be incompatible with the right to privacy and the right of children to such protection as is in their best interests. This was because of police search powers having a low threshold precondition and that the FPO scheme applies to children under the age of 18 without modification as to the vulnerability of children. Notwithstanding the incompatibility, the Minister considered the FPO scheme appropriate and of pressing importance to protect the community from the risk of harm associated with increases in firearm-related offending – particularly in the context of serious and organised crime groups – where other law enforcement powers, including the 'prohibited persons' scheme, had proven inadequate. Reliance was also placed on the effectiveness of similar schemes in other jurisdictions.

In introducing this Bill, which has the effect of making the FPO scheme permanent, I am of the view that the limitations on human rights occasioned by the FPO scheme – and as dealt with in the statement of compatibility for the Amendment Act – while significant, continue to be warranted in order to protect public safety, and are justified in a free and democratic society based on human dignity, equality and freedom. The FPO scheme, being a civil prohibition order scheme, authorises proactive crime prevention and is in my opinion an effective complement to the prohibited person scheme that applies to a person after a judicial process. When taken together, the FPO scheme and the prohibited person scheme form an integrated suite of crime prevention and law enforcement tools to protect the community from firearms-related violence. Based on Victoria Police advice, it is my opinion that it is necessary to continue the FPO scheme to provide Victoria Police with all of the powers reasonably required to respond to, and to prevent, the serious risks to life and community safety occasioned by violent firearm-related offending.

Categorisation of Firearms

Part 3 of the Bill concerns the categorisation of firearms and extends the legislative mechanisms to temporarily categorise classes of firearms. Clause 8 amends section 3A(1) of the Firearms Act to authorise the Chief Commissioner, after consulting with the Minister, to make a temporary declaration that has the effect of re-categorising any firearm or type of firearm (other than an antique handgun or black powder handgun).

The amendments to section 3A may have a resulting adverse effect on some licence holders' property rights in that the re-categorisation of a firearm may mean that a person owning such a firearm no longer holds the appropriate category of licence to possess, carry or use that firearm, which may temporarily deprive them of property rights in relation to their continued possession, carriage or use of that firearm.

However, if a declaration is made by the Chief Commissioner, the Chief Commissioner must notify each person who is in possession of a firearm to which a declaration applies and the Chief Commissioner retains the discretion to allow an existing licence holder to continue to possess the firearm, or to renew their licence, in order to continue possessing, carrying or using that firearm. Also, the Chief Commissioner, when exercising their discretion to make a declaration under section 3A, is a public authority for the purposes of the Charter and is required to give proper consideration to the rights of any cohort of persons affected by the declaration, and act compatibly with those rights.

On this basis, I do not consider the property right in section 20 of the Charter to be limited by Part 3 of the Bill. To the degree that Part 3 does constitute a limit on the right to property, it is reasonably justified. The Rapid Review of Victoria's Firearms Laws conducted Ken Lay AO APM identified existing classifications powers as too limited with the effect of restricting the ability to respond flexibly to changes in firearm design and risk. This amendment seeks to protect public safety and implement the recommendations of the Rapid Review.

Citizenship requirement on the holding of a licence under the Firearms Act

Part 6 of the Bill deals with the new citizenship requirement for the holding of a firearms or dealers licence under the Firearms Act. Clause 21 inserts new section 3D in the Firearms Act which introduces a citizenship requirement that restricts the availability of firearms licences to Australian citizens, New Zealand citizens who are Australian permanent residents in Australia and non-citizens of a class that is prescribed to satisfy the citizenship requirement. New section 3D(2) provides an exemption from the citizenship requirements if a person reasonably requires a firearm to earn a livelihood or belongs to a class of persons that is prescribed in the regulations to be exempt from the citizenship requirement. Section 3D(3) provides that a body corporate satisfies the citizenship requirement if each officer of the body corporate satisfies the citizenship requirement or is exempt from the citizenship requirement.

Clauses 22 to 26 and 28 to 30 insert in various provisions of the Firearms Act relating to various types of licence applications and renewals, the requirement that the Chief Commissioner ***must*** not issue a licence unless the Chief Commissioner is satisfied that the applicant satisfies the citizenship requirement or is exempt from that requirement.

Clause 27 inserts new section 46C in the Firearms Act, which provides that the Chief Commissioner ***must***, if satisfied that a firearms licence holder does not satisfy the citizenship requirement and is not exempt from that requirement, cancel the licence holder's licence. The provision requires the Chief Commissioner to invite the licence holder to provide evidence of their citizenship or exemption status, and to consider such evidence, before cancelling the person's licence. Clause 31 inserts a similar provision providing for the cancellation of dealers licences under the Act. The cancellation of dealers licences under this provision extends to circumstances where the Chief Commissioner is satisfied that either the licence holder, a responsible person in relation to the licence, or a person employed in the business does not satisfy the citizenship requirement and is not exempt from that requirement.

Right to equality and non discrimination (s 8)

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. 'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (**Equal Opportunity Act**). The Equal Opportunity Act defines discrimination to mean discrimination on the basis of an attribute listed in section 6 of that Act and includes 'race' which in turn is defined to include 'nationality' or 'national origin'. Whether nationality or national origin takes in 'citizenship' is unclear and will likely depend on context. This being so, I accept that on a broad view, nationality may be treated as tantamount to citizenship.

The purpose of section 8(3) of the Charter is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Adopting the broad reading of 'race' and 'nationality', the citizenship requirement introduced in the Firearms Act as it relates to licences could be considered as having a discriminatory effect on non-citizens and persons not otherwise exempt from the citizenship requirement, either directly or indirectly.

To the extent that the right is limited, it will be reasonably justified. As a starting point, differential treatment on the basis of being a non-citizen commonly occurs in many aspects of basic public life, such as in relation to eligibility for employment, voting rights, receipt of government benefits and services. The introduction of the citizenship requirement serves the important objective of implementing the agreement between the National Cabinet and state governments to, in the wake of the Bondi terror attack, overhaul and strengthen firearm controls and reduce firearms-related harm in Australia, including by restricting gun ownership to Australian citizens. In this regard, South Australia and Western Australia already have legislated citizenship requirements for firearm licences.

Secondly, the Rapid Review found that background checks conducted by Victoria Police primarily relied on Victorian intelligence holdings and self-declarations, and that international police checks presented challenges in accessing information through established methods and where intelligence holdings are inherently constrained.

Further, the National Firearms Agreement, established in response to the Port Arthur massacre in 1996, affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety. The privilege of owning a firearm is an appropriate one to link to citizenship, which recognises a social contract between the person and their country of citizenship, and ensures that individuals who possess lethal weapons have a demonstrated long-term allegiance and accountability to the country. Citizenship comes with fundamental obligations and privileges, such as voting, and an allegiance of loyalty to Australia, its people, its democratic beliefs and the upholding of its laws. It is accordingly appropriate that the privilege, and solemn responsibility, of firearm possession, ownership and use be reclassed as a special privilege of a citizen. Notably, the citizenship requirement is subject to a specific carve-out for New Zealand permanent residents which reflects the unique Australia–New Zealand relationship and existing visa and information-sharing arrangements.

In addition, and importantly, from a human rights perspective, the United Nations and international human rights bodies do not generally recognise firearm ownership as a right and instead support governments adopting strict gun control measures to discharge their positive obligation to protect and promote the right to life (to which section 9 of the Charter is based). The prevailing consensus of international human rights treaty bodies is that collective public safety and the preservation of life outweigh individual persons' desire for firearm ownership and there is an expectation that governments take reasonable steps to prevent firearms related violence committed by civilians.

For these reasons, I am of the opinion that the right to equal protection of the law without discrimination, if limited by the citizenship requirement introduced in Part 6 of the Bill, is reasonably justified.

Right to property (s 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. For an unlawful deprivation of property to occur, the interest affected, or interfered with, must be 'property'. While property is not defined under the Charter, property is likely to include all real and personal property interests recognised under general law and may extend to holding a licence.

By inserting the citizenship requirement as a condition for the approval and renewal of firearms and dealers licences, and non-citizenship a ground for cancellation of firearms and dealers licences, the Bill expands the grounds upon which the Chief Commissioner may refuse or remove the right to hold a licence under the Firearms Act. While the loss of the regulatory permission to hold a licence under the Firearms Act is unlikely on its own to constitute a deprivation of property within the meaning of the right, the implication of the loss of a regulatory permission to hold the licence – and potentially also the prospect of holding a licence – is that the person is not permitted to possess, carry or use firearms, which may in turn impede their private property rights. Further, if a person whose licence is not renewed or cancelled does not dispose of their firearm, they will commit an offence under the Firearms Act.

This being so, the citizenship requirement introduced by this Bill is clear and certain, publicly accessible and is not, for the reasons set out above, arbitrary (capricious, unpredictable, unjust or unreasonable), in the sense of being disproportionate to the legitimate aim sought. Additionally, firearms can be used as a lethal weapon that are by their nature heavily regulated and restricted. The conditional nature of a firearms licence, including the prospect of holding one, are subject to statutory conditions that may be altered by statute. Accordingly, a person cannot reasonably hold an expectation that their property rights in relation to regulated items such as firearms are unconditional and everlasting.

I therefore do not consider the citizenship requirement, as introduced by Part 6 of the Bill, to limit the right to property in section 20 of the Charter.

Right to a fair hearing (s 24)

Section 24(1) of the Charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests.

If a broad reading of section 24(1) of the Charter is adopted so as to apply to administrative decision-making that affects existing rights and interests, it may be said that the Chief Commissioner's power to refuse to renew, or to cancel a licence, engages the fair hearing right. In my view these amendments will not limit the right as the exercise of the power will be subject to procedural fairness and adequate review.

The Bill imposes a duty on the Chief Commissioner to take an administrative action, being to cancel a licence, if the Chief Commissioner forms the required state of mind. The Bill affords procedural fairness by requiring the Chief Commissioner, after forming a reasonable belief that there are grounds to give written notice of the matter to the licence holder and invite the licence holder to cancel a licence, to comply with a series of procedural requirements, which include serving a notice, inviting and considering evidence that they satisfy the citizenship requirement or are exempt from the licensee, and forming a state of satisfaction within 28 days after the notice is served.

Further, new sections 46C(5), 76B(5) and 76C(5) provide for a non-prohibited person to apply to the Firearms Appeals Committee for review of the decision to cancel a firearms or dealers licence, including for failing to comply with procedural requirements or where the Chief Commissioner ought to have been satisfied on the evidence that the individual satisfied the citizenship requirement or was exempt from that requirement.

I therefore consider that Part 6 of the Bill is compatible with the right to a fair hearing in section 24(1) of the Charter.

Firearms background checks

Part 7 of the Bill concerns firearms background checks and introduces the additional requirement that all persons who hold a firearms licence must hold and maintain a firearms background check within the meaning of the Commonwealth *AusCheck Act 2007* that does not include an adverse criminal intelligence assessment or an adverse security assessment. The Bill prohibits the Chief Commissioner from issuing or renewing a firearms or dealers licence to a person unless the person is subject to a firearms background check under the AusCheck scheme that does not include an adverse assessment. The Bill also requires the Chief Commissioner to cancel a firearms or dealers licence on becoming aware that the holder of the licence is subject to aa firearms background check under the AusCheck scheme that includes an adverse criminal intelligence assessment or an adverse security assessment.

Right to property (s 20)

Clauses 39 and 43, which insert in sections 42(2) and 73(1) of the Firearms Act the requirement that the Chief Commissioner refuse to renew a firearms or dealers licence where the applicant – and in the case of a dealers licence, all the responsible persons in relation to that application and persons employed in the business – does not satisfy the firearms background check requirement, engages the property right in s 20 of the Charter for the same reasons as discussed above in relation to the citizenship requirement.

Similarly, clauses 40 and 44, which insert in sections 46 and 76, and clause 45, which inserts new section 76C, introduces the requirement that the Chief Commissioner cancel a firearms or dealers licence where the applicant – and in the case of a dealers licence, all the responsible persons in relation to that application and persons employed in the business – does not satisfy the firearms background check requirement, does for the same reasons as discussed above in relation to the citizenship requirement, engage the property right in s 20 of the Charter.

For the same reasons as set out in the above discussion on the property right in relation to the new citizenship requirement, I do not consider the firearms background check requirement, as introduced by Part 7 of the Bill, to limit the right to property in section 20 of the Charter.

Conclusion

I consider that the Bill is compatible with the Charter as outlined in this statement.

The Hon. Enver Erdogan MLC
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Statement of treaty compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:10): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Firearms Act 1996* (the Act) to progress reforms that will:

- ensure the continuation of the firearm prohibition order (FPO) scheme;
- make further provision for the categorisation of firearms;

- increase penalties for offences relating to trafficking of firearms and FPOs;
- impose a citizenship requirement and a background check requirement on the holding of a licence under the Firearms Act;
- make consequential amendments to the Firearms Amendment Act 2018.

Consultation with the First Peoples' Assembly of Gellung Warl

Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025*:

advancing the inherent rights and self-determination of First Peoples; and

addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Advancing the inherent rights and self-determination of First Peoples

In my opinion, the Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, affect the object of advancing the inherent rights and self-determination of First Peoples.

While the Bill does not include any provisions that are explicitly directed at First Peoples, the Act which it modifies contains certain safeguards for the FPO scheme that are directly regarding First Peoples. These safeguards are relevant to the proportionality analysis regarding ensuring the equal enjoyment of human rights and fundamental freedoms enjoyed by First Peoples below.

Addressing unacceptable disadvantage inflicted on First Peoples

In my opinion, the Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, affect the object of addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

Apart from the amendments to make the FPO scheme permanent, the Bill does not in its terms deal with First Peoples, nor is it expected that any other aspects of the Bill will, in practice, affect the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

I note that the amendments to make the FPO scheme permanent engage a number of human rights protected under the *Charter of Human Rights Act 2006* (Charter).

The FPO scheme is a civil prohibition order scheme that authorises the Chief Commissioner of Police (CCP) to make a discretionary order against an individual aged 14 years or more if the CCP is reasonably satisfied that it is contrary to the public interest for the individual to have access to a firearm or firearm-related item. The CCP may have regard to the criminal history of an individual, their behaviour or associates, and to criminal intelligence when exercising this discretion.

The impact of an FPO on an individual aged 14 years or more is significant. A person subject to an FPO is exposed to additional offences and extended police powers, including a prohibition on entering or remaining in a range of premises, a duty to surrender any firearm or firearm-related item to police, and exposure to additional search powers allowing a police officer to, without warrant or consent, enter and search the premises of the person subject to the FPO and to search any vehicle, vessel or aircraft that is in the charge of the person subject to the FPO or where they are a passenger thereof. A person subject to an FPO can be searched by a police officer to verify compliance with the FPO and can be detained for as long as necessary for the search to be conducted. Persons accompanying a person subject to an FPO can also be searched.

The FPO scheme commenced in 2018, limited to operation for period of 10 years, and was expressed to be a response to an urgent and pressing threat to public safety and order, deferring consideration of the need for an ongoing scheme to a future parliament.

As the Bill will make the FPO scheme permanent, it engages Charter rights regarding the operation of the scheme, including those rights identified as engaged when the FPO scheme was first introduced in the *Firearms Amendment Act 2018*. These rights include the right to privacy (section 13), the right to

protection of children (section 17), the right to property (section 20), the right to freedom of association (section 16(2)), the right to fair hearing (section 24), the right to freedom of movement (section 12), and the right to protection against self-incrimination (section 25(2)(k)).

Although the Bill does not include any provisions that apply specifically to First Peoples, I note that despite efforts under the Closing the Gap National Agreement and related efforts under the Aboriginal Justice Agreement, First Peoples remain significantly overrepresented across the criminal justice system. The Yoorrook Justice Commission's *Yoorrook for Justice* report found this was in part driven by a 'pattern of systemically racist policing' noting that while this 'does not characterise the whole of policing in Victoria, it is widespread and ingrained'.

I further note that First Peoples are marginally overrepresented as a proportion of the population subject to FPOs. In the period from 2021 to 2025, a total of 1885 FPOs were issued, with 7 percent of all FPOs issued against an individual identifying as an Aboriginal and/or Torres Strait Islander. First Peoples accounted for less than 2 percent of the Victorian population in the relevant period.

Considering the impacts that the discretion and significant powers under the FPO scheme have on human rights generally, the overrepresentation and bias faced by First Peoples in interactions with police generally, and the overrepresentation of First Peoples subject to FPOs, I note that the Bill's amendments to make the FPO scheme permanent and the resulting ongoing potential for the disproportionate application of the FPO scheme on First Peoples, may result in the unequal enjoyment of human rights and fundamental freedoms by First Peoples.

While the Bill may limit the achievement of the objects in section 66(3)(d)(iii) as outlined above, in my opinion the limitations are proportionate and therefore compatible with these objects. In particular I note that:

- the Bill applies universally to all individuals, not specifically or only to First Peoples;
- a FPO can only be made if the CCP is satisfied that it is in the public interest to do so because of the criminal history of the individual; because of the behaviour of the individual; because of the people with whom the individual associates; or because, on the basis of information known to the CCP about the individual, the individual may pose a threat or risk to public safety;
- the Bill has been developed to reform Victoria's firearms regulatory scheme and provisions of the *Firearms Act 1996* that target illicit firearms to comply with National Cabinet's imperative to take strong, decisive and focused action on firearms law reform following the Bondi Beach terrorist attack on 14 December 2025;
- the FPO scheme is subject to a stringent independent oversight regime by the Independent Broad-Based Anti-corruption Commission (IBAC) which includes biennial ministerial reports reviewing the FPO scheme, a general power to monitor and report on the exercise of powers and the performance of duties and functions of the CCP and members of Victoria Police regarding the FPO scheme, and the review of a representative sample of cases where an FPO is ordered;
- the Act also includes specific provisions to protect First Peoples within the FPO scheme including requirements that:
  - when a Magistrate is considering whether to issue a search warrant for service of an FPO they may have regard to whether there is likely to be any First Peoples at the premises at the time of the search;
  - the Victorian Aboriginal Legal Service is notified when certain police powers regarding FPOs are exercised in relation to children (aged 14 to under 18 years of age), including:
    - when a police officer is reasonably satisfied that a service direction determination applies to a child and directs them to remain in place or go to a police station or other safe place, and
    - as soon as practicable after detaining a child under an FPO service search warrant;
  - the CCP must make written records of searches under FPO service search warrants that relate to First Peoples;
  - IBAC has broad powers to monitor the use of police powers relating to FPOs and the CPP must report to IBAC every three months on certain matters, including regarding all First Peoples who were the subject of service direction determinations and service search warrants under the FPO scheme; and
  - a range of data regarding FPOs and the exercise of FPO-related police powers must be included in the Victoria Police annual report.

Conclusion

For the reasons set out above, in my opinion the Bill is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the *Statewide Treaty Act 2025*.

The Hon. Enver Erdogan MLC
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:10): I move:

That the bill be now read a second time.

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

The Victorian Government is unwavering in its commitment to ensure the firearms industry operates safely and only those who are licensed and have a legitimate reason can access a firearm. The Firearms Amendment Bill 2026 (the Bill) continues our focus on improving firearm safety and protecting the community from the dangers of serious and organised criminals, while at the same time balancing the interests of legitimate firearms users including our recreational hunters, sports shooters and primary producers.

The overarching purpose of Victoria's *Firearms Act 1996* (Firearms Act) is to give effect to the principle that the possession, carriage, use, acquisition and disposal of firearms are conditional on the need to ensure public safety and peace. Keeping Victorian's safe is the Government's number one priority and this Bill further demonstrates this, including through increasing penalties for offences under the Firearms Act that target serious and organised criminality and keeping firearms out of the hands of the wrong people.

The amendments in this Bill have been carefully developed in the context of National Cabinet's decision to take strong, decisive and focussed action on firearms law reform following the abhorrent, antisemitic terrorist attack at Sydney's Bondi Beach on 14 December 2025. The development of this Bill has been informed by the Rapid Review of Victoria's Firearms Laws, conducted by Mr Ken Lay AO APM. On 25 May 2026 the final report on the Rapid Review of Victoria's Firearms Laws as well as the Government Response were released publicly. That same day, the Premier made the Government's position on immediate firearms reform clear – through this Bill the Government is making it even harder for a gun to fall into the wrong hands.

This Bill does not place any cap on the number of firearms that individual firearms licensees can lawfully have. The Government recognises the legitimate need for sectors of the community, such as primary producers, professional and recreational hunters, and sports shooters, to lawfully possess, carry and use firearms. Firearms licensees are subject to extensive regulatory scrutiny with the vast majority of firearms owners being law abiding members of the community. Amendments in this Bill will enhance Victoria Police's regulatory toolkit to ensure this continues to be the case.

I turn now to the detail of the reforms in the Bill.

The Bill introduces a citizenship requirement for firearms licensing which will be satisfied by an individual who is an Australian citizen, a New Zealand citizen who is an Australian permanent resident or an individual of a class that is prescribed by the Regulations to satisfy the citizenship requirement. The Bill exempts an individual from the citizenship requirement if they reasonably require a firearm to earn a livelihood or they are an individual in a class that is prescribed by the Regulations to be exempt from the citizenship requirement.

These new citizenship provisions will come into effect on a date to be proclaimed. This will enable a number of elements to be progressed first, including a review of the Firearms Regulations 2018 to further refine the application of the amendments, work by Victoria Police on an upgraded firearms licensing system, and the Commonwealth work to establish the AusCheck scheme. I anticipate the precise proclamation dates will be in line with other jurisdictions and reflect ongoing national dialogue.

The Bill introduces a Commonwealth firearms background check requirement for firearms licensing that will leverage Australian Security Intelligence Organisation – ASIO – and Australian Criminal Intelligence Commission – ACIC – national intelligence information through AusCheck. Once the provisions come into operation, an AusCheck criminal history check will be required for all new firearms licence applicants and existing licensees when they next seek to renew their firearms licence. Additionally, the relevant intelligence agencies and Victoria Police may initiate an own motion check outside of the licensing cycle if new information comes to light suggesting an individual may pose a security or organised crime risk.

AusCheck currently provides background checks for critical infrastructure workers in Australia, specifically determining eligibility for unsupervised access to secure areas in the aviation and maritime industries, in national health facilities, major national events and security-sensitive critical infrastructure sectors. AusCheck provides its background checking services through a legislative framework established by the *AusCheck Act 2007* of the Commonwealth and supporting Regulations. The *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* of the Commonwealth, which came into force on 21 January 2026, laid the foundation for a new Commonwealth background checking framework for firearms licensing leveraging the AusCheck agency and expanding its remit to ensure that Commonwealth intelligence can inform firearms licence decision making in every state and territory.

The amendments in relation to citizenship and allowing for the additional use of national intelligence information to underpin firearms licensing are two key initiatives agreed by First Ministers at National Cabinet on 15 December 2025. This action immediately followed the Bondi terrorist attack and is a significant development in Australia's approach to firearms regulation that are largely nationally agreed in principle at this time.

The Bill repeals provisions of the Firearms Act and the *Firearms Amendment Act 2018* relating to Firearm Prohibition Orders (FPOs) that were to sunset on 8 May 2028, 10 years after their original commencement. These amendments will enable Victoria Police to continue using FPOs as an invaluable tool for disrupting serious and organised criminals and keeping firearms out of their possession into the future. The Bill does not in any way change the substantive nature of the FPO scheme, which will continue with the same features beyond 8 May 2028.

Since 2018, the FPO scheme has played an important role in Victoria Police's ability to detect and disrupt illicit firearms offending. The FPO scheme operates together with the existing prohibited person scheme under the Firearms Act to target individuals who want to possess, carry and use firearms for entirely unlawful proposes. As a civil prohibition order scheme, the FPO scheme was anticipated to be a gamechanger in driving down firearms harm when it was first introduced, and this has proven to be the case. As of May 2026, Victoria Police has issued 2,788 FPOs with a cumulative total of 2,017 charges having been laid related to FPO breaches under specific FPO powers. When Victoria introduced FPOs only a few Australian jurisdictions had implemented such a civil scheme; now almost every jurisdiction has legislated its own FPO scheme, largely consistent with Victoria's.

A person who is subject to an FPO is exposed to prohibitions and penalties that do not apply generally to any other citizen. Those prohibitions and penalties can be imposed on an individual if the Chief Commissioner is satisfied that it is in the public interest to do so because of the criminal history of the individual, or because of the behaviour of the individual, or because of the people with whom the individual associates, or because on the basis of information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety. An FPO must be served on an individual to be enforceable against them.

The Victorian Government has already demonstrated its commitment to giving Victoria Police the powers it needs to use the civil FPO scheme effectively. Amendments to the Firearms Act that came into operation in November 2024 addressed issues raised by police regarding FPO subjects avoiding service of the orders. Those amendments empowered the Chief Commissioner to make a service direction determination to authorise police to stop and detain a person in a public place and direct the person to attend a police station to effect service of an FPO. The amendments also allowed for the issue of a service search warrant by a magistrate, enabling police to enter premises to serve an FPO subject, and persons may be served with an FPO by registered post if they are detained or imprisoned. This Bill now makes the FPO scheme a permanent policing tool in recognition of its criticality in the ongoing proactive disruption of serious criminal activity associated with the illicit use of firearms.

The Bill additionally increases the maximum penalties for the 5 offences relating to FPOs to modernise Victoria's penalty levels in light of equivalent offences introduced by some other jurisdictions more recently and having regard to the seriousness of these offences. Relevant offences prohibit the individual from acquiring, possessing, carrying or using a firearm or any firearm related item, offences for failing to notify the Chief Commissioner of a change of address, offences for entering or remaining on premises where firearms are located, and offences for failing to surrender a firearm or firearm related item when the FPO is served. The Bill also increases the penalties that apply to a third party who, knowing that an individual is subject to an FPO, disposes of a firearm or a firearm related item to the individual subject to the FPO. These amendments will ensure that Victoria's FPO offences will have some of the strongest penalties in Australia.

The Bill introduces graduated offences and penalties for the existing firearms trafficking offences. The Bill imposes harsher and more suitable penalties for possessing, acquiring or disposing of traffickable and large traffickable quantities of firearms to reflect the grave risk to community safety presented by unlawful trafficking in firearms outside of the legitimate licensing system. The amendments will insert new definitions for ***large traffickable quantity of firearms*** and ***traffickable quantity of firearms*** into the definition section of

the Firearms Act to apply an important distinction between a traffickable quantity of firearms, meaning at least 2 but no more than 9 firearms, and a large traffickable quantity of firearms, meaning 10 or more firearms, for the purposes of the existing offences under section 7C and 101A of the Firearms Act.

In relation to the firearms trafficking possession offence under section 7C of the Firearms Act, the amendments will mean that if a person possesses a traffickable quantity of at least 2 but not more than 9 firearms not in accordance with the Firearms Act or the regulations, that person commits an offence carrying a penalty of 1200 penalty units or 10 years imprisonment. However, if a person possesses a large traffickable quantity of 10 or more firearms not in accordance with the Firearms Act or the regulations, that person commits an offence carrying a penalty of 1800 penalty units or 15 years imprisonment.

Similarly, in relation to the existing firearms trafficking offence under section 101A of the Firearms Act, the offence is reshaped to continue the prohibition on the acquisition or disposal or a traffickable or a large traffickable quantity of firearms, and applies the harsher penalty of 1800 penalty units or 15 years imprisonment where a person acquires or disposes of a large trafficable quantity of firearms within a period of 12 months not in accordance with the accordance with the Firearms Act or the regulations.

Finally, the Bill also creates greater flexibility for the Chief Commissioner to temporarily recategorise firearms to better enable police to respond to emerging firearms technology of concern. The Bill clarifies and extends the legislative mechanisms to temporarily recategorise a firearm or type of firearm. The existing power to make an interim declaration under section 3A of the Firearms Act will be extended to authorise the Chief Commissioner, after consulting with the Minister, to make a temporary declaration to change the category of a firearm or type of firearm (other than an antique handgun or a black powder handgun). The exclusion of antique handguns and black powder handguns reflects the unique and historical nature this class of firearm, and the comparatively lower risk to public safety presented by this class of firearm.

The expansion to the section 3A discretion is designed to enable Victoria to respond quickly to changes in firearms technology, and potentially to implement national decisions to quickly recategorise a firearm or a class of firearm, until amending Regulations or other legislative reform is complete. Accordingly, the Bill extends the regulation making power to authorise regulations to prescribe that a class of firearm in a specified category of firearm is in a different category of firearm for the purposes of the Act.

National consistency in firearms categorisation is a fundamental aspect of Australia's federated firearms regulatory scheme. Victoria is actively participating in the renegotiation of the National Firearms Agreement between the Commonwealth and states and territories as announced by National Cabinet on 15 December 2025. Any further consideration of firearms categorisations will be informed through this coordinated national process.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (18:10): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:10): I move:

That the house do now adjourn.

State Electricity Commission

Jacinta ERMACORA (Western Victoria) (18:10): (2649) My matter is for the Minister for the State Electricity Commission Lily D'Ambrosio. The SEC is establishing Victoria's first publicly owned apprenticeship academy and will deliver 2000 electrical apprenticeships. The action I seek is an update on how Victoria's renewable energy transition is creating jobs.

Princes Highway, Panmure

Bev McARTHUR (Western Victoria) (18:11): (2650) My adjournment debate is for the Minister for Roads and Road Safety, and the action I seek is that the minister direct her department to urgently repair and resurface the Princes Highway at Panmure and to review the intervention standards and compensation processes that leave motorists paying for damage caused by roads the state has failed to maintain. On the evening of 19 September last year a constituent of mine from Waurn Ponds was

driving on the Princes Highway just east of Panmure. It was dark and wet, and he struck a series of large potholes. The damage to his vehicle came to approximately $44,000, and the car was off the road for the next nine months. My constituent did things by the book. He lodged a compensation claim in October 2025. It took eight months for the department to confirm the claim would even be assessed. In July he was told nobody was liable because the road authority had complied with the legislation. Notably, the department did not deny the potholes were there or that they caused the damage. This week he was advised that a pothole must exceed 300 millimetres in diameter and 100 millimetres in depth before repairs are required. On a highway that is not a pothole, it is a crater. This section of road is supposed to be inspected weekly. Mr Castle photographed the hazards on 19 and 26 July and reported them on 22 and 27 July. Twice he was assured a crew would be sent. The potholes remain.

I note that Ms Terpstra told the house yesterday that residents in one Banyule street are quite happy to have their road full of potholes because they keep the traffic away. I can assure the minister that no such enthusiasm exists in Panmure. Nobody in Western Victoria is campaigning to save their potholes. I would like to be constructive rather than unreasonable. It is true that country Victorians do not expect perfection. What they do expect, however, is a highway that does not wreck their vehicles, an inspection regime that leads to actual repairs and a claims process that responds in weeks, not eight months. So I ask the minister to fix this stretch of the Princes Highway and to make sure the system protects road users, not just her department.

Poultry industry

Georgie PURCELL (Northern Victoria) (18:14): (2651) My adjournment matter is for the Minister for Agriculture, and the action that I seek is for free-range chickens to be given better living conditions. Victorian consumers have the right to make informed choices on the products they buy, so it is crucial when they purchase free-range eggs that that is what they actually get. Roughly 70 per cent of shoppers opt to buy free-range options over caged eggs, and this often means that well-meaning Victorians are spending more for what they believe to be an ethical product. There is no such thing as an ethical egg, but it is evident that there are less cruel farming practices. When people hear 'free-range' they often think of happy chickens living in fields of rolling green hills – after all, that is the power of marketing and industry spin – but the reality is this could not be further from the truth, and often 'free-range' is a complete fraud. Currently in Victoria the legal classification of free-range chickens allows for up to 10,000 chickens to be housed per hectare of outdoor space, or one chicken per square metre. The high concentration of birds in one area rapidly rips grass from the soil, which leaves hard, compacted mud rather than an engaging pasture. When birds are kept in cramped conditions, their stress levels are elevated, and this often triggers high rates of feather pecking, fighting and even cannibalism. Hens need access to shade, shelter and vegetation, and they should be able to use that space. Yet Australia allows up to 10,000 chickens per hectare, which is four times the 2500 chickens allowed in the same space in New Zealand and in the EU.

What needs to change is simple: we need lower stocking densities and stronger requirements for outdoor space. If we are going to exploit hens for their eggs, we must ensure they are given the room to forage, dust, bathe, perch, explore and move freely. Most importantly, egg labels should accurately reflect these conditions so that when Victorians see 'free-range' in the supermarket, they can actually trust that it means free-range. Minister, we have an obligation here to make life better for these hens, so will you heed the calls from Victorians and from my work experience student Harper Collinge to end the free-range fraud?

Public transport fares

Sonja TERPSTRA (North-Eastern Metropolitan) (18:16): (2652) My adjournment matter this evening is for the Minister for Public and Active Transport, and the action I seek is for the minister to update me on ridership levels in the North-Eastern Metropolitan Region and the uptake of these very impactful cost-of-living measures that I am about to outline. The numbers speak for themselves: a full daily fare cap that was $11.40 is now $5.70. Concession holders who were already paying $5.70 now

pay just $2.85. For a regular commuter, that adds up to a saving of more than $850 between now and the end of the year. For families and low-income earners who rely on public transport, this is real money in their pockets at a time when they need it the most. And importantly, this is not complicated – passengers do not need to fill out any forms or download any apps; they just tap on and then get on their way. This follows two months of free public transport, a measure that helped hundreds of thousands of Victorians while fuel prices remained high. Half-price fares continue that commitment through to 1 January 2027 as part of the broader package that includes a 20 per cent rebate on vehicle registration. I ask the minister to update me on the ridership levels and uptake of these cost-of-living measures in the North-Eastern Metropolitan Region.

Energy policy

Gaelle BROAD (Northern Victoria) (18:18): (2653) My question is to the Minister for Energy and Resources. All Victorians need reliable, secure and affordable energy, and those most affected by energy projects living in rural and regional areas across northern Victoria deserve to be heard. Families, farmers and businesses are paying the price for failed energy policy. Over the last decade we have seen reduced local production, higher energy prices and growing uncertainty about Victoria's energy future. The Victorian Auditor-General has warned that Victoria faces a significant risk of electricity shortfall following the expected closure of the Yallourn power station in 2028. With energy shortages comes the risk of blackouts, higher energy bills and a stalling economy.

Under Labor residents across northern Victoria are being denied a voice. I have heard from residents, one of which has asked many questions of multinational companies developing wind farms surrounding their property, and despite the direct impact on their livelihoods, they are still waiting for answers despite attending community consultation sessions for more than a year. Their home is totally off-grid, yet they are soon to be surrounded by 300-metre-tall wind turbines less than 1 kilometre from their home, and they are living in a state of limbo. Under this government residents have also been silenced by harsh laws designed to bulldoze local economies as they seek to construct costly transmission lines.

The action I seek is for the government to prioritise affordable, reliable and secure energy supplies in Victoria. I ask the minister to give farmers their rights back and repeal the harsh fines on landholders who refuse access to their own land; reinstate the right of appeal to the Victorian Civil and Administrative Tribunal to ensure community voices are heard in the planning process; halt VNI West and undertake a rigorous assessment process for all major transmission projects to ensure that they meet community and cost expectations while protecting prime agricultural land; repeal the extraordinary powers that permit compulsory acquisition of easements, even before planning and environmental studies have been undertaken; ensure that large-scale wind and solar generation projects face a rigorous and independent planning panel assessment and institute a default 2-kilometre buffer zone around proposed wind towers; open the door for more locally produced gas to help lower energy bills, strengthen Victoria's energy security and support regional jobs; give people back a choice – reverse Labor's gas ban and let new Victorian households and businesses connect to the gas network; and promote urban solar parks on warehouse and factory rooftops in Melbourne to develop energy where it is needed and minimise the need for more transmission lines across the state. The government must listen to the residents across northern Victoria and ensure that local communities have a genuine say in decisions that affect their land and livelihoods. I look forward to the minister's response.

Don Bosco youth centre

Anasina GRAY-BARBERIO (Northern Metropolitan) (18:20): (2654) My adjournment matter this evening is for the Minister for Development Victoria and Precincts, and the action I seek is that the Victorian government and Merri-bek City Council work together to explore every option to save the Don Bosco youth centre. After 87 years of serving the community, the Don Bosco youth centre and hostel is up for sale. The community is fighting hard to save this beloved space for our children and young people. In just over a week more than 5000 community members have signed a petition

asking the state government and the Merri-bek City Council to do everything within their power to save the centre. Don Bosco is a place where parents who spent their own childhoods playing at Don Bosco now bring their own kids to play. It is where you bring your toddler to burn off energy on the trampolines and to pat the rabbits, with a trip to A1 Bakery afterwards for a cheese pie. It is where you celebrate your kid's birthday if your home is too small to host the entire class. Don Bosco is an important third space for our young people. There are not many welcoming spaces left in our community for young people to hang out and socialise that are not big shopping malls or require money to access. Don Bosco has free after-school, weekend and holiday programs, with youth workers on site who genuinely get to know our young people. If you want to know what the youth centre means to our community, I encourage you to look at the more than 80 comments on the petition, like this one from Nicole:

> As a youth worker, I take young people who are in foster care here as it's a fun, affordable place where my young people are safe to connect.

Petra said that Don Bosco 'has helped so many kids who don't have a backyard', and she said 'this is our second home please help'.

I want to be clear that the community are not asking the Salesians of Don Bosco, who own the youth centre, to halt the sale. The Salesians have a documented history of institutional child sexual abuse in Australia. The community does not want to stand in the way of victim-survivors of horrendous abuse receiving compensation for the harms they have endured at the hands of this organisation. But this site's imminent sale is an opportunity to reimagine how it can continue to serve the community. The site has space for a youth centre, social housing and other co-located supports. Minister, I encourage the state government to work together with Merri-bek City Council to reimagine the future of this centre before it passes into developer hands and is lost forever.

Education system

John BERGER (Southern Metropolitan) (18:23): (2655) My adjournment matter is for the Minister for Education in the other place. This Labor government is investing in Victoria's education system to make it the Education State. An important part of the goal of making Victoria the Education State is ensuring that all children, no matter their background or diversities, have equal access to education. That is why in the 2022–23 Victorian budget millions of dollars were invested into specialist autism schools across the state. This included into the Giant Steps school in Kew, which in the most recent round of funding received over $1.7 million to help build a much-needed renovation for the school. This school serves many members of the community that I represent, and I am glad to see them getting the funding they deserve. The action that I seek is for the minister to provide me an update on how investments in schools like Giant Steps improve outcomes for constituents in my electorate of Southern Metro.

Wollert police station

Wendy LOVELL (Northern Victoria) (18:24): (2656) My adjournment matter is for the Minister for Police. The action that I seek is for the minister to specify what funding has been allocated to build the new Wollert police station and confirm when construction will start and when the station will open. Under Jacinta Allan's Labor government, crime was up. It is up under Ben Carroll as well. But policing is down and Victorians no longer feel safe in their homes. Liberal candidate for Yan Yean Amanda Dow has been out and about in the community talking to people affected by Labor's crime crisis and hearing frightening stories from victims of crime. Amanda has asked me to raise this issue with the minister, as residents in Donnybrook and Woodstock are concerned about the lack of police presence in their community. Car theft and home invasions are going up, leaving people feeling fearful for their lives and their families. Since 2022 overall crime in the City of Whittlesea has surged by 44 per cent, and burglary and home break-ins have almost doubled, with a massive increase of 88 per cent. But under Labor, police stations in Epping, Mernda and Mill Park are operating with less than 50 per cent of their designated staffing levels, and the Labor government has responded by reducing station

opening hours twice in the last six months. Now there is not a single police station open 24/7 in the whole Whittlesea police service area.

Labor's crime crisis is especially bad for residents of growth suburbs like Donnybrook and Wollert, who suffer more than most because the rollout of new police stations has not kept pace with the rapidly increasing population. Victoria Police put a new Wollert police station in their 2019–21 funding priority list, and the Victorian government purchased land for the station in 2021. But since then the project has stalled. A year ago I asked the minister to confirm when construction would start and finish on the Wollert station, but the minister dodged the question and said the residents in Wollert would get help from Epping police station and others in the area. But Labor has closed Epping station on the weekends and in the evenings. Mill Park station has also had its hours reduced, and Mernda station has been reduced to just two days a week.

The Labor member for Yan Yean Lauren Kathage recently posted to social media to say that the new Wollert police station is now 'getting ready to go forward towards building'. I have never heard a more vague announcement in my life – getting ready to go forward towards building? Let us be clear, Labor has allocated no money in the 2026–27 budget to build the Wollert station, and there are no police officers to open and run the station if it was built. Residents in Wollert and Donnybrook are desperate for a rapid police response, and they feel abandoned by the Allan Labor government, which has totally failed to fix the staffing crisis and will not properly resource the police service area.

Only the Liberals have a plan to end Labor's crime crisis and keep Victorians safe. We will recruit 3000 extra Victorian police officers; reopen the more than 40 police stations that have closed or had their hours reduced; hire an additional 200 PSOs to patrol train stations, including Mernda train station; and implement tougher bail and sentencing laws to ensure that criminals face real consequences for their actions.

Absentee owner surcharge

David LIMBRICK (South-Eastern Metropolitan) (18:28): (2657) My adjournment matter this evening is for the Treasurer. I am very proud of the fact that I represent a region of Victoria where we have one of the largest manufacturing areas in the entire nation, which is in Dandenong South. But one thing that I have been speaking to many people about is the concern about the foreign owner surcharge and the dramatic effect that it is having on attracting foreign capital investment to this state. My action for the Treasurer is to consider either abolishing or at least harmonising with New South Wales the foreign owner surcharge for commercial and industrial property in order to help attract foreign investment to this state. The Premier has spoken about a new direction and how he wants to support business. I think that this would be a fantastic thing that could happen. I note that when the debate about this tax first came in, most of the debate was around residential property, and that is what most of the justifications for it were. I do not really see what the justification for this tax on commercial and industrial property is. I would like to see Victoria become a haven for foreign investment, indeed all types of investment, and this would go a long way to attracting more investment into Victoria – indeed into the Dandenong South area. I think that this would be a great thing for Victoria, to stop companies choosing other states or other countries because of this disincentive to investment here.

Road freight services

Tom McINTOSH (Eastern Victoria) (18:29): (2658) My adjournment is for the Minister for Ports and Freight, and the action I seek is an update on how the government is supporting the electrification of freight operations. Every electric bus that we get on the roads is 40,000 litres of diesel that we can save for our farmers. Every truck in the freight network helps gets produce to our supermarkets, removing shocks from our supply chains around oil. Our food supply chain is too important to be at the whim of global markets.

While we are talking about trucks, I would like to talk about a campaign by the Transport Workers Union. The TWU are running a local campaign at Saputo's Maffra and Leongatha sites. For the last

60 years there has been a clear custom and practice that the longest serving seasonal driver would be given priority when a permanent position is available. The principle of first come, first served dates back to the Devondale Murray Goulburn days. It meant workers had the confidence that their loyalty and service would be recognised and rewarded. Saputo has disappointingly stopped following the first-come, first-served principle. Their decision undermines worker trust and confidence. It denies a fair go to seasonal drivers, who are already experiencing insecure work.

Workers who dedicate years of loyal service to their employers should be treated fairly, consistently and with respect. Milk tanker drivers are essential to Victoria's dairy industry. They do essential work and should be afforded job security. Foreign-owned giants like Saputo, who have entered the Victorian market by buying out local providers, owe it to regional workers to offer a fair go, job security and certainty. I want to acknowledge the work of the TWU, their delegates and their members. This is why it is important for workers to be union members and have representation in their workplace to ensure their quality of life.

Local government integrity

David DAVIS (Southern Metropolitan) (18:31): (2659) My matter is for the Minister for Local Government, and it concerns integrity in local government and includes in particular donations in local government. There is a donations regime for local government, I understand that, and some councils have specific codes. There is also the situation where councillors may be running for Parliament as well. In this case in my own local area, the City of Boroondara councillors Torney and Ibuki are running for state Parliament. They received very large donations from Climate 200. They received two donations each, of $100,000 and $40,000 – $140,000. Obviously there have been changes in the regime and they have been forced to pay that money back. But for a lengthy period of time they were both there with $140,000 donations burning a hole in their pocket and making decisions at council level about a whole series of different matters, including climate policy and the annual budget. Those decisions are meaningful decisions.

I have written to the council and said I am concerned about this risk – that there appears to be a loophole in the requirements for local government, so that if a member of a council, a councillor, is running for state Parliament, there is no requirement for a declaration. I think actually in many cases the council arrangements will catch it, because these could be regarded as gifts. I would certainly regard $140,000 as a substantial donation – nobody has ever donated $140,000 to my campaign, for example. It seems that at the Victorian Electoral Commission level the $140,000 donations to Cr Ibuki and Cr Torney are the highest donations that have ever been made in Victoria. That is subject to checking, but it does appear that that is the case.

Climate 200 has made those donations. They put the money in their pocket. It is burning away. I mean, it must be furiously hot to have $140,000 in donations sitting in your pocket ready to go with a campaign. But meanwhile at council none of this was declared at that early point. The council did not know about this. So they were making council decisions day by day, week by week, month by month on climate policy, for example – perfectly legitimate for council to do so – and council budgets, which is perfectly legitimate. But they were doing this without the integrity of a proper declaration arrangement. So I think the council is going to have to look at this. This may be a more general point to be made statewide, but it does appear there is a loophole that those councillors have slipped through and not made the declarations. It may mean that some decisions of council may need to be relooked at.

Family violence

Rachel PAYNE (South-Eastern Metropolitan) (18:35): (2660) My adjournment matter is for the Minister for Prevention of Family Violence, and the action I seek is for the expansion of the Alexis family violence model statewide. The Alexis family violence response model is an innovative program that places specialist family violence workers alongside Victoria Police. It aims to target high-risk and recidivist family violence and to provide immediate and coordinated supports. In 2014 the Alexis model was piloted in the Bayside area and was later expanded to Glen Eira and Kingston. During the

pilot period there was an 85 per cent reduction in family violence recidivism for Alexis family violence response model clients, and 78 per cent of victim-survivor participants reported that this integrated approach helped reduce family violence in their lives. It has been 12 years since this model was piloted. There are 29 family violence investigation units across Victoria Police, and currently only five are under this model.

Earlier this week the Parliamentary Budget Office released a report on extending the Alexis family violence model statewide, which I sought the costings for. The Parliamentary Budget Office costings indicated that extending the Alexis family violence response model statewide would cost $31.1 million across the 2026–27 to 2029–30 years. This means just over $10 million a year, with an estimated $417,000 per family violence investigation unit for the remaining 24 units across Victoria. I have consulted with stakeholders across the family violence sector, and there is broad agreement that this is a model that works and delivers positive outcomes for victim-survivors. More importantly, the expansion of the Alexis family violence response model must be informed by the voices and lived experiences of the communities it is intended to serve. Women and children from culturally and linguistically diverse communities, First Nations communities, LGBTIQA+ communities, women with disability and other groups who experience disproportionate barriers to safety and support must be actively involved in the expansion of the Alexis model. Therefore the action I seek is for the Minister for Prevention of Family Violence to expand the Alexis family violence response model statewide.

Government performance

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:37): (2661) My adjournment matter is to the new Premier, which this week is Mr Ben Carroll. The action I seek is for the Premier to clearly demonstrate the steps that this tired Labor government will take to stop the financial mismanagement in this state and to properly fund our frontline services – volunteer firefighters, teachers and medical professionals – acknowledging that this should include the Liberal–Nationals policy to scrap the GP tax. Premier, doctors are leaving the profession and moving interstate. CFA fire brigades are working with unsafe and outdated tankers and equipment. Crime is rampant, police are stretched thin and schools are dealing with increasing violence and behavioural issues. This Labor government has wasted billions of taxpayer dollars, and Victorians have had enough.

Instead of pouring $15 billion into Big Build corruption and paying $589 million into the Commonwealth Games we never got to host, this taxpayer money should have been used to fund services that make a difference to Victorian lives. One of these services is the Skye CFA brigade, which plays a critical role in keeping the community safe but is forced to respond in dangerously unsafe and outdated tankers. In a recent visit Jeff Shelley, Liberal candidate for Carrum, and I sat outside on the back of a 24-year-old tanker that is fitted with noncompliant seatbelts, where firefighters breathe in large amounts of diesel fumes. These unsafe tankers were designed for rural towns with up to 30 calls a year, but the Skye CFA brigade is on track to respond to 280 calls this year.

The Wilson-led Liberal Party has a 10-year economic plan to govern with confidence and fix this budget and our growing economy – well, it needs to be growing. We will invest to strengthen our health system and retain our doctors and nurses. Medical centres are struggling to meet demand, and many have been battling GP shortages for years. In Victoria demand for health care is growing faster than the available GP workforce. The Cove Family Medical Centre in Patterson Lakes has been advocating for more doctors for over three years so it can continue providing essential medical care to vulnerable communities. But this government continues to ignore and dismiss their needs. This Labor government has racked up almost $200 billion in debt. Its GP tax has been a catalyst for doctors leaving the profession and moving interstate. Our plan to scrap this regressive GP tax will attract more doctors, making it cheaper for Victorians to see a GP and reducing pressure on our emergency departments.

The Liberal Party also has a plan to keep Victorians safe, by recruiting 3000 more police and reopening more than 40 police stations that have been closed or had their hours cut. Labor wasted $13 million of taxpayer money on machete bins, which did nothing to curb the record level of crime in this state.

Victorians are being traumatised, with a crime committed every 50 seconds. Teachers and students deserve to feel safe at school, but due to a rise in violence and behavioural issues, many no longer do. A Liberal–National government will introduce reforms to address classroom behaviour. Premier, you are part of the same old regime. How is your tired Labor government going to fix this state?

Housing

Katherine COPSEY (Southern Metropolitan) (18:40): (2662) My adjournment this evening is to the Minister for Housing and Building, and the action I seek is that they meet with the residents committee at 25–27 King Street in Prahran, the public housing tower. I have been contacted by residents of that public housing tower who have grave concerns about the government's plans for their homes and questions about the process and relocation and the impact that it is going to have on their homes and their rights to housing into the future.

Some of the issues that residents have raised with me include the uncertainty that they have about the rental payments that will be due when their public housing switches to being operated by a community housing tenant. They have seen contradictions between information that they have been provided with. In essence, they have been provided with a brochure that states that rent will be at 25 per cent of income and fee free with no qualification. However, they have subsequently heard that narrowed down in conversation, and they want to know what their actual rights are: what they were told in conversation or what they have in writing in the brochure. They are very concerned about the state's apparent abandonment of the over-55s dedicated housing model, and they would like to have assurances around the continuation of that model and confirmation of the government's position.

They have also raised that they are concerned around the erosion by the government's policy of the right to public housing as a choice. The right to return is frequently put up as a defence of the government's public housing program, but the residents at King Street want to say to the government that they should be formally entitled to choose between public housing and community housing. That choice is essentially hollow when the government has a policy of not replacing public housing stock when it is refurbished, instead converting it to community housing stock site by site. The residents say soon there will not be anything left to choose between, and so it is illusory to say that they can still have access to public housing when the government seems committed to eroding public housing stock. They want to know how the legislated public housing portion across the Big Housing Build is designated in law. That requirement, they observe, is statewide, not site specific, so they suspect it can technically be satisfied by allocating public housing to some rural area that is far away from the community that they know and love and have set down roots in. There are a number of other points that the residents have raised and concerns and confusion that they face as they go through this process, and so I reiterate: it would be very much appreciated by the residents if the housing minister could make themselves available for a meeting.

Vopak Victoria energy terminal

Sarah MANSFIELD (Western Victoria) (18:43): (2663) My adjournment this evening is for the Minister for Planning, and the action I seek is a refusal of the environment effects statement for Vopak Victoria's terminal. Dutch multinational company Royal Vopak has proposed the Victoria floating liquefied LNG import terminal – a liquefied gas or LNG import terminal situated in Port Phillip Bay, or Naarm, approximately 19 kilometres offshore from Avalon. Frankly, it is alarming that this project is even under consideration at all given the state of the climate crisis. A climate catastrophe is unfolding in the Northern Hemisphere, with many parts of Europe experiencing unprecedented fires. The fact that we are having to have this fight is yet another example, if we needed one, that Labor does not actually know what climate action is. Their relentless approval of new fossil fuel projects so fossil fuel giants can profit at the expense of our livelihoods and our futures shows just how captured they are. This is the second gas terminal proposal in five years that communities in Geelong and surrounds, First Nations and environmental groups and climate and marine experts are standing up and fighting against. Expert reviews of Vopak's EES have identified many alarming gaps, including documenting

the wrong species, flawed fieldwork, unaccounted-for shipping emissions, no assessment of the impacts on bird migration and no risk management plan, just to name a few. Vopak has avoided assessing some of the most ecologically and culturally significant and heavily used waters in the entire region. They have also failed to assess the cumulative impacts on a bay that is already in decline and in an impoverished state.

Vopak is proposing to run a pipeline through 443 hectares of internationally recognised and protected Ramsar wetlands. This site provides vital habitat for migratory shorebirds, the vulnerable growling grass frog, threatened fish species and the critically endangered orange-bellied parrot, with historical annual counts exceeding 20,000 individual birds. Any works that could affect the ecological character of a Ramsar site trigger obligations under the Environment Protection and Biodiversity Conservation Act 1999, one of Australia's most significant environmental laws. These obligations have not been adequately addressed, and the consequences of getting this wrong are permanent.

The proposed Vopak floating gas terminal presents an unacceptable risk to marine life, ecosystems, climate and public health and safety. Our communities and our bay deserve more than what this EES provides and so much better than a government which would allow multinational corporations to destroy our natural environment and our climate to make a profit. The minister must reject this application.

Craigieburn police station

Evan MULHOLLAND (Northern Metropolitan) (18:46): (2664) I rise to raise an important matter for the Minister for Police regarding the temporary closure of Craigieburn police station and the impact it is having on my community. The action I seek is for the minister to provide a clear timeline for the reopening of Craigieburn police station to keep my community safe. This closure comes at the worst possible time. Residents across Craigieburn and the wider Hume community are already dealing with significant increases in crime, and they deserve the confidence that their local police station will be open and available when they most need it.

According to the independent Crime Statistics Agency, total criminal offences in Hume have increased by 28 per cent since September 2023; residential aggravated burglaries are up 11 per cent; family violence related serious assaults have increased by 78 per cent; motor vehicle theft has surged by 82 per cent; and prohibited weapons offences, including machete-related crimes, have risen by 31 per cent. There is a retail offence in Hume every 3 hours – or one in the Labor caucus room. These are not just statistics; these are real people who come to my office, who send me emails, who come up to me on the streets of Craigieburn, who have had their homes broken into, who have been victims of crime themselves and who no longer feel safe in their neighbourhoods. There is a real lack of trust when all of a sudden, without explanation, there is a temporary closure. We know that Craigieburn has had its hours reduced and then reduced again, but now it is just temporarily closed. Let us not forget that the police station is only 3 minutes drive away from where a 15-year-old was fatally stabbed and then left outside the Craigieburn Community Hospital.

The figures also show that there were 10,805 unsolved crimes in Hume in 2026, representing 47 per cent of all recorded offences. That is an alarming number, and it only adds to community concern about the level of crime across our suburbs. At a time when crime is rising, the temporary closure of Craigieburn police station sends exactly the wrong message. We know in the new Premier Ben Carroll's first attempted coup he ran a line about keeping police stations open. This is the new Premier's test: he is either going to be like Jacinta Allan and keep shutting down police stations or he can reopen Craigieburn police station. We will, under the Liberals and Nationals, hire 3000 new police so that we can keep our police stations like Craigieburn open under Jess Wilson, because Victoria darn sure needs a fresh start.

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:49): A number of members have raised matters for a number of ministers, and I will refer them accordingly.

The PRESIDENT: The house stands adjourned.

House adjourned 6:49 pm.