Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 2 April 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

CONTENTS

PETITIONS
Animal care and protection legislation 1377
PAPERS
Papers 1377
PETITIONS
Responses 1377
BUSINESS OF THE HOUSE
Adjournment 1377
Notices 1378
MEMBERS STATEMENTS
Easter 1378
Liberal Party 1378
Darebin City Council 1379
North-Eastern Metropolitan Region multicultural communities 1379
Avalon Airport 1379
Assyrian New Year 1379
Chaldean Babylonian New Year 1380
Easter 1380
My Joint 1380
Emergency services 1380
Robert Bath 1381
Australian Football League 1381
Yarram infrastructure projects 1381
Government performance 1382
Glenferrie Festival 1382
Small business support 1382
Cost of living 1383
Nowruz 1383
Fuel supply and prices 1383
BUSINESS OF THE HOUSE
Notices of motion 1383
BILLS
Regulatory Legislation Amendment (Reform) Bill 2026 1384
Second reading 1384
Instruction to committee 1396
Committee 1396
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Suburban Rail Loop 1403
Disability services 1405
Ministers statements: building regulation 1406
Land tax 1407
Illicit tobacco 1408
Ministers statements: Marngoneet prison horticulture program 1408
Youth crime 1409
Food relief 1410
Ministers statements: early childhood education and care 1410
Youth justice 1411
University sector 1412
Ministers statements: water policy 1412
Written responses 1413
CONSTITUENCY QUESTIONS
Eastern Victoria Region 1413
Western Victoria Region 1413
Western Victoria Region 1414
Southern Metropolitan Region 1414
Northern Victoria Region 1414
Northern Victoria Region 1414
Southern Metropolitan Region 1415
Southern Metropolitan Region 1415
Northern Victoria Region 1415
Northern Metropolitan Region 1415
Eastern Victoria Region 1416

CONTENTS

Eastern Victoria Region 1416
South-Eastern Metropolitan Region 1416
Western Victoria Region 1416
Southern Metropolitan Region 1417

BILLS

Regulatory Legislation Amendment (Reform) Bill 2026 1417
Committee 1417
Third reading 1424

BUSINESS OF THE HOUSE

Orders of the day 1425
Standing orders 1425

BILLS

Safe Food Victoria Bill 2026 1437
Second reading 1437
Instruction to committee 1460
Committee 1460
Third reading 1473
Cladding Safety Victoria Repeal Bill 2026 1473
Introduction and first reading 1473
Statement of compatibility 1473
Second reading 1476
Building and Plumbing Administration and Enforcement Bill 2026 1478
Introduction and first reading 1478
Statement of compatibility 1479
Second reading 1512
Regulatory Legislation Amendment (Reform) Bill 2026 1518
Council's amendments 1518

ADJOURNMENT

Timely Emergency Care program 1518
Northern Metropolitan Region police resources 1518
Melbourne Sexual Health Centre 1519
Electric buses 1519
Daylesford Speedway 1520
Montrose quarry 1520
Suburban Rail Loop 1521
School violence 1521
Mount Arapiles rock climbing 1521
The Space Between 1522
HealthShare Victoria 1522
Stripsearching 1523
Strathbogie Shire Council 1523
Western Metropolitan Region police resources 1524
Timber industry 1524
Responses 1525

Thursday 2 April 2026

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

Petitions

Animal care and protection legislation

Georgie PURCELL (Northern Victoria) presented a petition bearing 10,410 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the delay in the introduction of the draft Animal Care and Protection Bill to Parliament. The draft Bill seeks to replace the current and less efficacious *Prevention of Cruelty to Animals Act 198*6.
>
> The RSPCA has more animal neglect, cruelty, and abuse cases than they can manage with the number of inspectors they have. They are hampered by current legislation that is not fit for purpose when animals need to be seized immediately and in large numbers.
>
> On the Mornington Peninsula, a group of over 7,800 individuals have signed a community petition to the RSPCA and Agriculture Victoria and 1,100 people joined a peaceful protest page which gained coverage by the Somerville Times and Peninsula Local News, Channel 10 News, 3AW and the Herald Sun about the dire situation. There are dozens more cases like this. Action is needed now.
>
> **The petitioners therefore request that the Legislative Council call on the Government to immediately introduce the draft Animal Care and Protection Bill which seeks to replace the current *Prevention of Cruelty to Animals Act 1986*.**

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

Papers

Papers

Tabled by Clerk:

> Parliamentary Committees Act 2003 – Government response to the Public Accounts and Estimates Committee's Report on the 2025–26 Budget Estimates.
>
> Statutory Rule under the Wrongs Act 1958 – No. 21.
>
> Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 19.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: the Minister for Community Sport's response to the petition titled 'Support the Office for Women in Sport and Recreation' and the Minister for Police's response to the petition titled 'Reject changes to firearms legislation without proper consultation'.

Business of the house

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:36): I move:

> That the Council, at its rising, adjourn until Tuesday 12 May 2026.

Motion agreed to.

Notices

Notices of motion given.

Michael Galea having given notice:

The PRESIDENT: I will just be reviewing some of these motions and whether they make it onto the notice paper, because cynical and sarcastic ones do not apply. I will just let people know that.

David Davis: On a point of order, President, these are actually quite serious motions.

Members interjecting.

David Davis: Not that one, but these are very serious motions, and they should remain. All of these ones about PSOs being stripped from railway stations are about community safety.

The PRESIDENT: That is an interesting point of order, because my concern was Mr Galea's motion, not yours. I think one in, all in. They can be checked. I can clarify: my concern was with Mr Galea's motion.

Further notices given.

Renee Heath having given notice:

The PRESIDENT: Mr Davis, on your point of order, I just want to check if moving a motion to excoriate a member is parliamentary. I need to check that word.

Further notices given.

Members statements

Easter

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:50): I rise to mark Easter, a significant time for Christians across Victoria and the world. My electorate of Northern Metropolitan Region is home to some of the world's oldest Christian traditions. Each contributes to the rich diversity in which the sacred festival has been observed for over two millennia. This year Easter is marked across two weekends, with western churches observing this weekend and Orthodox communities the next. It is a time when community life is on full display; families come together, kitchens are filled with traditions passed down through generations and churches and community groups across Melbourne's north open their doors and serve others with quiet dedication. They check in on the elderly, support families doing it tough, welcome new arrivals and step up when help is needed. Through parish life and community organisations we see compassion in action. Easter reminds us of the values that strengthen our communities: kindness, generosity and care for one another. These are values that unite us all regardless of background or belief. I wish everyone in the Northern Metropolitan Region and across our state a blessed Easter. May it bring renewal, hope and time well spent with loved ones.

Liberal Party

Bev McARTHUR (Western Victoria) (09:51): Last weekend in Geelong I had the privilege of being preselected as the Liberal Party's number one candidate for Western Victoria Region by the vast majority of delegates. Graham Watt was elected as our second candidate. It was a clear yes to experience and conviction, and I thank delegates for their endorsements. With purpose and vigour we will lead our local team to the next election and hold the worst state government in the nation to account. We will stand up for the forgotten farmers, families and country Victorians, and I thank leader Jess Wilson and outgoing colleague Joe McCracken for their support. With the backing of the Victorian people, Jess and I and our team are determined to form and lead a government that restores hope and opportunity.

Darebin City Council

Bev McARTHUR (Western Victoria) (09:52): On another matter, after nearly 2½ years I am glad to report that the Darebin council have finally seen the light. They have agreed to lower a foreign flag, the flag of Palestine, flying near Preston town hall. A motion moved by Cr Boglis and backed by the majority of the council bans new international flags from being flown. Sadly, there were three hold-outs, including two from the Greens, who would prefer to perpetuate this nonsense. As a former councillor and the Shadow Minister for Local Government, I have long said councils should be focused on their core business: roads, rubbish and community infrastructure. Foreign affairs and fringe activism – *(Time expired)*

North-Eastern Metropolitan Region multicultural communities

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:53): Generations of migrants have built this country as we see it today. I am proud to represent a part of Melbourne home to people of many different cultural backgrounds, including the largest Chinese diaspora community in the country. People come to Australia for a whole range of reasons, many fleeing conflict – in all cases, people looking for a better life for their families and loved ones. Some people are trying to blame migrants for the struggles that people are facing, but the reality is migrants are not taking people's jobs, migrant communities are not the cause of the housing crisis and multicultural communities are not the cause of the rising cost of living. These pressures are driven by corporations who have captured governments in this country and are making them bend to their will. The fact is that immigration over the years in this country has literally built the homes that we live in. Imagine for a moment our healthcare services, our small businesses, our communities, if it were not for the contributions of people from all over the world who have called this country home and who have built family and put down roots here in Australia. We would all be worse off if we turned our backs on people coming to this country for a better life, whether they are newly arrived or whether they have been here for years. So instead, I say welcome.

Avalon Airport

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:55): I rise today to mark an important milestone for Western Victoria, with international flights returning to Avalon Airport. Last week I was pleased to have the member for Lara Ella George join me to celebrate Jetstar's inaugural service from Avalon to Bali. Avalon Airport will operate five return services a week, carrying more than 120,000 passengers each year. This has been made possible through the support of the Allan Labor government. The service restores Avalon's role as an international gateway, expands travel choices for Victorians and will bring more visitors to Geelong and our region, boosting tourism and local jobs. Jetstar has also resumed domestic routes to Adelaide – I think it is seven return services a week – and will increase services to Brisbane, bringing even more domestic visitors to our region. Avalon Airport has undergone major upgrades, expanding capacity, enhancing security and upgrading domestic and international terminals. Accessibility has also been improved, with 500 new car parks and a new route 18 bus service connecting the airport to Lara station seven days a week. As Victoria's second curfew-free international airport, Avalon plays a vital role in our aviation network and local economy. These expanded passenger services follow the recent opening of the new freight processing facility in the Avalon precinct. With Labor's $147 billion investment in regional Victoria, it is Labor that is backing jobs, growth and opportunity.

Assyrian New Year

Evan MULHOLLAND (Northern Metropolitan) (09:56): It was great to join our Assyrian community at the Assyrian New Year Festival, organised by the Assyrian New Year Festival 6776 organising committee. I would like to thank His Grace Mar Benyamin Elya and the community for a wonderful day.

Chaldean Babylonian New Year

Evan MULHOLLAND (Northern Metropolitan) (09:57): Also, happy Akitu to my friends in the Chaldean community. I particularly want to congratulate Vic.Talk, the Chaldean League Melbourne and the Australian Chaldean Federation of Victoria for organising a wonderful community celebration in Craigieburn last week.

Easter

Evan MULHOLLAND (Northern Metropolitan) (09:57): I wish all my community in the north a blessed Easter for this Sunday and for next Sunday for Orthodox Easter. May Christ's sacrifice be a constant reminder of the love and service our community shows every day. I was honoured to join communities at Our Lady Guardian of Plants Chaldean Catholic Church in Campbellfield and St Charbel parish in Greenvale for wonderful Palm Sunday services, and I am looking forward to attending many more services in the northern suburbs this weekend. Happy Easter.

My Joint

Rachel PAYNE (South-Eastern Metropolitan) (09:57): Well, I have done what every millennial does: I have started a podcast. *My Joint* is 48 episodes with 22 guests. It aims to shift the dial on stereotypes and stigma one conversation at a time. One of the many things *My Joint* achieves is to really convey the reality of the cannabis community. All genders, all walks of life, all ages – there is no one kind of cannabis consumer. The interviews are so moving, so funny and, yes, even enlightening. We have psychiatrist Steve Ellen, who is a consumer and also a doctor who has seen firsthand what prohibition has done to his patients. We have veteran and founder of Safer Veterans Australia Derek Pyrah, who has treatment-resistant PTSD and lost everything meaningful in his life when he was prescribed opioids. The only thing that has worked for him is cannabis. I spoke with founder of Mata and ambassador of Harm Reduction Australia Bee Mohamed – a fascinating conversation about her journey from growing up in conservative Singapore to being a leader in the cannabis advocacy space. You will love the interview with single mum and medicinal cannabis patient Alice Davy, who lives with endometriosis, multiple sclerosis and ADHD. Cannabis gives her relief and makes her a better mum. You will also love cannabis advocate, journalist and former chair of the Victorian Multicultural Commission Helen Kapalos. She is also the executive producer, writer and director of the medicinal cannabis documentary *A Life of Its Own: The Truth About Medical Marijuana*, which came out in 2017. We have comedians, we have politicians, we have drag queens and we have medical experts on this podcast. I encourage you all to come along to *My Joint*.

Emergency services

Sonja TERPSTRA (North-Eastern Metropolitan) (09:59): I rise today to pay tribute to our emergency services workers. While many of us were able to take some time over the holiday period to rest and reconnect with loved ones, that was simply not the reality for so many of our firefighters and emergency services personnel across Victoria. The fire season has been incredibly challenging. The conditions we have seen are a stark reminder of the very real impacts that climate change is having on our state, but our emergency services workers never waver. When communities are under threat, they step up. They put themselves in harm's way to protect lives, property and wildlife. There is no doubt that their bravery and swift action saved many lives during this difficult period. The damage and loss caused by this year's fires has been significant, and recovery work is ongoing. Communities are hurting, wildlife habitats have been destroyed and local properties have been severely impacted. Through all of it though, our firefighters and emergency services staff have demonstrated their unwavering commitment and compassion towards community. So today I want to say thank you. Thank you to every firefighter, every emergency services volunteer and every support worker who stood strong when the chips were down. And I want to say thank you again for your courage during fire conditions that we have not seen since Black Saturday. Our state is safer because of you, and we are deeply grateful for everything that you do.

Robert Bath

Joe McCRACKEN (Western Victoria) (10:00): I rise to pay my condolences on the passing of Mr Robert Norman Bath, who was a fantastic man. He lived in Ballarat for the later part of his life, but he was originally from farming stock down in the Skipton area. Sadly, he died doing what he loved most, and that was diving over in Palau. Robert was also a wonderful Liberal, and he had been serving the Liberal Party over a number of years. Handing out how-to-vote cards, branch meetings – you name it and he had done it. Robert is survived by his family, and his family were everything to him. His wonderful wife Helen, his kids, his step-kids and his grandchildren were his everything. He loved attending sports and music recitals and everything like that. Robert was also incredibly involved in the community, and he gave back where he could. He was involved in organisations like Voice FM, which he was a regular commentator on, and he was also involved quite heavily in community sport. Everyone in the Ballarat community will miss Robert. I know he will be missed in the Liberal Party, and I personally will miss him as well. Vale, Robert Bath.

Australian Football League

David LIMBRICK (South-Eastern Metropolitan) (10:02): It is both football season and election season, so pretty soon I expect to see politicians wearing scarves and pledging our money to the AFL or most likely new facilities for AFLW. Let us put aside for the moment the murky issue of former Labor and CFMEU staff working for the AFL. The AFL is a rich part of life in Victoria, but it is also just plain rich. Accepting corporate welfare is embarrassing, and it should be beneath them. The AFL has revenue of more than $1 billion a year. 58 AFL players earn more than a million dollars a year, and the average salary of AFL players is $500,000. If AFL players pledged just 10 per cent of their pay to improve facilities, this would raise $32 million in a single year. If they decided to forgo an end-of-year trip to Las Vegas, they could raise a lot more. Or if that is all too hard, AFL clubs could raise tens of millions simply by increasing membership fees for their 1.3 million members by 10 per cent, typically about $20 on a $200 membership. Many people in Dandenong, Springvale and Frankston cannot afford groceries. Forcing poor people to subsidise the rich for the sake of a politician's photo opportunity is a disgrace. The Libertarian Party opposes all forms of corporate welfare, and we urge the AFL to show some dignity and stop accepting taxpayer money.

Yarram infrastructure projects

Tom McINTOSH (Eastern Victoria) (10:03): It was great to be in and around Yarram for a couple of days last week. We had the sod turn for the new CFA station. It was great to be there with the CFA when we announced the money for the new station and great to be there for the sod turn. I look forward to being there later in the year when we open it. The volunteers and the members have done such a great job fundraising over time and identifying the land when they did, so it has made it all possible. I also got out talking to dairy farmers on their farms about issues they have had with the rise in diesel prices and with diesel availability. We know that those costs flow on to all of us. So I am glad that subsequently there have been announcements this week to help ease the pressure on diesel pricing and supply.

I also got to the Alberton hotel. Thank you to Sue Casey for arranging a community lunch. It was good to hear from people about the opportunities but also the challenges in town with the sawmill closure and everything that farmers are facing at the moment, but there were plenty of good things to talk about. We have the new kinder spots at the early learning centre, 66 spots there. There will be more kinder spots going in at the primary school. The pool is covered, the new ambulance station was fantastic to open last year and there is the rail trail and all the work that the Future of Yarram are doing, identifying new opportunities for industry. So anyone that has not been to Yarram for a while, get in there. The pub was packed on Monday night. There are murals all over town. Get amongst it.

Government performance

Gaelle BROAD (Northern Victoria) (10:05): If you are still thinking of voting Labor at the next election in November, please consider the facts. Victoria has the highest debt and the highest taxes of any state in Australia; interest repayments on that debt will be over $1 million every hour. Nearly $600 million was wasted on the Commonwealth Games that were cancelled. In Victoria a crime is committed every 50 seconds and nearly half of all reported crimes last year remain unsolved. Over 200 tobacco stores have been firebombed, with 95 per cent of the trade soon to be controlled by criminals. PSOs are being cut from 120 stations, and 2000 police positions are unfilled. Billions of dollars have lined the pockets of criminals on government worksites, yet the government refuses to investigate or to give IBAC the powers to do so. Teachers are taking strike action as Victorian public schools are ranked the lowest funded in Australia. Hospitals are being forced to merge, over 64,000 are waiting for surgery and people are being told to catch a taxi because no ambulances are available. Over 56,000 people are waiting for housing, with the lowest number of new homes built in over a decade. Despite an abundance of natural resources in our state, Labor's failed energy policy is driving electricity prices through the roof. Over 60 new taxes are putting families and businesses under pressure, and business confidence is the lowest of any state. Victoria cannot afford another decade of Labor. Make your vote count in November.

Glenferrie Festival

John BERGER (Southern Metropolitan) (10:06): On Sunday I joined members of the Kew and Hawthorn ALP branches at the Glenferrie Festival. The Glenferrie Festival is an annual event held on Glenferrie Road which never fails to get everyone in Hawthorn out and about for the day. I always make a point of ensuring that I get down there each year. There were a bunch of students there from Swinburne University, and it was great to hear of some of the courses that they are doing and what they will add to the community and the surrounding area once they finish their tertiary qualifications. There were also quite a lot of young families and retirees and people from all walks of life that could be found there. This year was no different. I can report that the Glenferrie Traders Association, working with Boroondara council, put on a great event, and I would like to thank them for all their hard work and give a special shout-out to all the volunteers that helped put that event together. There were quite a huge amount of people to put all that infrastructure up in the early hours of the morning and then dismantle it in the evening once the festivities closed. For all the hard work that those volunteers did, I thank them.

Small business support

Renee HEATH (Eastern Victoria) (10:08): I want to bring the chamber up to speed on how businesses cope and how businesses are treated when they are affected by the Big Build. Many of you have heard now about the plight of the people in Pakenham in Bald Hill Road, whose shopfronts have been either cut off or restricted by the Big Build. This is now the timeline. On the 5th of the 12th last year Bald Hill businesses wrote to my office telling me about their plight. They had previously written to the government and to the council. On the 8th of the 12th 2025 I wrote to the Cardinia Shire Council; Minister Horne, the Minister for Roads and Road Safety; and Minister Suleyman, the Minister for Small Business and Employment. On the 11th of the 12th Cardinia replied, saying they would advocate on our behalf. On the 22nd of the 12th Suleyman's office replied, suggesting – and wait for this – that the businesses subscribe to a Business Victoria newsletter and undertake a mental health check. Unbelievable. The other minister, Minister Horne, still has not replied. On the 22nd of the 1st this year I met with the local traders. On the 24th of the 1st Jess Wilson and I met again with local traders. On the 3rd of the 2nd I asked a constituency question to the minister for roads. She palmed us off. On the 4th of the 2nd Bev McArthur asked an adjournment, which was once again palmed off. I have run out of time because this is how much running around we have got. I am not even a quarter of the way through. Get real and start helping small businesses.

Cost of living

Michael GALEA (South-Eastern Metropolitan) (10:09): In uncertain economic times this Labor government is doing what it can to support Victorians doing it tough. We have already got free public transport for the entire month of April, and just this morning it was announced that we are immediately boosting funding for food relief charities to help Victorians who are doing it tough. This includes organisations such as Foodbank Victoria, SecondBite, FareShare, OzHarvest, seven regional food shares through the Regional Food Security Alliance, Sikh Volunteers Australia, the Victorian Sikh Gurduaras Council, the Gurduara Council of Victoria, Australian Sikh Support and Community Information & Support Victoria. We will continue to do what we can to support Victorians at this time.

Nowruz

Michael GALEA (South-Eastern Metropolitan) (10:10): I also had the opportunity of attending a number of celebrations for Nowruz, the Afghan new year, over the past couple of weeks, including just a few days ago with Mr Tarlamis and the members for Narre Warren North and Narre Warren South at the incredibly well attended Nowruz festival at Dandenong Park on Sunday. Nowruz, meaning 'new day', marks Afghan New Year and is a time of renewal, unity and cultural celebration. I would like to thank the Victorian Afghan Associations Network, including president Zabi Mazoori, event coordinator Hadi Karimi and all volunteers for their efforts.

I would also like to acknowledge a terrific celebration put on by the Bakhtar Community Organisation the previous weekend in Hallam, which I got to enjoy along with many other local colleagues from the hardworking south-east Labor team. I wish all celebrating in the community a very happy Nowruz, Afghan New Year.

Fuel supply and prices

Georgie CROZIER (Southern Metropolitan) (10:11): Last night the country waited with bated breath to hear the Prime Minister give his address to the nation, and what a totally underwhelming and pathetic address it was. It gave no assurity to the community about fuel reserves and how the government plans to manage the ongoing fuel crisis. Meanwhile, in Victoria the fuel crisis is real. It is affecting many Victorians, especially in regional Victoria where livelihoods depend on this resource and adequate fossil fuel supplies. But it is not only livelihoods that are being affected, it is also affecting Victorians' health care. They just cannot afford to get to medical appointments, and in many instances they are skipping or deferring those appointments. As a result of the fuel crisis the VPTAS – the Victorian patient transport assistance scheme – which is an assistance scheme provided by the state government which so many Victorians rely on, is just not keeping up with the fuel crisis costs either, and that is why so many Victorians are missing out on their very necessary medical appointments. This is the reality of what is happening because of the fuel crisis. Just like the federal government, the state Labor government, with their counterparts, mouth words but deliver next to nothing.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:12): I move:

> That the consideration of notices of motion, government business, 278 to 1397, be postponed until later this day.

Motion agreed to.

Bills

Regulatory Legislation Amendment (Reform) Bill 2026

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Michael GALEA (South-Eastern Metropolitan) (10:13): I am pleased to rise to speak today on the Regulatory Legislation Amendment (Reform) Bill 2026, which includes an exciting array of measures to improve regulation in this state. There is one very significant amendment that has been circulated by Minister Stitt in the past couple of days, which I will come to shortly.

This bill covers a wide range of different areas of regulation under various different acts. This bill includes measures such as promoting the integrity of local government by ensuring that former councillors cannot be appointed to CEO roles within two years of leaving office. It will protect property owners from negative community sentiment when participating in land management cooperative agreements. It will simplify court application processes for people who have done their time and rehabilitated themselves so that they can get on with becoming productive members of the community, improving their chances of getting jobs, housing and opportunities so that they can continue and hopefully thrive and prosper in the rest of their lives. It will modernise payment methods for the workers compensation scheme, removing the need to draw cheques by moving to more modern, up-to-date and faster payment methods. It will also replace some gendered pronouns in legislation to reflect modern community standards for the use of inclusive language. There are also some productivity measures contained within this bill, ensuring that Victorian laws reflect the latest intergovernmental agreements on national competition policy to lift economic performance and improve our living standards. These amendments recognise that regulations do touch every aspect of our community, from big business to small business, to local governments, to individuals and indeed to community organisations as well. Unlike some in this place, we are striving not for no regulation but for effective regulation.

There are also amendments to the Environment Protection Act 2017, which will relieve property owners of the requirement to clean up dumped waste when the person responsible for the illegal dumping and for the issue is identified. They should be the ones to be held accountable and also to clean it up. Changes to the Circular Economy (Waste Reduction and Recycling) Act 2021 will allow the regulator to reference external documents in exemptions granted, in service standards and in other guidelines. There are also various amendments to the Local Government Act 2020, which will confirm that VCAT can hear disputes on council election results in its original jurisdiction, providing a faster resolution of disputes and certainty to communities about the outcome of their democratic elections. Back to the circular economy act, we are introducing a stop-the-clock mechanism to that act to ensure that the regulator can make the best decision with the best available information from the applicant.

Given that this is a wideranging regulatory act, it is actually a very opportune moment for us to be bringing in amendments to this that do cover different aspects of regulation in relation to ensuring that we can keep our oil supply secure. We also have amendments that will expand the powers afforded to the Minister for Energy and Resources, which are currently reserved for use in a declared emergency situation when it comes to being able to evaluate and monitor fuel supply levels through all parts of industry. Those measures will now be extended so that an emergency does not need to be declared in order for it to be effected, which I very much hope will help us to avoid any such fuel emergency. It is one extra step that this government can take to do everything we can to ensure that as we enter these turbulent times through a foreign war launched not by Australia, not with Australia's consultation or involvement, but one that is nevertheless reshaping the global economy in dramatic and rapid ways that we need to respond to. That is where we find ourselves with the opportunity through this bill today to include new amendments which will support this situation.

We know that Victorians are concerned about the fuel supply situation, which is why we are taking this action today. I note that the Premier and the Minister for Energy and Resources have already held two industry forums and multiple meetings with fuel suppliers since the start of the war in Iran. The government also continues to work closely with the Commonwealth and other jurisdictions to monitor the situation through regular meetings of the NOSEC, the National Oil Supplies Emergency Committee, and the fuel supply taskforce. Through this engagement we know that there is still sufficient fuel coming into the country to meet normal demand over the forward outlook. I know the member for Lara is very proud of the Viva oil refinery in her electorate, which is continuing to power and fuel our state. Around 1000 workers work at it. Ms Tierney, who is in the chamber with us, is very, very aware of this issue and is supporting the workers who are putting their absolute all in at the moment to keep our state running.

We do know, despite all these best efforts, that some Victorians, particularly in regional areas, are sometimes struggling to access the fuel that they need. We also know that almost all Victorians are suffering the effects of higher fuel prices caused by the war. I have already talked previously in this place about the Servo Saver and the ways in which people can ensure that they are getting the best deal, but there is further action that needs to be taken. In order to do that I note that the Australian government has released 20 per cent of its domestic reserve, targeting it into regional areas that are experiencing shortages and where we are seeing those shortages occur. The federal government has also halved the fuel excise and reduced the heavy vehicle road user charge to zero for three months. They have released the *National Fuel Security Plan*, with the nation now at level 2 to keep Australia moving forward with some precautionary measures in place. They also increased the ACCC's monitoring powers and penalties to ensure that Australian consumers are not being ripped off, especially as we see the fuel excise easing off, to make sure that is being actually passed on to customers, which is the very least that they deserve. There are also temporarily relaxed fuel standards so that all fuel that we make here can be sold here and we can import more diesel.

We have worked together with the Commonwealth and other jurisdictions to develop the *National Fuel Security Plan*, which was agreed to at national cabinet this week. The plan includes four alert levels to provide clear guidance to Australians about the situation. As mentioned, we are currently at level 2, which is 'Keeping Australia moving'. At this level we do know that the global conflict is causing an unprecedented shock to global oil and gas supply, pushing up fuel prices for Australian consumers and businesses. This global outlook remains unpredictable and volatile, and it is the responsibility of all governments to plan for these challenges as they emerge. We are in a secure position right now, but it is the responsibility of all governments to plan ahead for every scenario. In accordance with this plan, Victoria is strengthening our fuel security preparedness. In addition to these regular industry meetings I have already mentioned, we have also appointed a class 2 energy controller under the emergency management framework to coordinate access and action across government.

We are now also amending, through this bill today, the Fuel Emergency Act 1977 to enable the Minister for Energy and Resources to compel fuel suppliers to provide information that will help with contingency planning. Victoria already receives fuel supply data from industry, but this amendment will enable the provision of end-to-end supply data outside of an emergency situation, as I have already mentioned. With this information Victoria will be better placed to act quickly and, if required, intervene at an early opportunity to keep essential services, regional communities, freight and agriculture moving.

This is different data to what is currently reported on Servo Saver, which reports on localised pricing and localised outages. The data that would be available to government under this amendment includes how much fuel distribution companies are receiving and where it is going, which will deliver a complete end-to-end picture of fuel supply and distribution. This will help us that little bit more to be one step ahead in helping us to plan and prepare for the future should this situation worsen further. The minister does already have considerable powers to compel information under the Fuel Emergency Act 1977, but as I said, they apply only if an emergency is formally declared. Whilst I will reiterate

the point that fuel supplies are currently healthy, it is absolutely prudent that we are doing everything that we can to prepare for any eventuality so that if the worst should come to the worst, we are in the best possible position to act. There are many other important actions being taken through this, specifically these specific amendments and through broader amendments to regulations in this bill. I can see my colleague across the chamber Mrs McArthur is champing at the bit to have her say on this bill, and I am excited to hear her contribution, so I will conclude my remarks there.

Bev McARTHUR (Western Victoria) (10:23): Thank you, Mr Galea, for your contribution and shout-out. I will concentrate my remarks this morning on the local government provisions of the Regulatory Legislation Amendment (Reform) Bill 2026, which proposes a number of amendments to the Local Government Act 2020.

The key changes in the local government area are as follows. Clause 32 aligns the ground of serious misconduct relating to the disclosure of confidential information with the existing offence provision in section 125 of the Local Government Act. That is a sensible tidying-up measure, and we have no objection to it. Clause 33 reintroduces the restriction against former councillors becoming a council's chief executive officer within two years of leaving office. Section 48(6) of the act already prevents a council from appointing a former councillor as a member of council staff within two years, but that restriction does not explicitly cover the CEO position. This amendment closes the gap in that particular aspect, and on the face of it that is a reasonable measure, but I would note that it is likely to renew a broader conversation within the sector about the appropriateness of former councillors transitioning directly into CEO roles within the very municipalities they represented and about what constitutes an adequate cooling-off period.

Clause 35 harmonises the sanctions available to a councillor conduct panel (CCP) with those available to an arbiter. Under the current framework, an arbiter may impose sanctions for certain misconduct that are not available to a councillor conduct panel, which is plainly inconsistent. The amendment would mean that a councillor subjected to a councillor conduct panel could be directed to attend training or counselling, prevented from attending or participating in specified council meetings or prevented from holding the office of mayor or deputy mayor for a period of up to 12 months. Sanctions should be proportionate to the severity of the misconduct, not dependent on which body happens to hear the matter, so we support the intent of this clause. Clauses 36 and 37 clarify that an application for a review of the declaration of an election result under section 311(1) is to be heard by VCAT in its original jurisdiction, not its review jurisdiction. That is not something we are opposing.

The clause that does give us pause – and I know it gave pause to a number of stakeholders we consulted, including a senior local government lawyer and a council officer acting on behalf of the CEO – is clause 34. This clause removes the mandatory requirement for arbiters to refer apparent serious misconduct to the chief municipal inspector. Instead it would give arbiters discretion as to whether a referral should be made. I accept the argument that this may improve efficiency and reduce delays in cases where matters are simply referred back to the arbiter, but serious misconduct carries significant penalties under the act. That means substantial fines, suspensions and potential disqualification from council elections. The question is whether such matters should, at the very least, be considered by the chief municipal inspector to determine whether the CMI or a CCP is best placed to deal with them. We are not satisfied that removing this safeguard is justified, and the government has not adequately explained why a mandatory referral mechanism is being replaced with unguided discretion.

Let me make a broader point: these are incremental amendments to an act that needs wholesale reform if we are serious about empowering local democracy in this state. The coalition believes local government reform should be guided by clear principles, reducing unnecessary regulatory burdens on councillors, including mandatory training requirements, protecting freedom of speech through reform of the councillor code of conduct and ensuring that where the state intervenes in local councils, it funds those interventions fully, rather than allowing them to become instruments of politicisation. That is the direction of reform this sector needs, not piecemeal tinkering with misconduct processes while the

fundamental architecture of the act remains unfit for purpose. We will not oppose this bill, but we will be moving an amendment that reflects our concerns, and I look forward to moving that amendment and discussing it further in the committee stage.

John BERGER (Southern Metropolitan) (10:29): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2026. This bill forms part of the Labor government's ongoing work to ensure that Victoria's regulatory framework agenda functions as it should, ensuring that it remains practical, up to date and fit for purpose. While the amendments contained within this bill may be technical in nature, regulatory reform plays an important role in supporting increased economic productivity, whether for the purpose of clarification or keeping legislation up to date with modern or new systems and structures, making it easier to do business in Victoria, ensuring that our legislative framework continues to protect consumers, community health and safety and the environment. The bill contains more than 40 proposals across 13 different acts and seven ministerial portfolios. The amendments deliver meaningful improvements that will benefit Victorians by strengthening clarity, accessibility and consistency across our legislative framework. These amendments are in relation to the Circular Economy (Waste Reduction and Recycling) Act 2021, relating to the incorporation of documents in the circular economy risk, consequence and contingency plan and in exemptions, guidelines and other service standards under the act; the determination of the applications for an exemption under the act; the consultation process for preparation and amendment of the Victorian recycling infrastructure plan; the disclosure of information to the Secretary of the Department of Energy, Environment and Climate Action; and submissions to the responsible entity risk, consequence and contingency plans and statements of assurance.

The bill changes the Competition Policy Reform (Victoria) Act 1995 in relation to an obsolete reference to the code of conduct agreement; the Conservation, Forests and Lands Act 1987 in relation to information to be given to the public about land management and cooperative agreements; the Environment Protection Act 2017; the Gas Industry Act 2001; the Grain Handling and Storage Act 1995 in relation to obsolete references to the competition principles agreement; the Local Government Act 2020 in relation to the government's oversight, local government and VCAT jurisdiction with respect to applications disputing the validity of an election; the Spent Convictions Act 2021; the Victorian Conservation Trust Act 1972; the Workplace Injury Rehabilitation and Compensation Act 2013; the Accident Compensation Act 1985 in relation to payments by cheque; the Labour Hire Legislation Amendment (Licensing) Act 2025 and the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025 in relation to minor or statute law revision amendments. The bill supports effective and efficient regulation. The bill seeks to make further minor amendments to a number of pieces of legislation, ensuring consistency and clarity, because it is important that our legislation impacting a variety of industries and services conveys correct information to those impacted. This is good governance.

Local governments across the state, with a separation between decision-making and operational management, are critical to maintaining integrity in these spaces. A minor amendment will be made to the Environment Protection Act 2017 relating to the criteria which the Environment Protection Authority Victoria is obliged to take into consideration when determining whether to amend or refuse an application to amend a permit: the Environment Protection Authority or the local council, if a case requires it, must refuse to amend a permit if the activity specified in the application process poses an unacceptable risk of harm to human health or the environment or any prescribed circumstances that may exist. These changes streamline the way in which the legislation can be navigated, creating increased ease and comprehension of the act.

This bill addresses matters across many portfolios but follows the same aim: improving existing legislation to be clearer and fairer while improving accessibility of government schemes, strengthening integrity measures for local governments and refining regulatory tools for agencies, demonstrating this Labor government's commitment to ensuring our legislation is clear and effective. I believe it is an uncontroversial bill, simply for the purpose of streamlining systems, clarifying legislation and making

it easy to access and understand for Victorian individuals, organisations, entities and regulatory bodies. I support this bill in its entirety, and I commend the Minister for Government Services in the other place for presenting it to the Parliament.

David DAVIS (Southern Metropolitan) (10:34): This bill is an omnibus bill. It picks up a range of different changes, but I am not going to talk about the bill as a whole, I am only going to talk about the government's proposed amendments, the Regulatory Legislation Amendment (Reform) Bill 2026 amendments proposed by Jaclyn Symes in the Council. And I just want to be clear with the chamber, this new pattern that is emerging of the government providing amendments – major amendments, new amendments, amendments outside the shape and form of an act requiring an instruction motion, but a whole new addition – is becoming a pattern with this government. In the middle of the afternoon on Monday my office got a call to tell us that the government was proposing these amendments. We were briefed – and thank you to the minister for providing a briefing at 5:15 that afternoon – and we circulated material to many in the sector to ask their views. The question is why the government has this hurried approach. They must have known that this was coming the week before and they must have known that there were opportunities to inform the opposition and other parties ahead of time, so there is a process issue that I really do take exception to here. A government with all the power and machinery of departments, thousands of bureaucrats, towers lit up, able to do enormous amounts of items, with huge power – and using these last-minute amendments. The opposition will not oppose this amendment, but we do have some serious reservations about it.

I hasten to add that there is obviously a significant international situation. We heard the Prime Minister last night making his slightly offbeat, I thought, presentation to the Australian people. It did not really go anywhere. It seemed to make no particular announcement as such. I think he was trying to reassure people, but it seems to have had a counterproductive effect, with more people purchasing fuel in the afternoon, as they understood the Prime Minister was about to make an address, and the press obviously conveyed that to the broader Australian and Victorian community. There is clearly a significant issue in the Middle East, and the supplies of both diesel and petrol are significantly impacted. Nobody is quibbling about the issues and the challenges faced by Victoria on these matters, but it does appear the state government was slow to respond on a number of these things. It does appear that they could have entered the field with this a lot earlier. They could have informed other members of the chamber at a much earlier point.

I do want to indicate roughly what this amendment does, and it is a very broad power. Amendment 2 is an amendment to clause 1 and inserts:

> the **Fuel Emergency Act 1977**
>
> (i) to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences …

So there is a power to direct, there are offences and it goes on. We asked at the briefing what this meant – a demand for information from anyone involved in the 'production, supply, distribution, sale, use or consumption of a fuel and create related offences'. The government has tried to say this is only for the broad, large companies that are involved, but that is actually not what the amendment reads. The amendment is an enormous power. This would give power to the minister to direct every truck driver to provide information and every service station to provide information – read it. I saw that Ms Watt looked a bit shocked when I said that, but actually just read it:

> … direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences …

Goodness, it is a very, very broad power indeed. Every truck driver, every farmer, every petrol station owner, every person involved in the production, supply, distribution, sale, use or consumption of a fuel – that is almost everyone in the state. It is a huge power that is being employed here. It may be used responsibly – and we will have some questions in committee about this – or it may not. I have

little confidence in this particular minister; in other ministers I have more confidence, but I have little confidence in this particular minister that she will use this responsibly.

Companies that are clearly in the gun for this are concerned that it is duplicative. Much of this information is already provided to the Commonwealth and much of the information has already been requested by the ACCC, so there is huge duplication here. I think we want to know whether the minister has actually sought to access the Commonwealth material or whether she, in a sprint of activity, has decided that she is going to go after them and appear to be doing something. I think this is more of an action item for the minister to appear to be doing something. I do not think we have received from the government the requested table that had all of the other jurisdictions and their various powers. It might be that it has slipped through. I am happy to concede it could have slipped through, and I will have my staff check again to see if it has come through. That was something that was committed to. In my consultation I have had a number of people come back to me, and I am going to read some of these. There is concern for the 'compliance-related costs from duplicative reporting':

> We'd want to ensure that reporting on production is not duplicative (we already report production numbers etc) and information remains contained to what is in our control.
>
> The Victorian Minister would gain an explicit power to direct producers and other market participants …

and the list is there of all the things.

> This applies to oil, gas, condensate, LPG and refined products if specified in the notice. The information can be anything in your possession, control, or knowledge, not just published data.

That is feedback to me on this. It continues:

> A key change is that information directions do not require a fuel emergency.

This is a point, and I understand what the bureaucrats were saying when they briefed us on this. It continues:

> The Minister can issue a direction outside an emergency if they believe:
>
> - there is or is likely to be a threat to production, supply or distribution, and
> - the information is needed for planning and preparedness to ensure sufficient fuel supply …
> - A bit like in gas we'd want to understand the rules in the playground for this to trigger so its based on well informed information and not a perceived risk.

There is a risk on the international scene at the moment, as we understand, but it is the translation of that that I think people are pointing to. There is a question here, and we will ask it in committee:

> Has the Victorian Government worked with the federal ALP Government to access the information that the industry is already providing to the Commonwealth on a weekly basis?

It was not clear to me from the briefing whether that was the case or whether they are going to just double up on these matters, and I think that that is a legitimate question. Further:

> Is the Minister proposing to collect this data from all suppliers to the market, or just the big four?

I think the answer, from the briefing, is it is a much broader group, but who is on the list? We will ask the minister: can you provide us a list of who is intended to be clobbered with these requests? Further:

> Where does the Minister want fuel companies to be focused, on the supply or fuel or the supply of spreadsheets?

That is one piece of feedback that was provided. They looked at item 6. This is a suggested amendment:

> A direction under subsection (1) may not require a person to provide information that the person has already provided, or is required to provide, to the Australian Competition Consumer Commission or the Australian Energy Market Operator within the 12 months preceding the date of the direction, to the extent that information is accessible to the Minister under section 2D(2)(c)or (d).

I think that is a reasonable proposed amendment. The arguments for this amendment:

> **No information gap exists.** AEMO's Gas Statement of Opportunities, the ACCC's gas inquiry reporting regime, and mandatory short-term trading market obligations already give Commonwealth and State regulators detailed visibility into domestic producers' supply positions, contracted volumes, production capacity, and pricing. The Minister can access this data through existing Commonwealth interface …
>
> **The amendment's own architecture supports this** …

And they talk about the proposed amendment:

> The proposed s.2D already contemplates information sharing with the Commonwealth Minister …
>
> **Contracted supply is not a supply security risk in the same way.** The mischief the amendment is aimed at – understanding fuel supply availability in a crisis – is less acute for domestic gas producers whose majority output is sold under long-term contracts with known counterparties. The supply picture is already visible for regulators; it is spot or uncontracted supply chains where information gaps are more likely to arise.

I think that distinction between diesel and petrol as opposed to gas is a legitimate one. Again, we will ask some questions in committee to tease out whether the government intends to apply this to gas in the same way, given that there is already significant information in the market.

I do not propose to go on much longer, other than to state it the way the amendment is phrased – I mean, you can only to some extent go by what the hard words of the amendment say:

> to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences …

I will be interested to see if the minister is willing to provide us an assurance that the trucking industry, the service stations and other parts of the industry will not also be clobbered with this. Where there are larger firms that may have stores, will they be required to provide information where they are storing an amount of fuel? Is that what we are going to see here? I think again this Lily D'Ambrosio overreach, as always, goes very hard on these matters and intends to clobber the industry. I think there is a level of fury amongst many in the sector that the government has done this without appropriate consultation and discussion and is just seeking to impose these enormous powers.

David LIMBRICK (South-Eastern Metropolitan) (10:47): I would also like to say a few words on the Regulatory Legislation Amendment (Reform) Bill 2026. Most of the amendments in this bill are rather technical in nature, but I have got some issues with this bill. One of these issues has been resolved by a foreshadowed government amendment and another one is being created by a foreshadowed government amendment.

I will not go over all the things in the bill, but there are two things that seriously concern me. One is around the new sanctions on councillors. It is my understanding that this is going to be removed via amendment, but I am very concerned. I heard Mrs McArthur talk before about how the councillor code of conduct should be reformed, and I agree with Mrs McArthur. In fact we have seen many cases where the councillor code of conduct has been weaponised to silence councillors who, in my view, are doing what they were elected to do and speaking out about issues relevant to their constituents. They are being silenced, and I can cite a few cases of this. In fact our very own Libertarian councillor at Surf Coast shire, Cr Barker, was sanctioned. There was an event and the council stated the number of people at the event. He thought that the council was overstating the number of people at the event, so he actually got a photo of the event and used AI to count the number of people at the event, which was significantly lower than what the council had claimed. The council did not like him fact-checking what the council was saying, so he ended up getting sanctioned for that, which I thought was absolutely outrageous. I thought that councillors should be able to call out things that they think the council is saying that are wrong. If the council disagreed with Mr Barker, surely they could just say why he was wrong. But they did not do that, and he ended up getting sanctioned.

There is another case at Kingston council that is an ongoing issue. There have been attempts to silence Cr White, which is totally outrageous in my view. She is doing what I think the people elected her to

do. She is calling out things that she thinks are shady going on in the council. I think that is what she thinks her job is and what she was elected to do. The idea that she would somehow be reprimanded for that is wrong.

There is another councillor at Hobsons Bay shire, Cr Kellander. Again, the code of conduct has been weaponised, and you see many, many cases of this. I think that we need to reform the Local Government Act 2020 so that councillors are guaranteed their freedom of speech, so that they can speak freely about issues that are of concern to their constituents and are relevant to their council. If they say things that the council does not like or that some people do not like, well, that is tough luck. Maybe they should fire back with their own version of things or have a civilised debate about it, because silencing councillors like this is just wrong and it is happening far too much. So that is the first thing. But my understanding is that these extra sanctions are going to be removed, so we will wait and see how that goes in the committee stage.

The other amendment foreshadowed by the government is around forcing fuel companies to provide information. It seems to be linked to the federal fuel emergency powers. I have got serious, serious concerns about what is happening here. The government are setting up a compulsory surveillance system whereby they can coercively obtain intelligence from these fuel companies, and one can only come to the conclusion that the reason that they are doing this is because they want to prepare for using emergency powers and centrally controlling our petroleum product supply chain. I have seen the state government and the federal government use emergency powers – in fact I was very much in the midst of it during the last term of Parliament, during COVID – and I do not think they managed things very well at all. The idea that the federal government is going to centrally plan and manage something as complex as the petroleum industry supply chain is, frankly, terrifying. So the Libertarian Party will not be supporting this amendment, and if this amendment succeeds, we will be opposing the bill overall. I have seen enough emergency powers usage in my time here to be totally sceptical, and in fact every Victorian should be sceptical of this type of thing.

I would like to point out a big blind spot. There has been a lot of talk about petroleum and diesel and petrol and these sorts of things, because these are what people use every day, and they are used for all sorts of things in industry and agriculture and everything. But I would like to point out that the petroleum supply chain has another aspect, to my mind – and I have spoken to manufacturers in my area about this in South-East Metro: polymer resins are something that I think the government needs to pay a lot more attention to. We are far more precarious in terms of our supply of polymer resins, particularly high-density polyethylene and polypropylene resins. Not many people put a lot of thought into this, but next time you go into the supermarket, have a look at the containers and the caps that you use on these things. They are all made of plastic. That plastic is made from resin. Much of that plastic is formed into these containers in my electorate in South-East Metro. There are blow moulding companies. There are companies that make caps. There are companies that import these resins. If we do not have these resins, it does not matter what farmers produce because they will not be able to package it. It does not matter what our pharmaceutical companies produce because they will not be able to package it. If you go into Chemist Warehouse or any other pharmacy, you will see just about every bottle is made from plastic. Many of these things are manufactured in Australia. In fact many are manufactured in Dandenong. If they run out, that means that those products can no longer be sold. It is not a simple matter of finding another container. I am sure most people would appreciate that the amount of testing and research that goes into making safe container packaging for pharmaceuticals or for foodstuffs is actually enormous, and you cannot simply just switch it out. It is not a simple matter of just switching it out. You need to make sure that the medicines are going to be safe and not degrade and that the food is not going to spoil or become contaminated somehow. Lots of work goes into designing these things and you cannot just easily switch them out. I think that we need to pay a lot more attention to this.

I think the answer in the short term, from what I have been told, is that we need our federal government to urgently have some sort of diplomatic activity with the United States. They are one of the few

suppliers that can supply these sorts of polymer resins at the moment. We need to be talking to the United States to make sure that resin shipments come to Australia. I know that everyone is worried about petrol and diesel and stuff, but let me tell you, if these polymer resins stop flowing and we can no longer manufacture and package food and medicine, we are in trouble – big trouble. We need to pay more attention to that. The way to do that is to allow markets to operate as freely as possible and make sure that we have as much trade as possible – in this case, trade with the United States – because the shipments from the Middle East are either slowing or non-existent. We need to act on that now.

This idea that the federal government and the state government are going to collect all this data and intelligence and somehow manage that supply chain – these supply chains are so incredibly complex. The reason that I oppose central planning in the first place is because governments cannot control these sorts of supply chains. They are just far too complex. The idea that they can worries me, because both this government and the federal government have the fatal conceit of thinking that state power can solve everything, and it really cannot. Sometimes state power will make things worse. I have seen how governments have used emergency powers and this sort of thing in the past. The idea of them using emergency powers to control our petrochemical supply chain is frankly terrifying, and the Libertarian Party will not be supporting it.

Sheena WATT (Northern Metropolitan) (10:57): I will be following Mr Davis and only making a contribution with respect to the amendment, just for the benefit of the chamber. That is the amendment relating to fuel supply information. That is, to my mind, an amendment that shows that the government is listening and responding to the volatility across the world. Victorians should know that we here on this side have their backs. There has been understandably a deep concern across the community about both the availability and the price of petrol, and our government is taking action. Across Northern Metropolitan Region and indeed across the state we have made public transport free this month. Every trip on a bus, train or tram every day of the week will cost you nothing, and you do not even need to touch on. This is a significant measure during significant times.

Of course there is more than one lever that government can pull. These amendments are obviously not as significant as free public transport or as broadly understood by the many, many commuters that I shared the tram with this morning, but they are indeed another lever, granting the Minister for Energy and Resources additional powers to act to protect Victorians. Right now the minister has significant powers under the Fuel Emergency Act 1977, including the power to direct companies to provide necessary information, but these powers are only able to be used if a state of emergency is declared and there are no interim powers to assist in the meantime. This bill and the amendments accompanying it prove to Victorians that there does not need to be an emergency for us to pull every lever in helping Victorians at the bowser. Over the last few years we have seen that unscrupulous companies will take advantage of hardworking families during a crisis. Our government is ensuring that petrol companies cannot do that to Victorian families as the conflict unfolds overseas. These amendments hold these companies accountable during the crisis, forcing them to improve access to accurate, comprehensive and consistent information if they are supplying fuel to consumers. Times of crisis require more transparency, not less, and our government is forcing these companies to provide just that to Victorians.

These amendments are pieces of a larger puzzle. Governments at every level are taking action to address the crisis and pull all the levers. Like I said, these amendments will not solve the crisis, but they will allow us to better prepare for it, to manage fuel supply for the future and give Victorians reassurance that fuel companies are not going to exploit these difficult times for financial gain. No government in Australia can control the events overseas that have pushed up the price of petrol, but we can take action to soften the blows for Victorians, who are already feeling the cost-of-living pinch. In Canberra the federal government has halved the fuel tax for the next three months, saving motorists 26 cents per litre, and we are all certainly keeping an eye on the cost at the bowser to make sure that that is indeed passed on. In Victoria what we have done is we have made public transport free for the next month, allowing Victorians, where possible, to leave their cars at home. Obviously we recognise

that for some folks that is not possible, but hopefully the relieved pressure at the bowser is felt in the prices reflected at the pump. These amendments push fuel companies to publish valuable data that our government can use to further navigate the crisis. Victorians need to know that we have their backs at the pump, in Canberra and on Spring Street with substantial actions that may be small – sometimes they are big – that are impactful for the times that we live in right now.

Melina BATH (Eastern Victoria) (11:01): My contribution this morning on the Regulatory Legislation Amendment (Reform) Bill 2026 will be brief. My colleagues Mr Welch, Mrs McArthur and Mr Davis have gone through various elements; Mr Welch was most comprehensive on Tuesday. I would like to confine my contribution to the amendment that is in my portfolio. I note that this bill amends some 13 different acts across nine portfolios, but the word 'reform', I would think, is used out of context, because this is not a reformation type of bill, this is overwhelmingly a minor omnibus bill, except for the amendment that the government has circulated right at the last moment in relation to fuel.

My interest relates to part 4 of the bill, the amendment to the Conservation, Forests and Lands Act 1987. Clause 20 of the bill removes the obligation of the Secretary of the Department of Energy, Environment and Climate Action to erect and display a notice on property advising that the property is subject to land management and cooperative agreement. Specifically, I note that this clause updates section 80 of the act, which governs public notification requirements for land management and cooperative agreements. At the moment the act requires a public notice to be published in the *Government Gazette* and a statewide newspaper and a conspicuous sign to be displayed on the land where that agreement has occurred so it is there for all those passing. It is a public display of what is happening now. That has been the case for some decades. This is now changing in this bill, and there are a couple of other minor parts to that.

Our concern is in relation to removing that notice displayed in a public place. The minister said in his second-reading speech that the amendment was introduced because:

> This requirement causes landowners stress, safety and wellbeing issues, particularly where there is opposition in the broader community …

But during the committee, during the bill review and bill briefing stage, we were given only one example where allegedly a landowner had been subject to negative community sentiment after it was deduced, by virtue of the location, that he had received money from the developer, but it is still through that space, after entering into an agreement which allowed his property to be used as native vegetation offset for the construction of a wind farm. Let me put on record: I am not against the plethora of energy transition, renewables and the like, but what we do not want to see is even further erosion of transparency by this government. We have seen in our regional communities our landholders and our farmers feeling that they are being run roughshod over and that their rights are being taken away in terms of transparency, in terms of action and in terms of appealing to the VCAT tribunal in relation to proposed transmission lines or renewables. They feel again and again that their rights are being eroded and transparency is being eroded as well. So with that, we believe that this is not in the best interests of the general public.

I note that a couple of years ago, in 2021, when there was another regulatory reform bill, the Liberals and Nationals stood very strongly against the fact that the government wanted to 'modernise this section', and what it did was remove from all of our regional community towns right across the state ads displaying certain material that the government was required to display, and they amended that act back then. I raise this because I want to ensure that we are on a reasonable footing in this part, so I made a considerable effort to consult with regional newspapers. I said, 'In relation to this specific part of the act and this specific change, are you concerned that some of your income and some of the ads received in your papers would be diminished?' And they overwhelmingly said there would be negligible to no impact, meaning that the status where it has got to be displayed in a statewide newspaper does not filter down to our regional papers. So with that, I have been very happy to work

with our parties to ensure that we move amendments in the committee stage in relation to continuing the display of that sign in the public domain. I say 'my communities', but it is so regional community newspapers are not going to be unfairly disadvantaged by the change to a digital platform and also still being published in the *Government Gazette*. With those few remarks, I will conclude my contribution and continue this in the committee of the whole.

Renee HEATH (Eastern Victoria) (11:08): Victoria is seriously in need of regulatory reform, and I want to quote some of the things that were said in the other place by, first of all, my colleague Bridget Vallence, who said:

> Regulatory reform? Absolute spin.

She went on to say:

> This bill has nothing to do with regulatory reform. The government, quite frankly, would not know regulatory reform if it fell over it.

She also went on to say:

> With the exception of the proposed amendments concerning the spent convictions regime that have resulted from a review of the Spent Convictions Act 2021, this bill has not been informed by any regulatory reform inquiry or recommendations.
>
> …
>
> There is nothing about consumer protections, community health or safety in this bill …

Another contribution said titles do not bind anyone legally, but they still make a claim on what the public is being led to expect, given the bill contents and intent. It begs the question: what has been reformed? That was my colleague Mr Welch. After looking through all of this, sadly, regardless of the title, I do not think a single Allan Labor government member is going to go down in history as a great reformer, because there just is not any reform in here. I think the spent conviction things are very good; however, I want to use this opportunity to talk about where we really do need reform.

There was an article in the paper this morning, and I am going to read a bit about it. It is about a 15-year-old gang member accused of killing two boys and then pulling a knife on a youth prison worker. He said he does not believe Victoria's adult time for violent crime laws will be enforced. One of the eight youths charged with the Cobblebank stabbing, he told a child protection officer that using a knife was the best way to get what he wants. This is absolutely horrific. When that worker asked whether pulling a knife and using violence was the best way to get what he wanted, the boy said yes because he did. Essentially what happened is this kid that was locked up was not happy with what he was provided for dinner that night, therefore he pulled a knife on the worker, which is absolutely horrific – nobody should have that at work, in a workplace – and then he got what he wanted.

What is so upsetting here is that I have now spoken with many members of the South Sudanese community that are crying out for real reform and real change. I met with one of Chol's and Dau's friends in my office probably a month or so ago. He was a fantastic guy. He had come from crime himself. He had managed to turn his life around. He said that because of the soft-on-crime approach here in Victoria under the Labor government there is no deterrence for young people getting involved in crime, and because of that, they are going down that path. They commit a crime, they get bailed. They commit a worse crime, they get bailed. They then commit an even worse crime, get bailed, and then something like this ends up happening, where two innocent children are murdered and the person that murdered them does not even take it seriously and does not think they are going to have to face the consequences.

This is where we need reform. We need reform in the area of youth justice. We need reform in the area of stalking, and it is something that I have spoken about so much. It has now been years since that document was handed down – 45 recommendations on how to change the stalking laws in order to protect the most vulnerable Victorians that need it. All these years on, all these media releases, all these press conferences from Labor ministers and Labor premiers on the steps of Parliament, and do

you know what they have done? Implemented two of the 45 recommendations. I am telling you that the cost of reports like this and the cost of not implementing recommendations like this is people's lives. This government should be thinking seriously about reform and actually making the changes that are recommended to them, not just bringing a bill like this one.

The other area that we need to see reform in is the area of emergency management days. I do not understand how violent and high-risk offenders are getting out of jail before their non-parole period is served because they have been somehow inconvenienced in prison. What is more upsetting is that we have had so many signatures, thousands and thousands of signatures, petitioning the government for real change, and what have we got? Absolutely nothing, zilch. This government claims that they are about safety, that they are about women's rights and that they are about protecting the vulnerable, and we have had absolutely nothing.

Another area that we absolutely need to see reform in, which relates to this as well, is the area of crime prevention. It is absolutely disgusting that during a crime crisis every 50 seconds in Victoria somebody becomes a victim of crime – every single day in Victoria there are 750 new victims of crime because of Labor's weak laws. Every 16 minutes there is a car stolen. It is just unbelievable. Every home invasion, or at least four out of five of them, is carried out by the same children that are on bail. There are a thousand children that over and over again carry out four out of five home invasions in this state, yet what reform are we seeing on that? Absolutely nothing.

That is why we are going to reform this area. When we come into power, when we are sitting where you are sitting right now, we are going to deliver real reform that actually keeps the community safe, that allows kids to have off-ramps, not to stay in a life of crime and continue down this spiral that not only ruins their lives but ruins the lives of the 750 Victorians that become victims of crime every single day. None of this talks about them. That should be at the forefront of your mind. It is at the forefront of ours, and there are some areas where we are going to deliver some real reform because, I tell you what, there is none in this bill. It is more wasted time. There is probably one thing there of substance, which is the spent convictions. We are very pleased that that is happening in here. We will not be opposing this, but that does not mean that we do not see through the rubbish and see that the fact that this is called a reform bill is nothing but propaganda and political spin.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (11:15): Thank you for the contributions this morning on the Regulatory Legislation Amendment (Reform) Bill 2026. It is of course a bill that forms part of the government's broader regulatory reform program. Regulatory reform contributes to increased productivity and makes it easier to do business in the state. It protects consumers, the environment and the integrity of our democratic institutions.

When it comes to reducing the regulatory burden on business, the government is advanced and is committed to cutting red tape and making it easier for businesses to grow and invest in Victoria. We introduced the Business Acceleration Fund and backed it with almost $40 million in funding. The BAF incentivises state and local government regulators to reform their processes, do away with unnecessary red tape and improve the efficiency of approvals while balancing the need to have appropriate regulations to protect Victorians. The reforms implemented through the BAF are expected to deliver more than $250 million of annual benefits by reducing red tape, simplifying processes and speeding up approvals. This is complemented by many of the measures in this bill, which I will not go through because other speakers have done that ahead of me, but I will take the opportunity to point out that the government is proposing two house amendments. One introduces amendments to the Fuel Emergency Act 1977; that was noted and circulated by Minister Stitt. The second house amendment relates to the Local Government Act 2020, and I know that there have been some conversations with the minister's office and members around this amendment. It is an amendment to omit a clause. This is due to being mindful that it has only been a short time since the last reforms to this section of the Local Government Act. As I said, there has been consultation with opposition and crossbench members, and with that in mind there is the proposal to withdraw this change at this time to allow the

provisions to continue to operate as is. Therefore it will remain mandatory for arbiters to refer serious misconduct applications to the chief municipal inspector. On that, I will take the opportunity to circulate that amendment that, as I said, just seeks to omit clause 34 of the bill. While that is being circulated, I might take the opportunity to leave my comments there.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Jeff Bourman) (11:19): I have considered the amendments on sheet JS82C, circulated by the Treasurer, and in my view the amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to committee is a procedural motion.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (11:19): I move:

> That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Fuel Emergency Act 1977 to confer a power on the minister to direct persons to give the minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences and to increase the penalty for certain existing offences against that act.

Motion agreed to.

Committed.

Committee

Clause 1 (11:21)

Richard WELCH: Minister, the bill has the word 'reform' in the title. I am curious to know what reforms produce productivity gain or economic reform. Which elements of the bill are actually reforms?

Jaclyn SYMES: Mr Welch, as you would appreciate, this bill is ensuring that we have responded to feedback from people that have been operating under different acts. You would appreciate there are a number of acts involved in this bill – it is an omnibus bill – to make sure that we can make interactions with government easier and smoother and improve the operations of things such as the spent convictions scheme. When things run smoothly and when it is easier to interact with government and you avoid barriers, that has an obvious efficiency and productivity benefit in a number of ways.

Richard WELCH: Can you point to any modelling or analysis that demonstrates those efficiencies that you have just described?

Jaclyn SYMES: I do not have any of that at hand, but as I have indicated, it goes without saying that if you make interactions with government easier and more straightforward, things run smoothly and that is better for everyone.

Richard WELCH: How much in savings will the bill deliver in the forward estimates?

Jaclyn SYMES: For this bill I have not had the Department of Treasury and Finance look at financial benefits. This is very much about responding to issues that have been raised by stakeholders, issues that departments have picked up to make sure that things run more efficiently. It may have a savings element because often they do go hand in glove when you have less steps involved in particular issues or you have made things easier for people so it has less bureaucratic involvement and therefore that produces savings. But we have not calculated that for the purpose of this bill.

Richard WELCH: Just on the added fuel section, as Mr Davis pointed out, it was very rushed, and we did not really have time to contemplate it or to consult with stakeholders et cetera. In the absence

of information, you wonder what are the motivations et cetera. We did not really feel that the case was strongly made as to what specifically this achieves over existing reporting and data that are coming through and what is new to this reporting, other than it comes directly to the Victorian government. Could you provide further explanation?

Jaclyn SYMES: I am sorry, what exactly are you asking?

Richard WELCH: What is the need for this data? What is in this new data that is not in existing data streams?

Jaclyn SYMES: I do appreciate that this is a house amendment. We sought an instruction motion to make this happen after consultation with the Commonwealth and consideration of what other states were able to do in their planning. As you would appreciate, this is a response wanting to make sure that we are the best prepared that we can be. This is a useful mechanism because it will provide information to the government to be able to better undertake consequence planning. It informs communications to suppliers and users in the first instance. It can also inform the government whether an emergency should be declared under the Fuel Emergency Act 1977 or whether the matter should be escalated to the Commonwealth for national action.

The reason that the powers are sought is that recent fuel market volatility and heightened supply risks have highlighted gaps in the information available to government for proper planning. The powers support earlier access to critical information, being better prepared and reduced reliance on the emergency powers. The act currently gives the Commonwealth powers relating to an emergency only after the Governor in Council declares an emergency. Prior to that the government has to rely on voluntary compliance with information requests, and they will only be triggered if the current cooperative information-sharing arrangements are no longer working or information flow is not sufficient. So as outlined, Mr Welch, there is the ability for voluntary compliance, but ensuring that there are no barriers to that is one of the purposes of this request. At the moment the state has to rely on making a request to the Commonwealth for this information. That requires the Commonwealth to seek that information and then relay it to Victoria. At this stage the process is working, and we are not saying that this is something that we need today. The powers will only be triggered if the current cooperative information-sharing arrangements fail to work or the flow of information is delayed or not sufficient.

Richard WELCH: Thank you, Minister, for that helpful answer. I guess the question is on the requirement for compulsion. Were there indications that the fuel suppliers would not be cooperative in this process, whether that is in fulsomeness or timeliness?

Jaclyn SYMES: As I indicated, at this point in time we have not identified issues that are saying that the information required is not flowing, but other states have got the ability to ensure that they can respond to any potential barriers or delays. What we would say in relation to these powers is that they are targeted and proportionate and limited to information that is necessary for fuel supply monitoring and preparedness. They do not direct commercial operations or interfere with business decision-making. They will only be triggered if the current cooperative information-sharing arrangements are no longer working or information flow is not sufficient, and I am not saying that that is a current issue.

Richard WELCH: Again, this question is really a product of the short notice, not really anything else. There is a slight cognitive dissonance in pre-emergency emergency powers. We are voting here today to adopt an emergency power without a state of emergency in effect. Perhaps a mitigating quality to that would be if it was time-based or it was because there was a particularly acute issue that we had rather than an ongoing one. My understanding is that this is an ongoing power and will not lapse, but therefore, as an emergency power, it has not been given the full range of balances and weights and controls that you would expect around an emergency power. Do you consider this normal, and do you consider this the appropriate way to deal with emergency powers outside the declaration of an emergency?

Jaclyn SYMES: It might be useful, particularly for Hansard, just to go over again what this is doing, because of the narrative around it being an emergency power. This is a power that already exists in other states. What it facilitates is, if the trigger is met, the minister may require information relating to the entire fuel supply chain, including production and extraction, storage, transportation and logistics, supply and distribution, sale and purchase and use and consumption of fuel. So this is really about knowing which parties hold fuel, how much, what type, at what location and how much of it is already contracted to a buyer. In addition, the information could be on a distribution plan or the strategy to replenish the stock. So again, the powers would only be triggered if the current cooperative information sharing arrangements are no longer working. This is a cautionary, pre-emptive measure, but in reality it is just bringing us up to speed with New South Wales, Queensland and Tasmania. At the moment, this state has to rely on making the request to the Commonwealth for information. The other states do not have to do that. I think, to ensure that we are nimble and agile in the current environment in relation to fuel and ensuring that we are protecting the interests of Victorians, we want to make sure that we are in the same position as other states.

David LIMBRICK: I would just like to ask one more question related to this data that the government may be able to force industry participants to provide. Some of this data would appear to be highly sensitive information, in particular like how much current stock is contracted out. That would be considered commercially sensitive, I would think. What sort of protection is the government providing for information security and confidentiality here? If that information got into the hands of competitors, for example, it may actually make market competitiveness worse.

Jaclyn SYMES: Yes. I appreciate the question, Mr Limbrick. These are issues that have been considered. The bill includes safeguards to protect commercially sensitive and confidential information. Information can only be requested for defined purposes, must be handled securely and is subject to confidentiality and restricted disclosure provisions under existing legislative frameworks. There are significant penalties that will apply to any person who discloses confidential information they have received further to these provisions. Exceptions apply under particular circumstances, such as compliance with the Commonwealth's Liquid Fuel Emergency Act 1984. There are some limits in relation to the information that can be requested. While it is a broad power, there are important constraints. The information must be relevant to planning and preparation for fuel availability, the timeframe for providing information must be reasonable and the notice must specify how the information is to be provided. The instructions also state that the minister does not intend to require copies of commercial contracts, though information such as whether fuel is uncontracted and available to the on-the-spot market may be requested.

David LIMBRICK: I thank the minister for clarifying that. Okay. So the confidentiality clauses are preventing people presumably within the public service disclosing information without authorisation, but who is actually entitled to receive and share this information internally within the government?

Jaclyn SYMES: The handling of sensitive information is not unique to the issues that we are discussing through this amendment. The department have strict protocols in relation to the level of seniority of handling of information and the like, and similar internal processes would apply to the information in the event that information such as this is obtained.

David LIMBRICK: Petrochemical supply chains are very, very complex and require lots of expertise. What sort of expertise does the government have in actually analysing this data and making sense of it for planning purposes?

Jaclyn SYMES: I do not know the experience of every individual within departments, but I think particularly in my time as Minister for Regional Development and Minister for Agriculture we had supply disruption issues a number of times, whether through a natural disaster or indeed during COVID and the like. Understanding and working with industry to understand supply chains and understand freight routes – these are things that we deal with all the time. I am very confident in the

ability of the public sector to not only have a lot of that information but work with industry to make sure they understand.

David LIMBRICK: In my previous life I spent most of my career working in business analytics and analysing data, and one of the big problems with collecting and consolidating data is ensuring that we are actually comparing apples with apples. What sort of processes does the government envisage to standardise this data being collected from these companies, because I know that the way that companies measure these things would likely be different from company to company? They might have different frequency, they might have different ways that they measure these things that the government is asking for. If the government does not understand the complexities in that data, then they may form incorrect conclusions from that data or be comparing things from different companies that are not the same thing. What sort of processes is the government looking at to ensure that this data is standardised in some way so that they can make meaningful decisions from it?

Jaclyn SYMES: At the outset, a lot of the requests for information are already flowing. In terms of the advice, particularly in relation to who is having supply issues and the like, that is already coming through to government. You have got the Minister for Energy and Resources in a position where she is well briefed on who and what towns, for example, have issues. As I said, the information that would be sought in relation to the entire fuel supply chain includes things like production, extraction, storage, transportation and logistics, supply and distribution, sale and purchase and use and consumption of fuel. The Commonwealth can already obtain this information. This is really a way of facilitating it direct to the state in a less cumbersome way. A lot of these companies are national companies, and I would, without being an expert in this field, anticipate that the information that they provide to one state would mimic that in another if it is a national company.

David LIMBRICK: I would like to ask a question not related to the fuel monitoring. Clause 25 is about the EPA. Regarding clause 25, if the EPA or a relevant officer issues a notice to the occupier of a place to remove or dispose of waste that is reasonably believed to have been dumped by someone else, not the occupier, and the occupier does not comply with that notice, will the occupier be held liable for any offences relevant to that dumped waste, even though they are not the person that did it?

Jaclyn SYMES: My advice is that they are held liable if the person responsible cannot be found.

David LIMBRICK: It does seem like a miscarriage of justice though, doesn't it? Basically it is rewarding criminals that are good at covering their tracks and is holding someone liable that did not actually commit an offence. I can only ask an opinion on that, which I am not going to ask, but it does seem like this is potentially a miscarriage of justice here, where people are going to get fined or somehow sanctioned for actions that they themselves did not commit.

Jaclyn SYMES: Being held to be liable just starts a process of you being able to argue the case. It is why the bill allows for a notice to be revoked if the person responsible cannot be identified.

David DAVIS: Treasurer, I have a number of questions, and I do not intend to drag this out. I am only interested in the amendments to the Fuel Emergency Act 1977.

Jaclyn SYMES: We have done a lot of this already.

David DAVIS: I know. I have a couple of other points to add. Amendment 2 refers to 'production, supply, distribution, sale, use or consumption of a fuel'. Does that include storage?

Jaclyn SYMES: Yes, Mr Davis. We have all information relating to the entire fuel supply chain: production, extraction, storage, transportation, logistics, supply and distribution, sale and purchase, use and consumption.

David DAVIS: Could a future minister request information from trucking companies?

Jaclyn SYMES: The scope is intentionally broad, so the minister can form an accurate and complete picture of fuel availability across Victoria. However, the minister can only issue a notice if she believes the information requested is relevant to planning and preparedness for fuel supply.

David DAVIS: So the answer is if she believed it was relevant or he believed it was relevant, they could issue such notices to trucking companies, for example?

Jaclyn SYMES: The minister can require information relating to the entire fuel supply chain, which includes transportation and logistics. So I would take from that that if there are issues in terms of the distribution part of the supply chain to do with transportation, it would be useful to know and have the information so that you could respond appropriately.

David DAVIS: I think that means yes.

Jaclyn SYMES: Yes.

David DAVIS: Could, for example, the minister require information from farmers who might have storage and usage plans?

Jaclyn SYMES: The purpose of seeking the information is about knowing which parties hold fuel – how much, what type, at what location and how much of this is already contracted to a buyer. So this is more about how to get available supply through existing distribution mechanisms and where it is going, so that it can be supported and protected. The information requested is only as needed, and it is targeted. Routine blanket reporting is not intended in relation to that. But the powers are, again, currently utilised in a cooperative and non-mandatory way. There is no need to go out and be much broader than the existing mechanisms. This is just ensuring that it can be smoother and quicker and that everybody understands the process, again, as is the case in other states, including New South Wales, Queensland and Tasmania.

David DAVIS: I think the answer is again potentially yes if the minister formed that view. Let me ask another one. If the minister formed the view that she believed it was helpful to obtain information from individual service stations –

Jaclyn SYMES: We already do.

David DAVIS: Every individual service station? I think you do for price but not for volume stored and so forth.

Jaclyn SYMES: Yes. I just answered that to Mr Limbrick.

David DAVIS: But every service station will have to put in direct details? They could.

Jaclyn SYMES: They could. That is currently happening. The minister is being alerted to individual petrol stations that have got supply issues now. She has been able to indicate to the public which –

David DAVIS: So the answer is yes.

Jaclyn SYMES: That is already happening in terms of information. This is what this discussion is all about. It is wanting to make sure that we have the information to be able to respond and ensure the best outcomes for Victorians regardless of which part of the state they are in. As I have indicated, at the moment the information can flow, and it is. As in the conversation I had with Mr Welch and Mr Limbrick, this is not identifying a current problem with the flow of information. It is just making sure that we are best placed and aligned with other states in the event that we need to make sure everyone is clear on the information and how it can flow.

David DAVIS: The minister could expand the amount of information that is sought from individual service stations if she formed the view that that was in the interests?

Jaclyn SYMES: Coming back to the reasons that this might be necessary, the information that the minister would seek is to ensure and identify issues with supply chains. If that requires information from individual businesses, that may very much be required. The conversation just before you came in, though, was that this is about targeted information. It must be relevant to the planning and preparation of fuel availability, must have consideration of the timeframe for providing information being reasonable and the notice must specify how the information is to be provided. It does not intend for the minister to require copies of commercial contracts. It is really about fuel – whether it is contracted, whether it is available. They are the types of information that could be sought. But as is currently happening, individual service stations are providing information through their networks, which is coming through to government so that we know where there are issues.

David DAVIS: Directly from the fuel stations?

Jaclyn SYMES: I think so – correct, yes.

David DAVIS: And that can be expanded at the will of the minister when she believes there is a reason.

The DEPUTY PRESIDENT: Can we just slow this down? Mr Davis, you asked about directly through fuel stations. Treasurer, can you give your answer to that first question before we go on to his second question, because Hansard needs to record what the answers are.

Jaclyn SYMES: Mr Davis asked whether information could be sought from individual service stations and followed up with whether information from individual service stations is coming direct to government now. The answer is yes, information from individual service stations is coming through to government now. Then Mr Davis followed up with a question around whether the minister will expand that scope. I am a little confused about where he is trying to take this line of questioning because the information is currently coming to government. The changes that are proposed in this amendment are only intended to be triggered if the current information flow is not working, and there is no evidence that it is not working currently. We just want to make sure that we are well prepared and aligned with other states in the event that circumstances see that we need to make those adjustments.

The DEPUTY PRESIDENT: Thank you, Treasurer, for that clarification. I think everyone would be a little confused with the way that interaction was going, where questions were being fired off, answers were given halfway through questions and questions were being fired off again. Can we please just have one question at a time, and can you wait until you have the call.

David DAVIS: I will try to go more slowly, Deputy President.

The DEPUTY PRESIDENT: Mr Davis, it is not about going slowly, it is about giving the courtesy to the house and Hansard of knowing that whoever has the call is speaking and Hansard having the time to record the answer.

David DAVIS: I think what we have established is that it is true that if the minister forms the view that further information is required directly from service stations, not via their networks, he or she is able to acquire that information.

Jaclyn SYMES: Yes, that is possible. As I said, individual service stations are already speaking directly with government, particularly independents, for example. There are broader businesses that are collectively talking to government as well.

David DAVIS: The matter of company sites rather than the independents – are the company sites now providing information directly to government? Or is it coming via the head office?

Jaclyn SYMES: That information is currently coming from both. As you would appreciate, there are many lines of communication with government directly with industry, with suppliers and with users. We are in a challenging global situation. The flow of information is coming from a range of

sources, and we certainly welcome that. We want to make sure that we are getting on-the-ground advice from those that are experiencing it, which may be different in different parts of the state. We do not expect that to change.

David DAVIS: Just in a sense backing up a little, currently information is provided to the Commonwealth and information is provided to the ACCC, as I understand it, in a fairly regular way. Is the state government routinely accessing the information provided to the Commonwealth?

Jaclyn SYMES: At the moment the state has to rely on making a request to the Commonwealth for information in a formal sense. That requires the Commonwealth to seek that information itself and then relay it to Victoria. At this stage this process is working and there is direct information coming not via the Commonwealth. It is not our only source of information at the moment, as we just had a conversation about. There are individuals that are coming directly through to state government. If there was something that we wanted to make a request for, we would currently have to go through the Commonwealth, but at the moment we are getting the flow of information from industry anyway.

David DAVIS: The Commonwealth is also requesting information from not just firms but a wide variety of suppliers, and this does seem to me to have the real risk of a double-up. Is the state government working to ensure that there are no double requests that overlap?

Jaclyn SYMES: We are sharing info, but the supply chain is complex and the Commonwealth does not have all the info, but it is a two-way flow. Just to be clear about your concern about double requests and overlap, we are receiving the information without requesting it. People are wanting government to know what is going on. When you asked before about whether it is head offices or individual petrol stations, people want to tell us what is going on, so the information is coming to us without any requests. If we needed to make a request for specific information, the current mechanism would require us to go through the Commonwealth and for them to make the request and come back to us. This change puts us on the same footing as other states, which means we could make the direct request. People are trying to work together. We are not having an information problem at the moment, but we want to make sure that we are well placed to be able to be quick and agile in the event that we need to and not behind other states.

David DAVIS: I appreciate the minister's answer but – and I will be quick; I do not want to drag this out – with respect to the issue of overlap and duplication, are the minister and the government seeking to avoid that issue of Commonwealth requests and state requests that do overlap, do require duplication, and thereby minimise the pressure on those supplying it?

Jaclyn SYMES: Of course.

David DAVIS: How?

Jaclyn SYMES: We want to avoid duplication, absolutely, and everyone is having these conversations. There are taskforces, our state government arrangements have a federal representative, and I can get you more information on some of the processes that we have set up within government. We have got the State Emergency Management Planning Committee, we have got a fuel taskforce and we have got the bureaucratic group that, as I said, has a federal representative on it. So this is everyone working together. We do not want to inundate people with requests for information, but as I indicated, at the moment that flow is actually voluntarily coming because people want the government to be across the issues regardless of where they are.

David DAVIS: I am appreciative of the minister's response there, and I do hope that that is the case, that those duplicative and overlap issues are –

Jaclyn SYMES: Industry is not raising that concern.

David DAVIS: Well, they have with me. They have explicitly raised it. They are worried about increased compliance costs from duplicative reporting. That is in the first paragraph of some correspondence:

> We'd want to ensure that reporting on production is not duplicative (we already report production numbers etc) and the information remains contained to what is in our control.

This is one particular firm. So in a sense I am just saying to you I am not making it up. Multiple firms have come to me and made exactly this point:

> Has the Victorian Government worked with the Federal ALP Government to access the information that industry is already providing to the Commonwealth on a weekly basis?

And:

> Is the Minister proposing to collect this data from all suppliers to the market, or just the big four?

You have answered that in terms of it is actually anyone. It could be a farmer, it could be a truckie, it could be the whole works. And:

> Where does the Minister want fuel companies to be focused, on the supply or fuel or the supply of spreadsheets?

That is a question that was posed to me. I am trying to be reasonable here. Perhaps I have said enough, but people understand the concern.

Jaclyn SYMES: Mr Davis, we are working very closely with the Commonwealth and with other jurisdictions and the major fuel suppliers and have received really good information to date on the overall supply. However, there are gaps in the information simply because the supply chain is so complex, so there may be a need to access information to help our own planning but also support the Commonwealth's planning. As we know, through this the minister has significant power to compel companies to provide information in a fuel emergency, but these powers can only be triggered once an emergency is formally declared. We want to make sure we are in a position to best support everyone, including the people that you have indicated may have concerns about duplication. It is a stressful time for these businesses; I understand that. It is not intended to be duplicative, it is intended to be of assistance to industry as well. The minister is regularly meeting with all suppliers and has provided reassurance to the issues and concerns that you just raised. She has done that personally, and she will continue to have those interactions with those businesses.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:00): (1301) My question is to the Minister for the Suburban Rail Loop. Minister, last night the Prime Minister addressed the nation and asked Australians to conserve fuel for those who need it most, saying, 'Farmers and miners and tradies, who need diesel every single day,' but just last week you told this place that tunnel boring for the SRL is kicking off in the middle of this year. The SRL involves station box excavations, millions of tonnes of spoil haulage and an enormous concrete supply chain, all heavily reliant on diesel. What assessment has the government made of the SRL's diesel consumption and its impact on fuel availability for Victorian farmers and regional communities?

The PRESIDENT: I will let the minister answer as she sees fit.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:02): Thank you, Mr Mulholland, for that question. It is a curious question because in the first instance you have started by talking about an essential project of national priority and then you have moved to rural and regional areas of the

state and indeed the nation, talking about primary industry and the impact on commodities. I just want to be really clear that when we talk about a fuel supply issue, we are not just talking about diesel, we are talking about a range of other materials used on projects. You referred to rural and regional communities. You are then also talking about fertiliser. You are therefore talking about a national program to understand what risk looks like to supply chains as a consequence of geopolitical events and you are talking about what ultimate supply mechanisms exist. This is where the Premier has been very clear about the work that continues with the Albanese government to ensure that supply matters are addressed and that certainty is provided to a number of sectors across the state.

I just want to be clear that this is something which affects multiple portfolios, whether it is PVC in building and construction, whether it is diesel, whether it is bitumen, whether it is urea – the list goes on. What I will say, though, Mr Mulholland, is that clearly you were not listening when we talked about tunnel boring kicking off later this year and the fact that the tunnel-boring machines are going to be powered entirely by renewable energy.

Evan Mulholland: On a point of order, President, on relevance, this is quite silly from the minister. If the minister had been listening, she should have quite clearly heard we did not even mention tunnel-boring machines – it was station box excavations, millions of tonnes of spoil haulage and an enormous concrete supply chain – and the minister still has not come near the question about the assessment that the government has made on the SRL's diesel consumption.

The PRESIDENT: The minister was being relevant to the question. The issue I have is that it went into other areas that are not in the minister's remit. I am concerned that when ministers have been helpful enough to go into other areas that are outside their remit, there is sometimes an argument that because the minister commented on that issue, therefore we can ask her about that issue forever, which I do not know about either. I reckon that might have been a naff ruling from someone previously – but that is my personal opinion, and I should not do that. But this is my concern. I appreciate the minister's help in saying she is happy to address the question, but I just wanted to air my concern around where this could keep going.

Members interjecting.

Harriet SHING: Again, Mr Mulholland, you are hoist on your own petard – presumably also powered by wind. I want to assure you, in answer to your question about tunnel boring commencing later this year – that is, as part of a project that is on time and on budget – renewable energy is powering our tunnel-boring machines. Again I note that not only are you allergic to working with each other, you are also allergic to net zero, you are allergic to any kind of work to support and encourage renewable energy across our grid, you are allergic to –

Members interjecting.

Renee Heath: On a point of order, President, question time is not a time for the government to attack the opposition. I would ask you to bring the minister back to answering the question.

The PRESIDENT: Yes, that is correct. It is not a time for a minister to attack the opposition, while answering questions. I ask all sides of the chamber not to interject, and the minister will not have to think that she has to respond to interjections.

Harriet SHING: No wonder you do not want to hear about renewable energy. We have got a Leader of the Nationals over there who swore she would never use an induction stove rather than using gas and fossil fuels. We are going to continue to build this project. We have only ever had one position on it, unlike you, with your dozens and dozens of positions on this project that people want –

Members interjecting.

David Davis: I have two points of order, President. The first is that this is just a silly attack on the opposition that is not in the spirit of how question time is structured. The second point is that the minister is debating the point and is not answering the question about diesel.

The PRESIDENT: I think the minister was being relevant to the question and the way it was structured. The minister knows that she should not be attacking the opposition, but it is hard to tell if she is, because it is very loud.

Evan MULHOLLAND (Northern Metropolitan) (12:09): Minister, the Prime Minister last night asked Australians to catch public transport instead of driving. He asked families to think of farmers and our industries before filling up. Yet your government is about to launch a project that will consume diesel on an industrial scale for the next decade. Will the minister guarantee the SRL's diesel consumption will not come at the expense of a single Victorian farmer, truckie or regional family?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:10): Mr Mulholland, I would draw your attention to the statement made by the Prime Minister yesterday evening, which began with the sentence 'By nature we're an optimistic country.' What a shame that you do not take any cues out of the book that is guiding us through matters that are beyond our control, including –

Renee Heath: On a point of order, President, once again the minister is using this as a chance to attack the opposition, which offends the standing orders.

The PRESIDENT: I am not too sure if she was at that stage. I call the minister to continue.

Harriet SHING: As part of the Prime Minister's response, there is a multistage process in place which is about not only understanding risk but responding to it and mitigating it through a range of different measures. What we are doing here in Victoria as part of the work to increase the availability of renewable energy – across greening government buildings; across the work of making sure that our transport network, the tram network, are solar powered; with the work of the tunnel-boring machines, powered by renewable energy; and with the gas substitution road map and the work that we are doing to make sure that people have cheaper access to energy in their homes – is also making sure we can continue to deliver our major projects that Victorians keep voting for and that you keep blocking and opposing, which would result in the sacking of thousands of workers if you were elected in November.

Members interjecting.

The PRESIDENT: Order! You are all going to want to hear what I am about to say. There is a very important person in the gallery, who is probably very entertained at this point. It is a great pleasure to have here the new British Consul General to Victoria, South Australia and Tasmania Ms Sunny Ahmed. You are welcome. We are all going to behave a lot better now that everyone knows that you are here. I appreciate it very much.

Disability services

Gaelle BROAD (Northern Victoria) (12:12): (1302) My question is to the Minister for Disability. Minister, on 31 December your government cut $2.1 billion in disability group home subsidies. Since January, 29 specialist disability accommodation sites have closed in regional Victoria, with a further 11 in Bendigo now at risk, affecting 75 residents with profound disabilities, including in the Premier's own electorate of Bendigo East. Last week disability workers took protected industrial action and rallied outside the Premier's office in Bendigo. Has the minister received any representations from the Premier, as the local member, on behalf of her own constituents?

The PRESIDENT: I am just pondering ministerial responsibilities. I will call the minister.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:13): I am again pleased to discuss these matters in this place and to explain to those opposite exactly where we find ourselves. As partners in the national disability insurance scheme and in the

delivery of disability services that were transferred to the national disability insurance scheme, fair plans for participants and fair pricing for providers remain matters for the Commonwealth government, as I indicated yesterday. Advocacy, as such, should be directed at the Commonwealth government. It is mischievous of members of this place and indeed the union to confuse industrial issues with the transfer funding that was provided in order to ensure a smooth transition to the NDIS. With the agreement of the union, it was transition funding. It was funding for a limited period of time that ended on 31 December with a view to those interested parties working with the Commonwealth government to establish a fair pricing model. What I have said in this chamber, what I have said publicly and what I have said in correspondence to people right across this state who have written to me, mostly having been misinformed, is that this is a matter that needs to be taken up with the Commonwealth government. It is a matter that I have taken up with the Commonwealth government, including at a number of disability reform ministerial councils, including with the Commonwealth minister for the NDIS, Minister McAllister. Fair pricing is a matter that I have continued to advocate for, and I continue to advocate for fair plans when we are talking about disability reform. But what is mischievous of those opposite and indeed HACSU is this constant conflation of issues and indeed the suggestion that a matter that is a matter for the Commonwealth government is a matter for the Victorian government.

Gaelle BROAD (Northern Victoria) (12:15): Thank you, Minister. A group home in Kangaroo Flat has already closed. Seventy-five residents face eviction, and workers were protesting outside the Premier's office last Monday. What support is being given to these residents, what support is being given to the 4900 residents across 580 group homes statewide facing the same crisis, and who is advocating on their behalf?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:15): I thank the member for her question, and I question whether the member has actually appropriately directed her advocacy, if it is indeed genuine, to the Commonwealth government, because that is where the advocacy should be directed.

Renee Heath: On a point of order, President, the minister cannot reflect on members like that. I ask you to ask her to withdraw it.

The PRESIDENT: The minister to continue.

Lizzie BLANDTHORN: I was not in any way trying to reflect on the member, but I was indeed trying to point out that if the member has got an issue with the Commonwealth government, then the member should raise that issue with the Commonwealth government rather than confusing and conflating issues, which ultimately is to the disadvantage of the very people that she claims to be asking the question on behalf of.

Ministers statements: building regulation

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:16): Buying or building a home is the biggest purchase that most working people will ever make in their lifetime. Victorians need and deserve to know that if something goes wrong, the government has their back, the problems will be fixed and dodgy builders will be held to account. They want and deserve certainty that their builder can finish the job. That is why we are introducing clear minimum financial requirements with the objective of making sure that builders who take on a job can finish it. Victorians want to know that their homes are going to be built safely with safe materials. That is why we established the Building and Plumbing Commission that is overseeing inspection blitzes, prosecuting unregistered builders and cracking down on noncompliant building work. Victorians want to know that if something goes wrong, they will not have to fix it themselves. That is why we are bringing in new rectification order powers – so if you find major defects, you will not have to fight for years in VCAT. The Building and Plumbing Commission will be able to compel a builder to fix these defects. We need to build homes to modern standards so that households are spending less on their bills and living more comfortably.

That is why we are backing changes to the National Construction Code. Victoria will be the first state to bring forward lead-free plumbing. We are improving energy efficiency requirements to improve thermal performance, keeping homes cooler in summer and warmer in winter for less.

You would think that these were pretty uncontroversial reforms. But as usual, it takes a Labor government to get them done. And as usual, the Liberals and One Nation coalition could not bring themselves to support many of these changes being made in Parliament. These changes will be made despite the Liberal and One Nation coalition and not because of them. Recently some lobby groups chose to start a letter-writing campaign not about lead in drinking water or making homes more affordable but opposing gender-neutral toilets. Talk about turning your backs on Victorian home buyers. The very people they walked away from when they voted against our buyer protection legislation will ensure that the last thing they ever do is fight for Victorians.

Land tax

David LIMBRICK (South-Eastern Metropolitan) (12:18): (1303) My question today is for the Treasurer. Victorians have been hit hard by tax. In recent years we have had the windfall gains tax, the COVID debt levy, the mental health and wellbeing levy, the short-stay levy, the new congestion levy, the emergency services levy and increases in foreign purchasers and owners charges. It is all a lot to bear. The cost of living is rising for everyone, but it seems the cost of government is rising faster. In addition to this, the threshold for land tax was lowered to $50,000, which is the lowest rate in Australia. This has captured new people now subject to land tax, including some sole traders who now have a liability on their principal place of residence. When the government are trying to force the option of working from home, this is inherently unfair. Has the Treasurer requested modelling on the impact of land tax on sole traders and small businesses working from home?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:19): I thank Mr Limbrick for his question. As you have indicated, we are a state that relies on taxes predominantly to produce revenue to provide the services that Victorians rely on, unlike other states that have the ability to effectively dig cash out of the ground. I would put to you that since being Treasurer I have not announced any new taxes – and thank you, Mr Limbrick, for that acknowledgement – so no announcement of new taxes since I have been Treasurer.

In relation to your question around the impact of working from home and those tax obligations, the working-from-home policy in itself does not change any of those tax obligations. The rule is not changed. If you are conducting a substantial business from home, you may attract tax obligations in relation to that. Merely working from home a couple of days a week when your normal employer is somewhere else is not changed by any of our policies.

In relation to the taxation between states, I do want to use the opportunity of the question that you have put, because the latest annual financial reports of both Victoria and New South Wales actually revealed that Victoria's taxation per capita was lower than New South Wales's last year – $5557 compared to $5644 per capita. Mr Limbrick, I know your view on taxes. I will continue to have conversations with you about the impact on Victorians, but hopefully that has answered your question. It is not anticipated that any working-from-home policy will have any major implications for people's tax obligations.

David LIMBRICK (South-Eastern Metropolitan) (12:21): I thank the Treasurer for that answer. My question was specifically, though, around sole traders and people operating businesses from home. Starting a small business or operating a consultancy from home can be one of the best things that someone can do, creating some new innovation, assisting businesses to become more efficient or simply providing a valuable service. Operating this business from home should not be something that we punish. The ability to do this is one of the wonderful advances of modern society. Will the Treasurer consider exempting sole traders from land tax liabilities on their primary place of residence to create equality for all people that work from home, whether they are running a business or not?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:22): I thank Mr Limbrick for his question and indeed his suggestion of future tax changes and considerations. I am always open to giving consideration to policy ideas, and I will give due consideration to his proposal.

Illicit tobacco

Bev McARTHUR (Western Victoria) (12:22): (1304) My question is to the Minister for Casino, Gaming and Liquor Regulation. Following Tobacco Licensing Victoria's first month of operations the government proudly announced the cumulative seizure of less than a day's supply of illicit tobacco and found 49 stores in breach. How many prosecutions have commenced in relation to these seizures?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:22): I thank Mrs McArthur for her question and interest in this really important national issue. As I said yesterday, I am proud that we have invested a record $46 million into our new tobacco licensing scheme and new regulator – and thank you also for highlighting the amazing work they have already done in the first month. As you would appreciate, Mrs McArthur, with all these operational matters our frontline staff are doing a fantastic job, and some of the breaches they have found will lead to prosecution. We are talking about the first month, and that will take time to take its course. But we are not stopping there. We are giving them additional powers. Later this year we will see some stores being closed, and we are also holding landlords to account. What I can confirm is that those breaches are at varying levels, as you would appreciate. Some of them are minor breaches and some of them are more serious, and some of those more serious breaches will lead to prosecution.

Bev McARTHUR (Western Victoria) (12:24): Minister, in May last year you said these illicit tobacco offences were the result of the federal government's huge excise duty. You said:

> It's clearly led to the creation of this illegal market … Tobacco is an addiction and the illegal product is a lot cheaper.
>
> The underlying cause … will still be the price of the legal product.

Minister, do you still accept that Victoria's gangland warfare is a result of the federal government's tobacco tax addiction?

The PRESIDENT: The minister can answer as he sees fit.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:25): Mrs McArthur, I reject the premise of the question. I do recall what I said to the ABC, and I was very clear that there are multiple reasons for the growth of the illicit trade, the price differential being one factor amongst many. As was also made clear in this chamber yesterday, Victoria is doing its bit to tackle organised crime. We have zero tolerance for organised crime and the criminal networks behind it in Victoria, and that is why we have a tough new licensing scheme.

Police have been busy – 150 arrests, almost $40 million worth of products taken off our streets. We will continue to do that work, and you will see a lot more announcements this year. We have always said we will scale up as required, and we are doing that with the new closure powers. I think the price differential is one factor. We know the role of the border force. We know the role of the settings in our state. We are doing our bit. This is a national problem that requires a national approach, and we will continue to do that work.

Ministers statements: Marngoneet prison horticulture program

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:26): Food relief agencies do amazing work right across our state, helping Victorians who are doing it tough. That is certainly the case with Geelong Foodshare, which sources nutritious food and distributes it to families in need through more

than 55 frontline community agencies in the Geelong region. Corrections Victoria are also doing their bit: prisoners at Marngoneet prison in Lara are growing more than 30 boxes of fresh vegetables each week and donating them to Geelong Foodshare. Using seeds donated by the Lara business Boomaroo Nurseries, prisoners work in the horticulture program inside the prison to produce a range of vegetables. They are learning real-life skills in commercial horticulture that will support them into employment opportunities following their release. The fruits of their labour are donated to Geelong Foodshare for distribution in the local community. In the past three months alone more than 15,000 kilograms of fresh vegetables have been produced at Marngoneet prison and donated to families in the Geelong region.

This program is not just about feeding families, it plays a key role in prisoner rehabilitation. It helps people in custody develop skills, build confidence and improve their mental health. Rehabilitation programs like these are driving down reoffending rates, and that is why I was proud to see that the report on government services shows that Victoria has the second-lowest recidivism rate this year, the lowest stats that we have had in the last decade. That means less crime, less victims and safer communities for all. It also means families in need in Geelong are getting that bit of extra help to put fresh, healthy meals on the table. Today I want to take this opportunity to thank Geelong Foodshare, Boomaroo Nurseries and all the local partners that are working with Marngoneet prison and in particular our staff out there to make this fantastic initiative happen. Well done.

Youth crime

Renee HEATH (Eastern Victoria) (12:27): (1305) My question is for the Minister for Youth Justice. Data from the Crime Statistics Agency shows that police arrested 1223 children a combined 6997 times in the 2025 calendar year, an increase on the previous year. Minister, isn't it a fact that this data shows your policies are failing to stop young people committing crimes?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:28): I thank Dr Heath for her question and her interest in this really important issue. I will note that a lot of the settings in relation to sentencing, if that is the question, or more so enforcement are probably better directed to the Attorney-General or the Minister for Police in the other place. Having said that, as Minister for Youth Justice I am committed to keeping the community safe because community safety is a whole-of-government commitment. That is why we have done more than any government in the nation to tackle serious repeat offending. That is why we strengthened the Bail Act with the tough bail bill, which those opposite did not support. That is why we introduced adult time for violent crime, and that is why we will continue to do more as necessary, just as we introduced laws to tackle the dangerous crimes that we were seeing being committed with machetes.

As Minister for Youth Justice, but also as Minister for Corrections, when people come into our custodial facilities, I am committed to making sure we do provide programs that address offending behaviour. In adult corrections I have talked about the reduction in our recidivism rate, the second-lowest in the nation, and in our youth justice system we are committed to seeing young people turn their lives around. That is why we invest in their mental health, we invest in their education and we try to assist young people to change their behaviour – because we know that is what will make us all safer in the long term. Dr Heath, I hope I have assisted you, but some of those questions about sentencing and also law enforcement I would probably address to the ministers in the other place.

Renee Heath: On a point of order, President, the question was: Minister, isn't it a fact that this data shows your policies are failing to stop young people committing crimes?

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

Renee HEATH (Eastern Victoria) (12:30): I thank the minister for his response. Minister, minors are committing 52.6 per cent of carjackings in Victoria. Youth offenders are responsible for 47.8 per

cent of agg burgs and 62.4 per cent of armed robberies. Minister, what will you do to get a grip on the youth justice crisis in Victoria?

The PRESIDENT: In the minister's response he referred to responsibilities of other ministers holding different portfolios.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:30): I thank Dr Heath for her supplementary question. President, you are right. I think these questions are better directed to the Minister for Police in the other place. I think our Premier has been very clear that what we are seeing is still unacceptably high. The latest data shows early signs that our reforms are in fact working. As Minister for Youth Justice, I am saying I have seen an increase in our custodial population – a large increase as a result of our tough new bail act and as a result of adult time for violent crime. So I reject the premise of Dr Heath's question. We are seeing a decline in serious offences like burglary, robbery and family violence, and growth in other high-harm crimes is slowing. That is exactly what we expected when our tough new bail laws and community safety reforms took effect. We are seeing that steadier. We know that community safety will always come first for the Allan Labor government.

Food relief

Jeff BOURMAN (Eastern Victoria) (12:31): (1306) My question is for the minister representing the Minister for Agriculture. Minister, today the government announced $2.7 million in food relief funding for organisations such as Foodbank, SecondBite, regional food shares and OzHarvest. When I have spoken to these organisations, as well as to the Salvos and St Vincent de Paul, they have all identified as their biggest challenge securing a consistent supply of red, iron-rich protein – that is, red meat. Programs like Hunters for the Hungry offer a practical solution, one that has previously been supported by this Parliament. In New Zealand similar initiatives deliver tons of red meat to food charities annually. My question is: Minister, what is preventing the government from supporting a trial of such a program here in Victoria?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:32): I thank Mr Bourman for the question. Yes, there was an event and a media release that involved the Minister for Agriculture this morning in relation to this matter. The specific matter that he raised today in question time will be referred to the Minister for Agriculture.

Jeff BOURMAN (Eastern Victoria) (12:32): I thank the minister for referring it on. Minister, Walhalla currently has a deer population estimated at six times the state average, causing significant environmental damage, including to heritage stone walls. With ideal conditions approaching, will the minister consider a trial program in Walhalla to harvest this resource for food relief, ensuring this valuable protein does not go to waste?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:33): I thank Mr Bourman for his supplementary question. Like the substantive question, it will be referred to the Minister for Agriculture.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:33): I rise to update the house on the Allan Labor government's $3.6 billion investment in early childhood infrastructure and in particular our investment in Early Learning Victoria centres. Last week I officially opened two of our new Early Learning Victoria centres, Early Learning Victoria Ngawak in Frankston, along with the member for Frankston from the other place, and Early Learning Victoria Laak in Hallam, alongside the member for Narre Warren North from the other place. In that spirit, I am always encouraged to see those opposite engaging with this capital program. In fact Ms Bath put

out a media release on this topic, and I will share some quotes from that release – I was so encouraged. She said:

> The Allan Government has been called on to work collaboratively with the San Remo community over the proposed location of the town's new childcare centre.
>
> …
>
> There are more than 70 objectors to the location adopted by Labor …
>
> …
>
> Labor has made a captain's call … bypassing any form of genuine community consultation.
>
> …
>
> In announcing the childcare centre, Labor also ignored Bass Coast Council's proposal supporting an integrated education precinct …

Had Ms Bath spoken with members of the community, reviewed even a handful of the 70 objections cited in a media release, engaged with Bass Coast Shire Council, read the local paper in San Remo or simply reviewed the planning permit itself, she might have realised that this is in fact an application from a private developer for a commercial childcare centre. Not only do those opposite fail to recognise the difference between state and Commonwealth responsibilities when it comes to the NDIS, they now appear unable to distinguish between a private for-profit development and a government owned and operated Early Learning Victoria centre. For the benefit of the house, I update it that we are continuing to work with the local community on the most appropriate location for this early learning childcare centre, but it was not so long ago that those opposite moved a reasoned amendment trying to stop us opening any of them in the first place.

Youth justice

Evan MULHOLLAND (Northern Metropolitan) (12:35): (1307) My question is to the Minister for Youth Justice. Minister, an accused killer charged over the Cobblebank child murders allegedly pulled a knife on a worker in youth detention, claiming it was the best way to get what he wanted. Why are accused killers in custody able to be armed with deadly weapons in your youth detention centres?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:36): I thank Mr Mulholland for his question and his interest in that reported case. But as some of my colleagues' interjections have outlined, this is a case that is on foot. All acts of violence against our hardworking justice staff are taken very seriously and referred to Victoria Police. That matter is before Victoria Police, and I do not want to jeopardise that important work. But what I will say is that as minister I have always been very clear: the safety and security of our staff is paramount. That is why I am proud of the Allan Labor government for the investments we have made in new facilities and modernising facilities but also in staff training and the support we provide for people after incidents like this. I want to take this opportunity to thank all the staff at Parkville and Cherry Creek for the work they do.

Evan MULHOLLAND (Northern Metropolitan) (12:36): Minister, what measures are you putting in place to ensure Victorian prison officers are not at risk of being murdered while doing their job?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:37): I reject the premise of Mr Mulholland's question. We take the safety and security of our staff very seriously. In my answer to the substantive question, I was very clear about the investments made in infrastructure. Some of that infrastructure investment is into the physical form of buildings. Safety is always paramount in those designs. We have invested in technologies such as body scanning so illicit products and contraband cannot enter into our facilities. We will continue to do that work. Understanding that these are very challenging, difficult environments, I want to again thank our staff for the work that they do.

University sector

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:37): (1308) My question today is to the Minister for Skills and TAFE. Minister, as you may have seen reported on the ABC today, my team and the National Tertiary Education Union have been working together seeking documents on executive salaries in Victoria's universities via freedom-of-information requests. This is information which is firmly in the public interest. We have faced a never-ending series of barriers, with the universities fighting us at every stage to stop us from accessing this information. In just about all cases, we have appealed to the Office of the Victorian Information Commissioner, OVIC, who have in almost every case upheld our requests and called on the universities to release this information. Rather than agreeing with OVIC, some of the universities have lawyered up and are taking me to VCAT. I am now facing three separate VCAT cases from universities who are appealing decisions of the deputy commissioner. Minister, is it your expectation that Victorian universities be forthcoming with information requests regarding executive salaries?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:38): I thank Mr Puglielli for his question. The matters he has raised here today have been subject to some media coverage in a general sense. Indeed, as he well knows, and as the chamber well knows, it is this government that has also requested, and there is a parliamentary inquiry – submissions have closed now – in relation to governance issues affecting our universities.

In terms of the specifics that the member raises in respect of legal procedures, I was not familiar with any of that until today, and I am happy to pursue a conversation with him about what has occurred in terms of his experience. I am more than interested in all of that. But of course this issue of transparency and issues around remuneration are very much front of mind for many Victorians, and indeed Australians, to be quite frank. That is why there are inquiries – so there is an opportunity to have Victorians voice their views in an open and transparent way about what they consider to be the proper functioning of our university sector.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:40): Minister, in all three of the VCAT cases that I am facing, the universities have hired external lawyers to fight the release of this information. We have just seen reported on *Four Corners* that universities are spending $1.8 billion a year on consultants, with no requirement to disclose where this money is going. At least in my case we know what they are using some of that money for. Minister, is it your expectation that universities, public institutions with their own in-house legal teams, hire external legal firms specifically contracted to fight FOI requests for information that should be available in the public interest?

The PRESIDENT: I think that is asking for an opinion, but I am happy for the minister to answer as she sees fit.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:41): I agree; I am not going to offer a personal opinion in respect of this. You might guess what that might be, but I am not going to put that on the record. It is important that these issues are well canvassed within the inquiry that is about to commence. Issues about proper governance, transparency, information, the levels of information that can and should be distributed and what the public sector needs to be accountable for in terms of the general public are incredibly important. That is why we have these inquiries, and that is why it is important to hear the voices of stakeholders but also individuals, whether they be people that have been students, are students, are academics, are administrators or are general community members. I think this is a prime opportunity for the university sector to be able – *(Time expired)*

Ministers statements: water policy

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:42): Labor's drought response package is delivering immediate and future water security for western Victoria. Our long-term water strategy, funded by the drought package, is taking shape, with its first

productive meeting in Ararat very recently. This was led by local farmer Mark Wootton, who I have appointed as chair of the consultative committee. As a farmer and former catchment management authority chair, Mark will ensure local knowledge guides our strategy as we consult intensively with farmers, community and water experts. Covering a third of the state, the strategy will deliver a lasting blueprint for water resource management in western Victoria for the next 50 years.

We are also taking immediate action. The drought taskforce recommended we explore the Dilwyn aquifer to strengthen water security in the critical Heytesbury food bowl, and we have listened. Today I commit to funding the Heytesbury feasibility study through Labor's drought package to further explore secure water supply for the region. Our drought package is also investing $3 million to expand our network of emergency water supply points across western Victoria. We are applying this funding to sink new bores, repair and upgrade existing supply points and map forgotten locations. We have now funded 13 supply point upgrades. We have identified a further 18 new and upgraded supply points for investment, and we have refreshed the online database by locating and mapping over 60 forgotten supply points so farmers know exactly where to find emergency water. We welcome the Victorian Farmers Federation's backing of this very important work. Labor's drought package will continue to support impacted communities in western Victoria now and into the future.

Renee Heath: President, my point of order is on the supplementary question. I am unsure if the minister has potentially – I do not think he would have meant it – misled the house. He quoted a number about the crime statistics going down, and I have checked and they have gone up, so I just wanted him to maybe take that on notice to correct.

The PRESIDENT: I do not think that is a point of order. You need to do a substantive motion if you are going to suggest someone may have misled the house.

Written responses

The PRESIDENT (12:44): Regarding today's questions, can I thank Minister Tierney, who will chase up the questions to the Minister for Agriculture for Mr Bourman.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:45): (2291) My question is for the Minister for Agriculture. Minister, how is the government supporting farmers in Eastern Victoria? Farmers have had a gutful of the Nationals not fighting for them. The top 10 mining companies are getting nearly $2 billion a year in diesel subsidies. Farmers are getting nearly half of that. These miners have the capital to invest in other tech, unlike the opportunity that most farmers have. I am proud to be part of a Labor government that is helping to reduce the cost of diesel and helping to ensure availability, and I wish the Nationals would get on and work for farmers too.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:46): (2292) My question is for the Minister for Public and Active Transport. Minister, free public transport is no solution if the train is already full. The government has announced free travel in response to the fuel crisis, yet commuters on the Geelong line are already packed in, with standing room only, and no extra trains have been provided. One constituent wrote to me:

> Geelong train. Standing room only for my pregnant fiancee this evening and every train since all day. Free transport but no extra trains and there still trying to service half od western metro such as tarneit and Wyndham on the geelong lines. Rediculous.

How does the government justify this announcement when it has not provided the extra services or capacity needed to make it workable for Geelong commuters?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:47): (2293) My constituency question is for the Minister for Consumer Affairs. Several Ballarat constituents have contacted my office because they are experiencing significant challenges with finding affordable rentals. It is not just them. Ballarat has a significant rental crisis, with vacancies below 1 per cent and median rents rising by approximately 27 per cent. The rent-to-income ratio has reached a stressed 28.1 per cent, with many renters, particularly in Ballarat central, facing intense competition and financial strain. Constituents are also seeing their rent raised multiple times over the course of their tenancy, with each increase eroding their ability to cover basic living costs. Rental affordability in regional Victoria has reached its lowest point on record, with Ballarat classed as unaffordable or moderately unaffordable in the 2025 Rental Affordability Index by National Shelter and SGS Economics and Planning. Minister, will the Victorian government commit to introducing rent caps and give wages a chance to catch up to the cost of rent?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:48): (2294) My question is to the Minister for Carers and Volunteers. How is the Allan Labor government supporting food relief organisations in the Southern Metropolitan Region to help families doing it tough? Families across Victoria are facing increased cost-of-living pressures. We know the petrol pump is just one of the many issues that families are facing. The Allan Labor government is listening and responding, and this morning we announced we are delivering a $2.7 million food relief package to provide immediate assistance where it is needed most. In the Southern Metropolitan Region organisations like OzHarvest, whose headquarters are in Port Melbourne, are doing incredibly important work, securing quality surplus food and delivering meals directly to vulnerable families. Just last week I had the opportunity to meet with representatives from CISVic, the peak body for community information and support services. They have got their headquarters just over the road from my electorate office. They are providing food relief to locals. They are seeing increased demand. The government is responding. We are providing practical and immediate support to help people who need help.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:49): (2295) My question is to the Minister for Local Government, and I seek his support for communities in Northern Victoria that are recovering from the bushfires. The summer bushfires caused widespread destruction to homes, farms and businesses and disrupted power utilities and transport, devastating local economies and livelihoods. In Harcourt over 50 homes and businesses were destroyed, and the Longwood fires severely damaged or destroyed 110 homes, three community facilities, 85 sheds, 13 bridges, 197 kilometres of roads and over 2300 kilometres of fencing. Over 22,000 hectares of farmland were impacted, and more than 30,000 livestock were lost. I spoke with a farmer from Yarck last night who has lost his home, his fencing and his farm and is facing the long road to recovery. He is one of so many in need of support. It is a precedent that rate relief has been given to communities impacted by disasters. Will the state government guarantee rate relief for properties in Northern Victoria impacted by the summer bushfires to support their recovery?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:50): (2296) My constituency question today is for the Minister for Roads and Road Safety. My constituents ask: when will the streetlights at the new roundabout at the Midland Highway–Central Avenue intersection in Shepparton East be switched on? My constituent Miriam recently reached out with concerns surrounding the lighting, or lack thereof, at the Midland Highway–Central Avenue roundabout in Shepparton East. For over 12 months now the newly constructed roundabout has been dimly lit by substandard temporary light towers. The towers barely shine a light on the road beneath them, let alone the whole intersection. This is dangerous for the numerous vehicles that traverse the Midland Highway every day. It is very difficult to see the upcoming roundabout in the dark. With the long, dark winter nights coming, it is imperative the

installed lights are switched on for the safety of all motorists. Minister, my constituents ask: when will the streetlights at the new roundabout at the Midland Highway–Central Avenue intersection in Shepparton East be switched on?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:51): (2297) My question is for the Minister for Health Infrastructure and regards the new Bentleigh East ambulance station. The member for Bentleigh promised this station as an election commitment in 2018, eight years ago. My constituents have expressed frustration with the delay in opening this facility. They have not seen it opened, and it is sitting there idle. One constituent wrote:

> The new ambulance station is surrounded by cyclone fencing, and the grass is growing well.

He is frustrated that this important community asset is still sitting idle. In February 2025 the minister said in response to the member for Bentleigh's own constituency question that the station would be operating by the end of 2025. In June last year the member for Bentleigh posted on social media alongside the Premier on the site, saying the station would open in just a few months. These are more broken promises made by the member. I think the community has every right to ask the minister: why has the community been continually misled and let down on the opening of this ambulance station?

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:52): (2298) My constituency question today is for the Minister for Public and Active Transport. I made it to the chamber with 1 minute to spare this morning because I was standing at the bus stop, the bus took a long time to come and then when it did arrive it sailed past the bus stop with a message reading 'Sorry, bus full'. It is fantastic to see in response to the announcement of free public transport, which the Greens called for, such an immediate uptake in public transport in Victoria, but it underlines what I said when we came out with this initiative. The government needs to increase services to match the increased demand. We know that the community has been calling for reform of our bus network, and we have had contributions from around this chamber in favour of that. When is the funding for that project going to arrive? We know that there is overcrowding that exists already on V/Line services. When are they going to be funded? Minister, how are you going to track unmet demand for me and the other constituents who were left stranded at the bus stop this morning?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:53): (2299) My question is for the Minister for Emergency Services. Will the minister provide funding in the 2026–27 state budget for a new Yarrawonga fire station? A new fire station in Yarrawonga has been CFA district 22's top priority for many years. The existing station is old and has no toilets or showers, and CFA inspectors have said it is not suitable for refurbishment. Even worse, the brigade has had to turn down the chance for a new tanker and pumper because they are too big to fit in the existing truck bays. When I raised this matter back in 2020, the government said it was aware of the needs of the Yarrawonga fire brigade, and yet in every single state budget since, the Labor government has continued to ignore the needs of Yarrawonga. This summer showed that bushfires remain a constant and deadly threat. The brigade is desperate for a new station that will support it to deliver a faster, safer and more effective fire and medical response. Minister, this must be the year that Yarrawonga gets a new fire station.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:55): (2300) My constituency question is for the Minister for Roads and Road Safety. My constituent Ross is a wheelchair user who has raised serious concerns about accessibility along Sydney Road in Brunswick, in particular the bluestone pedestrian crossings, which are not flush with the footpath, making them extremely difficult and at times dangerous to navigate. Carers are often unable to push wheelchair users across them due to the

steep lip. Recently Ross's powered wheelchair tipped over while crossing, injuring his leg. As a result, he is effectively forced to travel in bike lanes, where he faces hostility from some cyclists, or to take long, indirect routes looping around just to reach Sydney Road. Many shopfronts along Sydney Road also have ledges, not ramps, which means they are inaccessible to him. Minister, will you improve the accessibility of Sydney Road for people with disability like Ross?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:56): (2301) My question is to the Premier. Food producers in my Eastern Victoria Region absolutely rely on diesel supply to grow, sow, fertilise, harvest, manage stock and transport food. Without it, our food supply chain is at imminent risk. The Nationals have called for the federal government to halve the fuel excise to relieve the pressure. We are calling today, for people in my Eastern Victoria Region – farmers and rural communities – for this government to prioritise diesel supply for farmers in that food supply chain so that for people not just at the source but at our supermarkets and grocery stores the ever-increasing threat of rising food prices is suppressed. The Nationals heard from many, many people at Farm World. We are listening, and we are calling on the Premier to work with the federal government.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:57): (2302) I am just going to use an abundance of caution and direct my question to the Premier. I have been advocating for the businesses of Bald Hill Road. This is something that is very serious, because these businesses have been suffering due to road closures from the Big Build that have gone on and on and on and on. We have been trying to get answers and trying to get compensation for these businesses. I have got a timeline here. Over a number of months, we have been ignored by the Minister for Roads and Road Safety, we have been palmed off by other ministers and we have had a response from the Minister for Small Business and Employment basically telling people to get mental health checks and sign up to a newsletter. What I want to know, Premier, is: what will your government do to actually provide solutions to the people that are losing livelihoods in Bald Hill Road because of the Big Build?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:58): (2303) On 24 March tens of thousands of teachers, school principals and school support staff stopped work, at their own expense, to fight for fairer pay in Victoria, so my question is to the Minister for Education. Numerous educators from the South-Eastern Region – from Westall to Lyndhurst, from Hallam to Cranbourne, from Frankston and Clyde – gave up their daily wage to attend the protest. Many schools in the south-east are poorly funded and have resource shortages. Sixty per cent of teachers say they feel stressed at work, and violent crime incidents against staff are rising. It is no wonder Victoria has a significant teacher shortage. Under the Allan Labor government Victoria has become the home of Australia's highest paid Premier and the nation's worst paid teachers, so on behalf of all my constituents who are teachers, support staff and education staff in my region I ask: when are you going to negotiate a fair and equitable pay deal to allow Victorian teachers and staff to no longer be the worst paid?

The PRESIDENT: I acknowledge the new Consul General of Lebanon we have in the gallery, and the ambassador.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:59): (2304) My question is also to the Minister for Education. We know that Victoria is not the Education State anymore, but do not take it from me, take it from the Australian Education Union. They are putting out information at the moment saying that Victoria is not the Education State. Locally in Ballarat they put out a statement saying that Premier Jacinta Allan and local MP Juliana Addison have cut $24 million from Wendouree public schools. My question to the minister is: will you reverse these savage cuts to education? While you are at it, maybe you could actually value teachers and pay them fairly, because they are the lowest paid teachers in the

country. It is clear the Labor Party do not care about education in this state, particularly public education. They look at it, they walk by it and they do not care, just like they do our teachers. It is a disgrace.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (13:00): (2305) I want to raise a matter with the Minister for Police, and I want him to finally take action about the crime rise and crime epidemic in Glen Iris and Ashburton. My question is: when will you finally take action on these matters? I am going to use another case study. Katrina from Glen Iris said to me in written correspondence:

> We are extremely concerned about the serious crime wave in Glen Iris. My elderly parents live in Glen Iris as well and we are all living in fear, including my young adult sons. Our neighbour has had two home invasions and both cars stolen 13 month apart. Their young children did not sleep for months after both break ins. We regularly see and report gangs of up to 6 youths with machetes on neighbours' CCTV footage trying to break in … We are so angry and disgusted at the current government's handling of crime and cannot believe how they have let things get out of hand.

Crime is up in Glen Iris and up in Boroondara, police numbers have fallen and it is time a tardy minister acted.

Sitting suspended 1:01 pm until 2:07 pm.

Bills

Regulatory Legislation Amendment (Reform) Bill 2026

Committee

Resumed.

Clause 1 further considered (14:07)

Richard WELCH: I have got just the one question actually, and it is regarding the EPA 'stop the clock' measure. Minister, the concern on this is that it is not a 'stop the clock' as such, it is an 'extend the deadline indefinitely'. We are going from a 28-day fixed-response period, which by requiring that may have perverse outcomes, which I happily acknowledge. But the remedy has gone to an open-ended approval window instead, which I think will have its own and equal perverse outcomes as well. Why that, and why not a structured extension period that is measurable and gives those seeking it certainty?

Jaclyn SYMES: Just starting with the purpose of the amendment, the Circular Economy (Waste Reduction and Recycling) Act 2021 requires the EPA to determine applications for an exemption from a regulation or service standard within 28 days of receiving an application. There is currently no mechanism in the act to stop the clock and allow extra time if, for example, the EPA needs to request or seek further information. Under these circumstances the EPA can only refuse the application and restart the process, keep the application live and breach the statutory timeframe or risk making a poor decision without adequate information. The amendments allow the EPA to pause or extend the 28-day statutory timeframe for deciding exemption applications when further information is required from the applicant or the EPA considers it necessary for other reasons, such as identification of a potential risk.

Adding a mechanism to allow a pause in the required exemption application assessment period will result in a more efficient administrative process and better application outcomes. It may also save costs associated with the time and administration burden for applicants to reapply for an exemption. Once it is reasonably practical for the authority to consider the application, the prescribed timeframe starts again. It is not time bound, as it depends on the nature of the information requested or required, particularly allowing the applicant the time required to prepare complex information. The proposed amendment requires that the longer period be 'reasonably required'. The use of 'reasonably required'

and 'reasonably practical' rests on the established principles in legislative interpretation and is treated as an objective test. It just means that what is reasonably required and reasonably practical can be assessed on a case-by-case basis rather than prescribing an end to the statutory timeframe pause, which can recreate the issue this amendment is designed to address.

Richard WELCH: I would be just debating it really, so I will make a statement. I think 80 per cent of that is perfectly reasonable, absolutely perfect. What is not reasonable is that it is left to the EPA to define what reasonable is in a practical sense and require the applicant to contest it. In terms of certainty and putting the appropriate administrative pressure on the EPA to deliver to a service standard, a fixed extension time period – even if it needs to be a series of fixed extension time periods: one week, 28 days – would be a far better mechanism that keeps all parties honest.

Jaclyn SYMES: I appreciate that Mr Welch meant that as a statement, but I think it would be useful just to put on record another example of where a mechanism to pause the statutory timeframe works well, including permissions, licences and permits assessed by the EPA under the Environment Protection Act 2017. Sections 51A and 51B of that act allow the EPA to pause the statutory timeframe for assessing applications for permission until the requested materials are provided, after which time the assessment resumes. This has been found to work well because it prevents the regulator from needing to refuse incomplete but potentially approvable applications or breaching statutory timelines. My advice is that it works as intended.

The DEPUTY PRESIDENT: Treasurer, I invite you to move your amendments 1 and 2 on your sheet JS82C, which test amendments 3 and 4.

Jaclyn SYMES: I move:

1. Clause 1, page 3, line 13, omit "amendments." and insert "amendments;".
2. Clause 1, page 3, after line 13, insert –

"(l) the **Fuel Emergency Act 1977** –

(i) to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences; and

(ii) to increase the penalty for certain existing offences against the Act.".

Minister Stitt circulated these amendments during her contribution. There have been questions and discussion during the committee, so I do not have anything further to add to the purpose of these amendments other than what has already been put.

Richard WELCH: As this amendment matches the other amendment we have already made, we will be supporting this amendment.

David LIMBRICK: Can I just clarify which amendment we are talking about? I am a bit confused now after Mr Welch's comment.

Jaclyn SYMES: These are the Fuel Emergency Act 1977 amendments, Mr Limbrick. Did you want me to further elaborate?

David LIMBRICK: No, that's fine.

Jaclyn SYMES: You do not want another short summary?

David LIMBRICK: Of course.

Jaclyn SYMES: Okay. As we know, Victoria already receives fuel supply data from industry. This amendment will force fuel distributors to supply end-to-end supply data and create a consistent reporting standard for all fuel businesses across the state. Where necessary, the changes will deliver a complete picture of fuel supply and distribution, helping us plan and prepare for the future. Obviously in this current environment this is something that we consider precautionary and therefore necessary.

It also puts us in a better place to act quickly and if required, intervene to keep essential services, regional communities, freight and agriculture moving, and indeed it aligns us with other states.

David LIMBRICK: I thank the minister for that clarification. The Libertarian Party will be opposing this amendment. As stated earlier, I do not wish to enable this intelligence for the purposes of central planning through emergency powers at the federal government level. Therefore we will be opposing it.

Council divided on amendments:

Ayes (36): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (1): David Limbrick

Amendments agreed to.

Amended clause agreed to; clauses 2 to 19 agreed to.

Clause 20 (14:21)

Richard WELCH: I move:

1. Clause 20, lines 4 to 9, omit all words and expressions on these lines.

Jaclyn SYMES: The government opposes this amendment. The bill removes the requirement for private landholders to display physical notice of their entering into a land management cooperative agreement. This is based on experience and feedback, and the government is wanting to protect innocent landowners who are trying to do what they think is the right thing by the environment so they are not subjected to negative actions by individuals that oppose renewable projects or housing projects in regional and rural areas.

David LIMBRICK: The Libertarians will also be opposing this amendment. I actually see this as quite dangerous and divisive in these communities. I am not sure what the opposition –

Members interjecting.

The DEPUTY PRESIDENT: Sorry, Mr Limbrick. I cannot hear you. I am just wondering if we could have a little less chatter, please, on the benches.

David LIMBRICK: I actually see this as fairly dangerous and divisive – allowing people to be demonised in this way. If people want to enter into contracts and not have a sign on their land saying that they have entered into a contract, I do not see why they should be forced to do that, so the Libertarians will be opposing this.

Council divided on amendment:

Ayes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 21 to 33 agreed to.

Clause 34 (14:30)

Jaclyn SYMES: My amendment is to omit this clause. After consultation with the opposition and crossbench, the government is withdrawing the change to the bill to allow the provisions to continue as is. For certainty, it will remain mandatory for arbiters to refer serious misconduct applications to the chief municipal inspector.

Richard WELCH: The coalition will be supporting this amendment because it is the same as the amendment we circulated earlier. Having spoken to some councillors who came in to visit today, they are very pleased to know that we have achieved this amendment to this bill.

Sarah MANSFIELD: The Greens are very supportive of this amendment. We thank all parties for their cooperation on this. In particular I thank the government for listening to the opposition and our concerns about this part of the bill.

David LIMBRICK: The Libertarian Party will also be supporting this amendment. As I indicated in my second-reading speech, I have serious concerns about the operation of the councillor code of conduct. I was concerned about adding yet more sanctions without fixing the root problem, which is the code of conduct itself, so I am happy to remove this part of the bill.

Clause negatived.

Clauses 35 to 37 agreed to.

Clause 38 (14:32)

Rachel PAYNE: I have four questions around spent convictions, just to make the chamber aware. I have some questions here in relation to sentencing hierarchy and consistency. The principle of proportionality is foundational to our justice system. How does the government justify a scheme in which a person who receives a lesser sentence, an adjourned undertaking, must wait longer for relief from its collateral consequences than a person sentenced to a fine?

Jaclyn SYMES: I thank Ms Payne for her question and her interest in the spent conviction process in Victoria – something that we are very proud to have brought in. As you would appreciate, there has been a statutory review, so a lot of the changes that are in this bill are as a direct result of seeing how it is working and to bring about some improvements.

The review of the act identified the concerns that you raised and recommended enabling adjourned undertakings without conviction to be spent immediately; that was recommendation 10. Ensuring adjourned undertakings with conviction do not recommence the conviction period of the statutory review was recommendation 11. Adjourned undertakings are sentences specifically tailored to an individual, with conditions designed to help address underlying causes of offending and any ongoing risk factors. The goal of an adjourned undertaking is to provide a person the opportunity to reform their behaviour and prevent further contact with the criminal justice system. In consultations responding to both recommendations 10 and 11 some stakeholders identified that allowing for a conviction to be spent prior to the completion of the conditions of an adjourned undertaking may send a message that noncompliance with an adjourned undertaking is acceptable and behavioural reform is therefore not required. Given this, further consideration and stakeholder engagement is required before government determines whether to progress recommendations 10 and 11.

Rachel PAYNE: Just in regard to financial disadvantage created by the current framework, and your response did point to this, is the government aware that the current disparity in spent conviction timing for fines versus adjourned undertakings creates a two-tiered system that disadvantages people who cannot afford to pay a fine and therefore accept an adjourned undertaking as a financially accessible alternative? What has the government done to assess or mitigate the extent of this inequity?

Jaclyn SYMES: At the outset, please accept an invitation from the Attorney-General to have further conversations about these matters. As you can appreciate, she is well placed to have more detailed conversations, but I will use the opportunity to give you as much information as I can. Of course there are a wide range of factors that a court must determine in setting the appropriate sentence for an offence. In setting a fine as part of a sentence, courts consider a wide range of factors, including the financial circumstances of the offender, the nature and burden of that payment and the amount and method of payment of that fine. There are a number of considerations that an offender would need to work through with their legal representatives in considering how they may respond to a proposed sentence. They include the impact of a fine compared with the ability to comply with any conditions that might be associated with an adjourned undertaking. During the statutory review, some stakeholders identified that when a conviction may be spent is one of these considerations. It is not clear how often that eligibility to spend a conviction is the overriding consideration in a person declining an adjourned undertaking. As stated before, there are differing views on how adjourned undertakings should be treated under the act, and further consideration and stakeholder engagement is required before government determines whether to progress this issue in response to the review. As indicated, the invitation to have detailed conversations as part of that process – for you in particular – is forwarded.

Rachel PAYNE: On the immediate spent status and adjourned undertakings, the bill presents an opportunity to align the spent conviction timing for adjourned undertakings without conviction with that of fines. Has the government had consideration around amending the bill so that adjourned undertakings without conviction are treated as spent immediately upon being entered, consistent with how fines are treated?

Jaclyn SYMES: I touched on some of the considerations of fine versus undertakings. Recommendation 10 of the statutory review of the act recommended enabling adjourned undertakings without conviction to be spent immediately rather than after the conditions of the undertaking are completed. But as stated, in consultations on this recommendation some stakeholders have identified that allowing for conviction to be spent prior to the completion of the condition of an adjourned undertaking may send a message that the noncompliance with an adjourned undertaking is acceptable and behavioural reform – the intention of an undertaking – may no longer be required. Given this and accepting that there are strong views on either side, further consideration and consultation before progressing recommendation 10 is what the Attorney intends to do.

Rachel PAYNE: Just a final question in relation to subsequent adjourned undertakings during the waiting period. Under the current framework a subsequent adjourned undertaking during the waiting or conviction period can restart the clock, yet a subsequent fine does not. Can the minister explain why these two sentencing outcomes are treated differently in this respect, and does the government believe that inconsistency is justified?

Jaclyn SYMES: Under the act most subsequent offending will restart the 5- to 10-year waiting period before an eligible conviction is spent either automatically or on application. Only very minor offending will not restart the clock, including where no penalty is imposed, no conviction is recorded, the only penalty is an order to pay restitution or compensation or the only penalty is a fine of 10 penalty units or less.

Recommendation 11 of the statutory review recommended ensuring adjourned undertakings with conviction also do not recommence a conviction period. As stated in the conversation that we have been having, consultations on this recommendation with some stakeholders identified that the sentence of an adjourned undertaking is a tailored sentence aimed to address underlying offending behaviours and compliance is really important. They considered that it would therefore be inappropriate to not restart the waiting period. Given this difference in views, again, this is another conversation that you are welcome to join in on.

Clause agreed to; clauses 39 to 58 agreed to.

New clauses (14:41)

Jaclyn SYMES: I move:

3. Insert the following New Part after Part 12 –

'**Part 12A – Amendment of Fuel Emergency Act 1977**

58A Definitions

In section 2 of the **Fuel Emergency Act 1977 insert** the following definitions –

"***Commonwealth Minister*** means the Minister administering the Liquid Fuel Emergency Act 1984 of the Commonwealth;

information direction means a direction under section 2A;".

58B New sections 2A to 2D inserted

After section 2 of the **Fuel Emergency Act 1977 insert** –

"**2A Directions for the giving of information relating to the production, supply, distribution, sale, use or consumption of a fuel**

(1) The Minister, by written notice, may direct a person to give the Minister information, in the person's possession or control, relating to the production, supply, distribution, sale, use or consumption of a fuel.

(2) A notice under subsection (1) must specify –

(a) the kind of fuel (the ***specified fuel***); and

(b) the kind of information that the person must give the Minister; and

(c) the manner and form in which the person must give the Minister the information; and

(d) the date by which the person must give the information to the Minister.

(3) A notice under subsection (1) may be given during a period of emergency.

(4) In addition, a notice under subsection (1) may be given when there is no period of emergency if and only if the Minister is of the view that –

(a) there is or is likely to be a threat to the production, supply or distribution of the specified fuel; and

(b) the kind of information specified in the notice is relevant for the planning of, and preparation for, the production, supply, distribution or sale of the specified fuel to ensure a sufficient amount of the specified fuel will remain available to meet the reasonable requirements of the community.

(5) To avoid doubt, section 41A of the **Interpretation of Legislation Act 1984** applies to this section.

2B Compliance with information direction

A person who is given an information direction must comply with the direction unless the person has a lawful excuse.

Penalty: In the case of a natural person, 60 penalty units.

In the case of a body corporate, 2500 penalty units.

2C False and misleading information

A person must not, in purported compliance with an information direction, give information to the Minister that the person knows is false or misleading in a material particular.

Penalty: In the case of a natural person, 60 penalty units.

In the case of a body corporate, 2500 penalty units.

2D Confidentiality

(1) A person given confidential or commercially sensitive information under an information notice must not disclose that information.

Penalty: 120 penalty units.

(2) Subsection (1) does not apply to a disclosure of confidential or commercially sensitive information of the following kind –

(a) a disclosure made with the consent of the person who gave the confidential or commercially sensitive information; or

(b) a disclosure made for the purposes of the exercise of a power or the performance of a function under, or in connection with, this Act or the regulations; or

(c) a disclosure made to the Commonwealth Minister for the purpose of administering the Liquid Fuel Emergency Act 1984 of the Commonwealth; or

(d) a disclosure made by the Minister for the purposes of any arrangement entered into by the Minister and the Commonwealth Minister under section 15(1) of the Liquid Fuel Emergency Act 1984 of the Commonwealth; or

(e) a disclosure made in the performance of a function or exercise of a power under the Liquid Fuel Emergency Act 1984 of the Commonwealth that is delegated, under section 49 of that Act, to –

(i) the Minister; or

(ii) an officer or employee of the State; or

(iii) a person who constitutes, is a member of, or is employed by, an authority established by or under a law of Victoria; or

(f) a disclosure made to a court or tribunal in the course of legal proceedings; or

(g) a disclosure made pursuant to an order of a court or tribunal; or

(h) a disclosure of confidential or commercially sensitive information that is in the public domain at the time of the disclosure.".

58C Compliance with directions etc. of Minister

In section 5(1) of the **Fuel Emergency Act 1977**, after "direction" (where first occurring) **insert** "(other than an information direction)".

58D Application and operation of directions etc.

In section 7(1) and (2) of the **Fuel Emergency Act 1977**, after "direction" **insert** "(other than an information direction)".

58E Provision for compensation to persons complying with directions

In section 8(1) of the **Fuel Emergency Act 1977**, after "direction" (where first occurring) **insert** "(other than an information direction)".

58F Section 9 amended

(1) **Insert** the following heading to section 9 of the **Fuel Emergency Act 1977** –

"**General offence**".

(2) In section 9(1) of the **Fuel Emergency Act 1977**, after "direction" **insert** "(other than an information direction)".

(3) In section 9(2) of the **Fuel Emergency Act 1977**, for "50 penalty units" **substitute** "in the case of a natural person, 120 penalty units and in the case of a body corporate, 2500 penalty units.".'.

David LIMBRICK: The Libertarian Party will also be opposing this, but as I have already made my point, I will not be forcing another division.

New clauses agreed to; clause 59 agreed to.

Long title (14:42)

Jaclyn SYMES: I move:

4. Long title, after "**Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025**" insert ", the **Fuel Emergency Act 1977** to confer a power on the Minister to direct persons to give the

Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences and to increase the penalty for certain existing offences against that Act".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:43): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:43): I move:

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

Council divided on motion:

Ayes (34): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (1): David Limbrick

Motion agreed to.

Read third time.

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

David Davis: On a point of order, President, there is a problem with the lifts coming into this building. A number of us have encountered this in recent days. There is a genuine risk that somebody – they could be of either party; it is not a partisan thing –

Members interjecting.

David Davis: I was about to say the crossbench too could be caught by the slowness of the lifts coming up from the bottom floor. I think it is something we need to attend to. I do not want to be the one, and I do not want others to be in the position where they miss a division because of the, dare I say, antiquated lifts.

The PRESIDENT: Yes, if 'antiquated' is a few weeks old. I will look into it, and I suggest to members that they might have to not wait for the lifts if they are concerned. We can consider 5-minute divisions if it is a big problem –

Members interjecting.

The PRESIDENT: No, I am just putting it out there. I do not know. I am spitballing here, trying to fix the place.

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (14:51): I move:

That the consideration of order of the day, government business, 2, be postponed until later this day.

Motion agreed to.

Standing orders

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:51): I move:

That the following changes to standing orders take effect from next sitting week:

(1) omit all the words and expressions in standing order 14.06(1)(c) and replace with 'will table any statements required by an Act of Parliament and the statements will be incorporated in Hansard;'; and

(2) omit all the words and expressions in standing order 14.07(1)(d) and replace with 'will table any statements required by an Act of Parliament and the statements will be incorporated in Hansard;'.

Just to make a few remarks on these changes to the standing orders, this is a motion that supports parliamentarians to enact one of the obligations that we signed up to when the Parliament passed the Statewide Treaty Bill 2025. It was that members of Parliament who introduce a bill to Parliament must prepare a statement of treaty compatibility to be presented before the second-reading speech. Tabling a statement of treaty compatibility is an important step forward to allow members of Parliament to assess the impacts of any proposed laws on First Peoples before voting on such laws. The statement will set out details of consultation, if any, with the assembly of Gellung Warl and an assessment of whether the bill is compatible with certain objects. It is very similar to the obligation to prepare a Charter of Human Rights and Responsibilities assessment, which by now everyone is very familiar with. This change is to respond to the fact that First Peoples have historically not been consulted or had their views heard on issues that directly impact them. We have learned about this history from the Yoorrook Justice Commission, and we apologised for this history. Treaty is about how we can make sure the past does not happen again.

It is important to point out that the statement of treaty compatibility does not take away anyone's rights. It simply supports the Parliament to make better-informed decisions that are in the best interests of all Victorians, including First Peoples. The statement of treaty compatibility will not mean First Peoples get a greater influence on lawmaking. This is a procedural requirement on the relevant member of Parliament. It does not require that the views of the assembly of Gellung Warl are implemented; nor does it require the legislation to align with any criteria in relation to First Peoples' rights. All that is required is for the relevant member to explain whether and how a bill is consistent or not with the assembly of Gellung Warl's views and whether the bill is compatible or not with advancing First Peoples' rights and addressing disadvantage experienced by First Peoples. This of course mirrors the current requirement for a statement of compatibility under the charter. As I said, this will ensure that First Peoples' rights, alongside the human rights of all Victorians, are considered in the legislative process. It builds on an existing process for consultation with the community that may be affected by legislation. It does not take away the ability of other parts of the community to be heard on any legislative reform.

As I have outlined, this change to the standing orders is technical in nature – a result of the passage of the treaty bill. It is a procedural motion. It is not about reprosecuting the merit of the treaty act; it is simply supporting the Parliament to make better-informed decisions that are in the best interests of all Victorians. The motion is about recognising that the best solutions come from those who live the experience and that when Aboriginal people have a real say the outcomes are better for everyone, because treaty unites; it does not divide.

Melina BATH (Eastern Victoria) (14:55): In relation to the amendment to standing order 14, the Liberals and Nationals will not be supporting this motion; in fact we will stand up and oppose this motion. We do not need to reprosecute something that we have spent days and hours prosecuting, but it would be untenable for us, noting our position, noting our opposition to treaty, to let this slide through. This change to the standing orders requires every bill brought into the Parliament for consideration to have a statement of treaty compatibility. What is being proposed here is not just a minor procedural adjustment, it represents a fundamental shift in how legislation is scrutinised and developed by the Parliament. By requiring a statement of treaty compatibility for every bill, it elevates it to the same level of status and operational footing as the Charter of Human Rights and Responsibilities. The Charter of Human Rights and Responsibilities encompasses all Victorians equally. It looks at all Victorians and assesses the merits of that charter on every single individual, irrespective of where they originally come from, their age, gender, faith or whatever. It is absolutely fair across the board. This charter requires a bill to be assessed against a defined set of rights, invites legal interpretation and increasingly shapes how legislation is drafted, debated and, in some cases, challenged. This motion would replicate that model, the model of the Charter of Human Rights and Responsibilities. In practical terms, the treaty becomes a standing lens through which all legislation must pass, regardless of its intent or subject matter.

Our concern about this motion is that the treaty more broadly embeds a broad and still-evolving framework across all legislation. The charter of human rights contains defined rights that have been tested and interpreted over time, whereas the treaty principles are still being developed. The Liberals and Nationals have opposed the treaty, and we continue to do so on this motion. This motion would give them immediate and universal application. It creates uncertainty for departments, for stakeholders and for the Parliament itself. It also risks the balance of legislative scrutiny. It embeds a structural requirement across the entire legislative framework without first demonstrating how it will operate in practice, what thresholds there are and how conflicts and inconsistencies will be resolved. We do not support creating an overarching framework that applies universally across all legislation and alters the way this Parliament functions without clear safeguards.

Our position on treaty has been consistent all through the debate on the Statewide Treaty Bill 2025. We believe we need to ensure that democracy is consistent right across the board, across all Victorians. We do not support measures that undermine our system or our government or democracy. In concluding my brief remarks, this is an important consideration. This government is pushing forward, as it has the right to do, and we are pushing back, as we have a right to do.

Sarah MANSFIELD (Western Victoria) (14:58): I rise to speak strongly in support of this motion that has been put forward by the Treasurer. The Greens very much welcome this step, which is essentially implementing a commitment that was made as part of the treaty act that has passed this Parliament already. This is the government just following through and doing what has already been committed to. But I think it is more than just simply ticking a box. I think this will be a really valuable addition to our bill process. What it really gets to is accountability. This government has committed to implementing treaty, and it has made commitments around ensuring that all the decision-making by this Parliament will consider the impact on First Nations people.

One of the ways that we can hold the government to account on this is to ensure that any bill that is presented to this Parliament has considered, and explicitly explains how it has considered, whether it is consistent with treaty and the obligations required under treaty. Contrary to some of the remarks that were made by Ms Bath, it does not actually require any change in that bill, it simply requires whoever has created the bill to consider treaty and also explain whether it is or is not consistent with treaty. So it does not force the bill to be consistent with treaty, but I hope that in a sense it does, because by having to consider treaty I think it may actually and hopefully will create a moment of pause sometimes before a bill is brought to this chamber and at times maybe cause it to go back to the drawing board to consider, 'Hang on a second. We didn't consider treaty, we didn't consider First Peoples, and we need to.'

There have been a number of bills that have come through this place – and I do not need to go through what they were, but particularly in the justice space – where I am almost certain that if this requirement had been in place you would find that these bills would not have been consistent with treaty, and a statement that said that would have had to be produced. We know that some of these bills were not consistent with the charter of human rights, which is also a requirement that we currently have, but at least there would be that level of transparency and scrutiny. And as I said, I would hope that in some instances it would cause the government to take stock and think, 'Hang on a second. We have committed to treaty; this legislation isn't consistent with treaty, maybe this isn't something we should be putting forward.'

So we are very, very supportive of this move, and I hope we see more of this. In the long run, I think what hopefully it will mean is that in the development of a bill, before you even get to the end point and have to fill out the statement of compatibility, you have been thinking about treaty and First Peoples from the very inception and the very beginnings of the formation of the bill. Instruments like this help to do that. Just as we like to see consideration of other human rights about things – we have embedded gender equity principles in budgeting now – the whole reason for doing this is to ensure that we are addressing systemic inequities and imbalances in the way that decisions are made. By forcing some sort of consideration of them in the process, hopefully what we can end up with is better and fairer laws. But at the very least what this will do is provide some greater transparency and accountability, and as I said, we are strongly supportive of it.

Sheena WATT (Northern Metropolitan) (15:03): I rise to speak on the standing order amendment presented by Minister Symes, and I do so with a heavy heart for history but a resolute spirit for our collective future. I of course begin by acknowledging that we are on the sacred and unceded lands of the Wurundjeri Woi-wurrung people, and to their elders past and present I offer my deep respects. In this place of power we must recognise that for generations First Peoples across Victoria fought to keep their connection to country alive, often in the space of really deliberate efforts to break it. I carry that history with me today, honouring the strength and resilience of the oldest living culture here on earth.

We stand here in a place of rich history and culture, not just of parliamentary tradition but tens of thousands of years of human connection, lore and story that were built into this place long before the columns were built. Treaty is not merely a policy, it is one of the most significant pieces of reconciliation legislation that this government or any government in this nation has ever passed. In fact we are making history as the first jurisdiction in Australia to move beyond rhetoric and into a tangible framework of First Nations treaty. For over 200 years my people have suffered unimaginable pain – a pain that is not from a single event in history but a continuous wave that still ricochets through our communities today. It is seen in the health outcomes of our children, the overincarceration of our men and women and the persistent gaps in life expectancy, and it is a direct result of a silence that has lasted two centuries. For over a decade the Allan Labor government has worked tirelessly with First Nations communities across our state and their representative bodies to give Victorians a voice that they have been denied. This has not been a top-down process – this is important for the chamber to know – it has been a grassroots movement built on the sweat and tears of elders who pledged their life's effort to see this day and the tireless energy of young leaders who refuse to let the future look like the past.

I just need to say that for too long our existence has been ignored or, worse, treated as a problem. I have spoken about treaty at every opportunity before this chamber and reaffirmed many times that our lands were taken and destroyed under a fiction known as terra nullius. Our sacred sites, places of significance, were renamed to honour colonisers who never understood their significance. That is why every single bill that comes before us has to consider treaty and must consider the significance of that legislation.

I can say that this is not part of a sad history. What we have seen is a deliberate ruin of a culture that is the oldest continuing culture on earth, but we certainly were not going to stop. You see, treaty gives the First Peoples of Victoria a voice, something that was considered a privilege or a political gift until

very recently, but in reality it is a right. As we move towards a brighter future we are forced to continue to contend with the shadows of the past. I have seen the lies and the disinformation and the poisonous brand of hate spread across Victoria from those opposite. I have heard tired tropes about my people – that treaty is an attack on democracy, that it is a distraction, that it creates division – and I find it deeply cynical that they have pledged to destroy the treaty process as an election promise for this coming November.

They are promising to tear down a bridge that took countless years to build. This is not just an attack on Aboriginal Victorians, it is an attack on the moral fabric of Victoria. It is an attempt to drag us back to a time of paternalism and silence. I am profoundly disappointed that those opposite have so openly shared their disregard for First Nations self-determination. To the Leader of the Opposition in the other place, I really am truly astounded by her behaviour. Not too long ago she stood on the steps of this Parliament and accepted the invitation of our elders to walk through the smoke and accept their warm words of welcome. She applauded the former co-chairs of the First Peoples' Assembly. She smiled at the cameras. She shook hands. She posed with the elders and the leaders, and she performed the role of a supporter when the cameras were rolling, but now, in the light of political opportunism, Jess Wilson seeks to destroy their selfless and dedicated work. The member for Kew does this all in the service of a blatant appeasement of One Nation. You call it a treaty of division, but the only division taking place is created by your words. You are driving a wedge between Victorians for the sake of a few points in the polls.

The recent South Australian election has come up many times this week, and it has left many of us celebrating and with high hopes. But it serves as a warning for the challenges ahead. We have seen how One Nation and its affiliates have leaned into a strategy of misinformation, particularly regarding First Nations legislation in Parliament. They have weaponised fear and spread falsehoods about secret costs and special rights to fracture the community. With the Victorian state election looming this November we cannot afford for these divisive tactics to come here. We champion the truth and dismantle these deceptive narratives right now or we are at risk of letting misinformation dictate our collective future. Let us clear the air of the misinformation that we are going to hear. Treaty is an agreement. At the core of it, and in its entirety, it is a modern, mature agreement between this Parliament and Aboriginal Victorians to make changes that improve the lives of all Victorians. History shows us that when we support the most vulnerable and when we empower the marginalised, the entire community is uplifted. Let us be explicit for those that are fed on a diet of fear: it is not about anything being taken away from anyone. No-one is losing their home. It does not change the constitution. We are working within the robust framework of Victorian law. It does not create a third chamber. I have heard it many times. This is a persistent myth designed to scare people into thinking their democratic vote is being diluted, and it simply is not. It does not take private property away from our farmers. We need to acknowledge that our agricultural community is vital to Victoria, and treaty seeks to work with landowners, not against them. It does not affect access to parks or public land. In fact I have worked with traditional owners who see their value in land management continue when it comes to parks, particularly in the face of bushfire risks.

Let me just say treaty is not about making laws for Victorians but with Victorians. It is about a partnership.

Members interjecting.

The ACTING PRESIDENT (Michael Galea): Order! Ms Watt to continue without assistance.

Sheena WATT: For 200 years consultation meant being told what was going to happen to us. Treaty changes that dynamic. It ensures that when policies are made about health, education and our land, we are at the table not as a courtesy but as a partner. This standing order change means that treaty is considered in every single piece of legislation. The statement of treaty compatibility is the essential first step of the Statewide Treaty Bill 2025 to be enacted. To a layperson, this might sound like some bureaucratic detail, but its importance cannot be overstated. It is not a mere pledge. It is a formal

statement of accountability. It requires every member of this Parliament, when introducing a bill, to declare whether that legislation is compatible with rights enjoyed by all Victorians.

Members interjecting.

Jacinta Ermacora: On a point of order, Acting President, it is difficult to hear properly and respectfully with the racket and the goings-on.

The ACTING PRESIDENT (Michael Galea): In light of the fact that I previously asked for quiet in the chamber, I uphold the point of order.

Georgie Crozier interjected.

The ACTING PRESIDENT (Michael Galea): Ms Crozier! Ms Watt to continue without assistance.

Sheena WATT: I cannot overstate my profound disappointment that this motion is not being supported by those opposite, because at its heart it is a procedural motion, a necessary mechanism of the law we have already committed to. It is a desperate distraction. While we are trying to do the heavy lifting of history, this generation right now in this Parliament, those opposite are playing with their friends at the fringes, attempting to derail progress, derail reconciliation and derail something that has taken generations to get here.

The member for Brighton – I heard his comments this morning, and the truth is that they were a masterclass in misinformation. His words only serve to highlight his own ill-informed view of the tireless work of government to ensure that every Victorian is cared for. Those opposite like to pretend that we cannot walk and chew gum at the same time, to suggest that focusing on treaties somehow distracts from the immediate needs of the community. It is a false choice. It is a lazy political tactic, and I am calling it for just what it is. I can list all the things that we have done this week. We have spoken about it in this place, I have seen it on the doors, I have read the releases, the calls that have come into my offices – it is extraordinary, including only today all the food relief programs that are going out there. To suggest that treaties are a distraction is to fundamentally misunderstand the role of Parliament. We are here to govern for the now. We are here to heal the wounds of the past. We must and we should do both, and we can do both. We need to stop using the cost of living as a shield to hide your discomfort with racial justice and racial equality. Victorians deserve a Parliament that can care for their wallets and their conscience at the same time.

This provides transparency and consistency in every piece of legislation. For centuries First Nations people have been left out of the room. What this does is say that, in the past, legislation has been passed that decimated our families and erased our rights, and this is changing because the statement of treaty compatibility is an assurance. It is an assurance that Aboriginal Victorians have oversight into legislation that affects them. It is an assurance that the Aboriginal perspective is no longer an afterthought, a footnote, an 'Oh, we'll get to that later'. It is an assurance that when legislation directly affects Victorians, it is held accountable in the very place that has historically and purposefully left First Nations people out. When we look back on this moment in years to come, whether it the original passage of the bill or the steps that we have moved today to implement it, I know what side of history I want to be on, and I know what side we will be on here. I will not be remembered as someone who tried to block the path to healing every single chance that they could.

To the opposition, which wants to fight an election on fear and tell Victorians that there is not enough to go around and that if First Peoples get a voice, others have to lose theirs: this is a lie. Rights are not a pie. If you give some to those who have none, it does not mean that there are less for you. We are a state that prides ourselves on progress. We have led the way on so many things, whether it was the eight-hour day, the secret ballot or the social reforms that the rest of the country eventually followed. We now lead the way on treaty. To use First Nations people as a political football – shame on you. Your rhetoric is damaging, and it will not stop the momentum of justice.

Last year was a celebration of all Victorians. It was a moment when the invisible became visible. My heart goes out to so many on the long list of mob and allies, whether it is the work of the Yoorrook Justice Commission, the First Peoples' Assembly, the former ministers, my colleagues – thanks for standing with us. It is true that you have to fight for change, and treaty is no different. To the First Peoples of Victoria: we see you, we hear you, we are walking this path with you, we are resolute, we are firm and we are not stopping. To all Victorians – and I mean all Victorians: treaty is for you too. It is for a future where we walk together, proud of our history – and the whole history – and confident in our shared future. Every single piece of legislation that will come before this place will reaffirm that. I commend this motion.

Bev McARTHUR (Western Victoria) (15:17): I rise to speak on this Labor government motion to amend standing order 14. In doing so I want to take exception to the interjection from Ms Shing, who raised the issue of the Voice. Unlike Ms Shing, we have listened to the people of Victoria, who voted in a majority not to have the Voice.

Harriet Shing: Jess Wilson voted yes.

Bev McARTHUR: And she listened to the people of Victoria. You have failed to listen to the people of Victoria. Let me tell you that the booth in my electorate that had the highest proportion of 'no' voters was the booth –

Sarah Mansfield: On a point of order, Acting President, the motion does not speak about the federal referendum on the Voice, so I am just wondering if we could get back to the motion.

Georgie Crozier: On the point of order, Acting President, Ms Shing's contribution was wideranging around the rights and a whole range of things, with interjections. I think Mrs McArthur has every right to bring into the debate exactly what Victorians voted for, and that was against the Voice.

Harriet Shing: Further to the point of order, Acting President, I also mentioned that Ms Bath used to support treaty and was on her feet in this place supporting treaty and that a number of those opposite have supported treaty. I would also take issue with a number of comments, a number of interjections, which I consider to be grossly unparliamentary, including that Ms Crozier referred to the comments being made by Ms Watt as 'gaslighting'.

Members interjecting.

Harriet Shing: You have just repeated those allegations now, and you have just said 'diddums' when Ms Watt was on her feet talking about longstanding injustice for the oldest continuous culture on earth. It has been an absolutely disgraceful display from you this afternoon.

The ACTING PRESIDENT (Michael Galea): Minister Shing, that is not a point of order.

Georgie Crozier: On the point of order, Acting President, it is not a point of order. We can interject. Mrs McArthur needs to go back to her contribution. I suggest you ask her to do that.

The ACTING PRESIDENT (Michael Galea): I uphold Dr Mansfield's original point of order, and I will ask Mrs McArthur to continue her contribution through the Chair.

Bev McARTHUR: I was saying that the booth that had the highest proportion of 'no' votes in Victoria was in Framlingham – the highest percentage of Aboriginal Indigenous population in this state, so I rest my case. I take exception also to the contribution that Ms Watt made where she castigated Leader of the Opposition Jess Wilson, who listened to the people of Victoria, unlike your government, and spoke against the treaty. I believe in reconciliation grounded in honesty, equality and shared purpose.

Members interjecting.

Sheena Watt: On a point of order, Acting President, Ms Crozier again referred to my remarks as gaslighting, and I ask that she withdraw it, please.

The ACTING PRESIDENT (Michael Galea): Ms Crozier, I ask you to withdraw those comments.

Georgie CROZIER: For the purposes of this debate and for Mrs McArthur to be able to put her point of view, I withdraw.

Bev McARTHUR: This proposal is not about reconciliation. It is separation written into the standing orders of Parliament, and we oppose it. It creates a second political gatekeeper. If every bill must be tested for treaty compatibility and negotiated with a separate body, Parliament is no longer the sole lawmaking institution in practice. It undermines the principle of equal citizenship. Laws should be made by one Parliament for one people, not filtered through separate structures based on ancestry. It moves Victoria towards two separate systems of governance. That is precisely the problem many of us warned about from the start: not reconciliation but separation. It weakens Parliament's sovereignty. Members of Parliament are elected by all Victorians and accountable to all Victorians. An unelected or separately elected advisory body should not have a privileged role in the making of every law. It embeds permanent division into the legislative process. Once every bill must be assessed through a treaty lens, identity becomes a standing feature of governance rather than something that unites us as equal citizens. It risks causing legal and procedural uncertainty. Can we really define what 'sufficient consultation' is or what 'treaty compatibility' actually means? If not, the result will be delay, confusion and constant argument. As a result it hands more power to lawyers, activists and bureaucrats. This would not improve life for disadvantaged people on the ground. It would create another process class living off consultation, interpretation and compliance. Can we be certain it will not delay urgent legislation? In a crisis Parliament should be able to act decisively for the whole state. Mandatory negotiation laws would make government slower, more cumbersome and less responsive.

It gives special process rights to one group of Victorians over every other group. Farmers, small businesses, migrants, pensioners and regional communities all live with the laws Parliament passes, but none would have this entrenched procedural veto point. It rests on weak democratic legitimacy. The treaty process has never enjoyed a clear, enthusiastic mandate from the Victorian public, yet its advocates keep trying to lock it into the machinery of government. It will not remain merely symbolic. Supporters always present these mechanisms as modest or procedural, but once embedded they become precedents for broader claims, broader obligations and greater institutional power. It is self-defeating politically. The more the treaty process is used to privilege one structure in the passage of every law, the more it alienates ordinary Victorians who believe in fairness, equality and one standard for all. The whole idea rests on a contradiction. It claims to promote unity but requires division. It claims to respect democracy but dilutes parliamentary authority. It claims to be all about reconciliation but entrenches separation. As I said when we debated this previously, Victoria does not need every bill dragged through a second, identity-based approval process. We need one Parliament, one law and one standard of citizenship for every citizen. By requiring a statement of treaty compatibility for every bill, this proposal elevates treaty principles to the same operational footing as the Charter of Human Rights and Responsibilities. Our concern about this motion, among others, is that with treaty more broadly it embeds a broad and still evolving framework across all legislation without clear limits. That creates uncertainty for departments, for stakeholders and for the Parliament itself. It also risks shifting the balance of legislative scrutiny.

Our position has been consistent. We do not believe the treaty to deliver outcomes for First Nations Victorians. We are true believers in our democracy and our system of government. We do not support measures that undermine our system of government and our democracy. We do not support measures that will cost taxpayers tens of millions of dollars every year without a single outcome tied to that funding. We do support practical measures that deliver real outcomes for First Nations communities.

In conclusion, Labor's priorities are clearly misguided. Victorians across the state are being hit by significant cost-of-living impacts, particularly the huge spikes in fuel prices. Too many Victorians are being forced to choose whether to go to the supermarket or fill up the car. That is why it is so insulting that the government is choosing to focus on the treaty today rather than focusing on easing the cost-of-living pressure for Victorians, particularly families going into the school holidays. They are choosing not to focus on all Victorians today or on how they can be supported during this fuel crisis. The Allan Labor government's priorities are absolutely wrong. We will oppose this motion and so should others. It is a disgrace that you are doing this, and we oppose it wholeheartedly.

David LIMBRICK (South-Eastern Metropolitan) (15:27): I came into this debate seeing this as a fairly procedural idea, but after hearing the government's and the Greens' contributions I am fairly convinced that it is a terrible idea. If I said, 'I'm going to pick a particular group based on the colour of their skin, and I'm going to have every piece of legislation that goes through Parliament go to them and we're going to decide whether or not they're happy with it,' it would be absolutely outrageous. Yet that is exactly what this government is doing with this statement of compatibility, elevating it to the same level as the charter. I have got no problems with the charter – the charter is a tick-box exercise in any case – but this idea of having a particular racial group have all legislation assessed against whether or not they like it or whether or not it is compatible with treaty is just wrong. It is just wrong. It undermines a fundamental principle of Western democracy of equality under law.

Members interjecting.

David LIMBRICK: Yes, we do live under a Western system, and I am proud of our Western system. I think that the institutions that we have inherited are well worth defending, and I intend to keep defending them. We will not be intimidated by the government, no matter how much –

The ACTING PRESIDENT (Michael Galea): Order! There have been a lot of interjections. Mr Limbrick, please continue your contribution through the Chair, and I would ask that the chamber not assist.

David LIMBRICK: Victorians are sick of being browbeaten and intimidated by the government. That time is over. We are not scared of the government anymore. People are willing to stand up and say, 'No, we don't want to do this.' I think that having this racial divide integrated into our Parliament is wrong. It undermines a fundamental principle, and we should oppose it.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (15:29): I appreciate the opportunity to speak on this debate. Although, for what should be a procedural debate, it is rather disappointing where we find ourselves in this place.

Bev McArthur interjected.

Lizzie BLANDTHORN: To pick up on Mrs McArthur's interjection, I will perhaps start where she left off, which was at her reflections on proposing that the Parliament should be talking about things like cost-of-living services for Victorians, particularly vulnerable Victorians. In recognition of the times and the state of the world in which we find ourselves and the very real implications of that here at home, it is disappointing that this debate has been reduced to the state it has on something that should be a procedural matter. If it were not for those opposite, we would be able to return to the very things that you speak of, Mrs McArthur. It is also extremely disappointing for me. Indeed if only I could wave a magic wand. It is Holy Week and it is Holy Thursday and for me the conclusion of the Lenten period and, moving into the celebration of Easter on the weekend, the conclusion of a time of reflection and reconciliation. That we find ourselves having –

Members interjecting.

The ACTING PRESIDENT (Michael Galea): Order! The minister will continue without assistance.

Lizzie BLANDTHORN: That we find ourselves having such an appalling debate, from my perspective, on Holy Thursday as we go into Good Friday, when I would expect – or hope, perhaps – that there would be a spirit of brotherhood and solidarity around this place and in our community, is extremely disappointing.

Georgie Crozier interjected.

Lizzie BLANDTHORN: I find Ms Crozier's interjections extremely offensive.

Georgie Crozier interjected.

Lizzie BLANDTHORN: If I may, Ms Crozier, everyone has listened to the debate from those opposite, and as I have indicated –

Georgie Crozier interjected.

Lizzie BLANDTHORN: Acting President, I would appreciate your assistance here. If people want to continue to have this debate, then we should be allowed to have it without the rudeness from those opposite.

The ACTING PRESIDENT (Michael Galea): I remind all members that this is a procedural debate, and I am going to again ask for the speaker to be afforded the opportunity to speak without interjection.

Lizzie BLANDTHORN: Today's debate speaks to the very choice that Victorians will have when it comes to this November. It is a choice that is extremely important for all Victorians, and it is a choice about who is on the side of all Victorians. Those opposite, when they are not mismanaging things like their own preselection processes, let alone reducing themselves to a debate like this, are seeking in this place to stoke division. What we are simply trying to do here is enact the very legislation that was passed by this chamber last year. We are not relitigating the legislative debate right now, we are seeking to move a procedural motion that gives rise to the enaction of the very legislation that this Parliament voted for. Mrs McArthur spoke at length –

Richard Welch interjected.

Lizzie BLANDTHORN: You may have opposed it, but you did not have the numbers to defeat it, Mr Welch, to pick up on your interjection. The legislation passed this Parliament, it was the will of this Parliament that the legislation do pass and what this motion does is simply enact that legislation. We heard from those opposite, in particular Mrs McArthur, and we sat here and listened to a very long speech about the sovereignty of the Parliament and the importance of the Parliament to do its democratic will. That is exactly what this Parliament did at the end of last year, and exactly what we are doing now is enacting that very legislation. You may not find yourselves in the majority, but the majority of this chamber actually voted for it, so this motion should just be a procedural motion that is passed to enact the legislation that had the majority support of this chamber.

Bev McArthur: I have a point of order, Acting President. You have put up a motion for debate. We are entitled to debate the motion.

The ACTING PRESIDENT (Michael Galea): Mrs McArthur, points of order are to go through the Chair. They are not points of debate. There is no point of order.

Lizzie BLANDTHORN: As I said, we are simply seeking to enact the legislation. We seek to ensure that what this Parliament has agreed to – namely, the preparation and presentation of a statement of compatibility for treaty – can occur. It does not take away anyone's rights. As was said earlier, rights are not a pie. It is a very good line.

Bev McArthur interjected.

Lizzie BLANDTHORN: Rights are not a pie. There is enough for everyone to go around. You do not need to be worried about this, Mrs McArthur. No-one is seeking to take yours. We are seeking to ensure that there is an equal distribution of them. And it is certainly the place of this chamber to pass the necessary motions to change the standing orders to reflect the legislation as it was passed at the end of last year. It is merely a procedural requirement on the relevant member of Parliament of the day.

Members interjecting.

Gayle Tierney: On a point of order, Acting President, the minister is sitting right next to me and I can barely hear her. The constant interjections are absolutely improper, and I ask you to bring the house to order.

The ACTING PRESIDENT (Michael Galea): I uphold the point of order, and for what might be the 10th time in this debate remind all members to not interject while a speaker is speaking.

Lizzie BLANDTHORN: As I was saying, the statement of treaty compatibility does not take away anyone's rights. It simply supports the Parliament to make better-informed decisions which are in the best interests of all Victorians, including First Peoples. And as I said, this is merely a procedural requirement on the relevant member of Parliament. It does not require that the views of the assembly of Gellung Warl are implemented, nor does it require that the legislation align with any criteria in relation to First Peoples' rights.

Regrettably, I am not surprised by the position of those opposite, because when you have a leader in this place who has suggested that First Peoples should be grateful for colonisation, it demonstrates not only how out of touch those opposite are but how their focus continues to be on stoking that division. I know division is something they are well accustomed to over there, but it is not something that I think should be brought into this place. What is being asked of members of this place is merely to listen to First Peoples. All that is required is for the relevant member to explain whether and how a bill is consistent or not consistent with the position of Gellung Warl and whether the bill is compatible or not compatible with advancing First Peoples' rights and addressing disadvantage experienced by First Peoples. This is similar to the current requirement, as has been said, for the statement of compatibility under the charter. All that this will do is ensure that First Peoples' rights, alongside the human rights of all Victorians, are considered in the legislative process. If you do not support the rights and wellbeing of First Peoples, then you should simply have the guts to actually say it, and if you do not plan to listen to First Peoples, do not just ignore their wishes but again have the guts to say so.

Treaty is about how we make sure that the past does not happen again, and the statement of treaty compatibility is an opportunity for Parliament to hear directly about how laws we consider in this place can impact on First Peoples and how First Peoples have been consulted on matters that affect them. Everyone still has the right to vote as they see fit in relation to any of those laws in this place. I have seen in my portfolio how this consultation can improve the lives of First People. When you listen and then you act, you get better outcomes. As I said when we were in the committee stage of the relevant bill, the nation-leading Community Protecting Boorais program, allowing Aboriginal agencies to undertake child protection investigations, is a direct result of listening to First Peoples. I fondly remember when this initiative was a bipartisan position, when Dr Bach was in this place, because he also understood this. It was he who supported us to embed a statement of recognition and recognition principles into the Children, Youth and Families Act 2005, because at some points in time you have had people on that side of the chamber who recognised that to improve the over-representation of First Peoples in the child protection system there had to be changes to the system, business as usual was not an option and we could work collaboratively and together on those things in a spirit of reconciliation. But since his departure from the dumpster fire that is the Victorian Liberal Party over here we have seen a change in their position.

We saw this change when it came to the comments of Ms Crozier in this place in late 2024 regarding a VACCA case. Aunty Muriel Bamblett stated in her letter to me then:

> No effort was made by the Opposition to contact VACCA to verify any information before making a series of assertions casting imputations and aspersions about VACCA that had no basis in fact.

This tells you all you need to know on their position on this motion. They do not want to make that effort. They are not interested in the facts. They are not interested in how any legislation in this place impacts specifically on First Peoples and they are not committed to the process of reconciliation as a result. They do not want to make the effort that would be required through this procedural change, and they do not want to make this change despite it being a requirement of the bill that this Parliament passed.

If we go back to Mrs McArthur's comments about respecting the right of the Parliament to make those decisions, if that was the case, we would be debating this motion, implementing it with the support of this chamber and moving back on to the other issues, as you suggested, Mrs McArthur. But as we see time and time and time again, those over there would rather sit there and stoke division than have a valid conversation about the other issues of the day. They do not want to make this change, because they do not care.

David DAVIS (Southern Metropolitan) (15:40): We heard a very strange contribution there that did not go anywhere –

Members interjecting.

Melina Bath: On a point of order, Acting President, I just heard Ms Ermacora say, 'This will be a lesson in racism,' and I find that offensive. I ask her to withdraw.

The ACTING PRESIDENT (Michael Galea): Ms Ermacora, please withdraw.

Jacinta Ermacora: In the interests of this procedural debate and in the interests of what has been said, I am happy to withdraw.

David Davis interjected.

The ACTING PRESIDENT (Michael Galea): I am satisfied that she has withdrawn.

Members interjecting.

The ACTING PRESIDENT (Michael Galea): I have asked for it to be withdrawn, and it has been withdrawn.

David DAVIS: It has not been unconditionally withdrawn, I put to you, Acting President.

The ACTING PRESIDENT (Michael Galea): It has been withdrawn. Mr Davis, you may continue your contribution.

David DAVIS: I will put on record that I do not believe it has been unconditionally withdrawn, and I think it is scurrilous.

I begin by noting that we had a contribution from Ms Watt where she said this is about a bridge and an agreement. This is not about a bridge, this is about division, and it is about actually dividing one Victorian from another. The bill went through; that is correct. As we have heard from Ms Blandthorn, the bill certainly went through, but the bill was a divisive bill. It flew in the face of what Victorians decided in the Voice referendum: 45.9 per cent to 54.1 per cent; 2.06 million Victorians voted yes, and 2.18 million Victorians voted no. A clear and decisive majority voted no in that referendum, and they voted no to this sort of divisive approach. To the point that was made by Ms Blandthorn that it was passed by this chamber, let me just make one point here. The day after the bill was passed, the government, after withholding a freedom-of-information request for more than two years, released a brief from former Premier Daniel Andrews: a $110 million settlement with two Indigenous groups.

Harriet Shing: On a point of order, Acting President, we are having a procedural debate. There is some capacity, I would imagine, for latitude, given the enthusiasm with which you have taken us to all corners of a debate and a discussion across multiple jurisdictions, but to stray into areas around freedom-of-information requests and matters that have no connection whatsoever to the standing orders, I would suggest, is – to paraphrase the word that Ms Watt used before – a bridge far too far.

David DAVIS: On the point of order, Acting President, I am responding directly to what the minister said about the bill having passed, and I am making the point that some key information was withheld by the government before the passage of that bill. I am about to read that information. The information was critical for the chamber to know. The bill passed, as she has allowed, and I am responding directly to what she said earlier in this debate.

The ACTING PRESIDENT (Michael Galea): I do not uphold the point of order. It has been a very wideranging debate, but Mr Davis, I ask you to come back to the motion.

David DAVIS: As I said, the claim by the minister that, because the bill has been passed, people have no right to have further views –

Lizzie Blandthorn: On a point of order, Acting President, I did not say that anyone does not have any right to any view at all, as Mr Davis has suggested. I ask that he withdraw that and return to the substance of the bill.

The ACTING PRESIDENT (Michael Galea): I uphold that point of order, having listened to all contributions. Mr Davis, please withdraw.

David DAVIS: I withdraw. The freedom-of-information request, in the redacted section that was withheld for more than two years – this is Daniel Andrews – said:

> … in future, it is intended that the Treaty pathway will be incentivised as the preferred option for Traditional Owners seeking recognition and reparations …

This treaty act is about reparations. This is about inserting in the standing orders leverage, power and control over the chamber and over the democratic process. That is what it is about doing. It is about control and ensuring that the chamber is unable to operate without the sword of Damocles hanging over it, without some trigger being put in place. That is what is being inserted here. It is directly against what we really should have in this chamber, and it is not equal under the charter of human rights, which is about all Victorians. This is about one group of Victorians, and it is about privileging one group of Victorians over another group of Victorians and trying to put an additional control and an additional trigger in there to make it harder to pass legislation which certain groups do not like. That is actually what it is intended to do. It is divisive, it is unnecessary and it is forcing sectional matters to the fore in the chamber, and that is what it is intended to do. Let us be very clear on what it is intended to do. It is not a bridge; it is not an agreement. It is something that has been imposed on Victorians. Victorians in the most recent vote that is analogous to this, in the Voice referendum, voted decisively, 2.18 million to 2.06 million, against it. The government withheld critical information about reparations as the prime target of treaty – that is what the government did. Daniel Andrews claimed in his own briefing that reparations were the key.

Harriet Shing: On a point of order, Acting President, it may seem like it is Trumpfest today, but if Mr Davis has allegations of electoral fraud to be making in respect of a former Premier, then he should move those by way of substantive motion, because this is beyond ridiculous.

The ACTING PRESIDENT (Michael Galea): I bring Mr Davis back to the motion.

David DAVIS: There was a no vote in the referendum on the Voice, and that was the last time that this matter was tested. There was not a resounding yes on the treaty at all. Key information has been withheld from the community. The government is very careful. When the first steps of this went through, I asked the then Leader of the Government in this chamber Ms Symes directly about

reparations, and she was very evasive and very slippery in how she responded to those questions. The government has been very cautious about reparations.

Far from cost of living being the government's prime focus, the government is, through these steps, ramping up additional hits and charges that are going to land on Victorians. This is about reparations, it is about payments, it is about money, it is about resources and it is about loading the chamber's dice in favour of one group over another group. I say all Victorians should be treated equally. I say all Victorians should be treated fairly. I say disadvantage should be treated as disadvantage wherever it is. I say that the treaty act as we understand it was a very unfortunate moment for this chamber and a very unfortunate moment for Victoria. Leaving that aside, this is a further step in entrenching leverage and a mechanism to actually make sure that the dice in the chamber are loaded against those who do not support treaty and do not support an uneven, separatist type of approach.

David ETTERSHANK (Western Metropolitan) (15:49): I was watching this in my office, and I have to say I was so disgusted that I felt I had to come up and make a very brief comment. Can I firstly commend the comments from Ms Watt. I think she captured exactly the moral as well as the legal obligations that are incumbent upon this chamber to comply with a legal obligation that we have as a result of the ratification of the Statewide Treaty Act 2025. I think that is our first point of departure and should remain our focus. And if we are to debate, then that debate should be how that obligation will be met, not whether or not it should be heard. We are not here to rerun a debate over treaty and whether or not it has anything to do with the Voice. That debate has been had, that debate has been lost by the opposition, and we need to move on and make some decisions about how we meet those obligations. References, clearly, to the Voice are not apples-to-apples. It is a separate sphere, it is a different procedure, it is a different institution and I will not go into it further. But it is, I think, insulting to the intelligence of both the house and the Victorian public to suggest that there is a compatibility.

I would also like to say that I have personally attacked this government because we have not been doing this. I think about the optics of having, on the day, I think it was, that treaty was signed or ratified by the Governor, the Bail Amendment (Tough Bail) Bill 2025 being presented, when there was no consultation with the First Nations community. It was criticised by a number of us, correctly so. It would be absolutely hypocritical for us now not to welcome the fact that the government is going to meet its legal obligations. This is a good thing to do. It is the right thing to do. I commend this procedural motion to the house.

Council divided on motion:

Ayes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

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

Motion agreed to.

Bills

Safe Food Victoria Bill 2026

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Melina BATH (Eastern Victoria) (16:00): Of all the people in this chamber and possibly the other one, I am probably one of the most familiar with the two industries that are primarily concerned with

this bill: first of all the Dairy Act 2000 that this Safe Food Victoria Bill 2026 seeks to amend, in terms of the fact that I grew up on a dairy farm, and then the second and very important part of that is PrimeSafe. PrimeSafe covers a range of food entities, and we will explore those. But my grandfather, before he became an engineer, was a fourth-generation butcher, so it is something that is very dear to my heart – both the dairy industry and that contained within PrimeSafe.

When we think about the dairy industry from many years ago, it is the evolution of refrigeration that has transformed, as it has for many, our dairy industry. Many years ago on farms there was no thing called refrigeration. There were coolstores. There were thick walls. But small farms produced milk, separated the cream from the whey, fed the cream to pigs that were on farm and then sent off in the back of a truck to the local butter factory the cream to be made into butter. Then we had the evolution of milk vats and milk tankers, which were refrigerated, which facilitated and enabled further transportation of the incredibly valuable product of milk, which then was able to be taken to larger centres and larger processing plants. In my home area Murray Goulburn and Bonlac were some of the examples. Then we had pasteurisation and homogenisation, again creating a better framework for safety of that food, for durability of that food and to be able to keep it for longer and longer, which then provided the capacity for people not to have the house cow or to let milk sit for a long time but to use it in a variety of methods. Indeed the whole evolution of UHT and long-life milk has been so important for the health, the viability and the wellbeing of Victorians, of Australians and internationally. Part of the importance of this bill is around keeping international trade and keeping our extremely high quality food and produce being recognised right across the world and creating that gross domestic product for our state.

If we look, similarly, at meat production, my grandfather at Trafalgar actually – there was a very small abattoir – killed the steer, brought it into town, put it into a lead-lined coolstore and then processed it, and out it went fresh. He used to deliver meat around Trafalgar on the back of a horse-drawn carriage. This was back a long time ago now, and he used to run beside the carriage and then run in to keep fit. We are very glad for the fact that it has evolved over time. But there is still the incredible importance of delivering quality produce, processing it to an incredibly high standard, meeting those obligations and having real-life industry-led support for regulation and oversight.

We will not be opposing this bill, but we certainly will be moving a number of amendments. I can say I am not going to hurry through those amendments, because I believe that this is a very important bill and it warrants that fine discussion and consideration in committee of the whole. We want to target some amendments. We want to ensure that industry has confidence, has export integrity and has consumer transparency. This is not about blocking the reform, but it is about getting it right. Key omissions in the legislation that we see here are in relation to representation of industry on the board of the new Safe Food Victoria, prescribing consultative committees by key commodity groups, protecting fees and ensuring that the fees that are already in existence now in the separate entities can be transferred over and used by the specific commodity groups within this new framework, regulatory assets for each commodity group and defining a statutory review. Further, and this is often an interesting one, there are some tremendous plant-based protein alternatives out there – very important – and also milk and plant-based juice or nut juice. There are a variety of ways we could say that – nut beverages. We seek amendments here to make sure that there is mandatory disclosure of plant-based products, prohibition of misleading descriptors to stop that from happening, and consumer transparency. We want to ensure that people have the choice and know how this looks.

As I have said, farming right across Victoria is so very important. Dairy farmers are among Victoria's largest export contributors. They produce 63 per cent of Australia's milk. Think of that: 63 per cent of Australia's milk comes from Victoria. It is one of Victoria's most important exports. In the entire region, but particularly in Gippsland – I can be parochial – across the sector this represents families that get up before dawn, work long hours, are self-employed, are small business operators and operate under incredibly high standards of animal husbandry and animal welfare, and I want to commend so many of them.

I will digress slightly in relation to the quality, noting that my father 30-plus years ago was a dairy farmer. There is a consideration of having a low cell count. What that means is that you run a very clean dairy, you have very healthy cows and you have healthy udders, but to be in the top 10 per cent of the region for that cell count says to me – and I am very proud of it – that he was an excellent farmer and had very high welfare standards for his healthy cows overall to be in that category. Again, I say that because it is very important that Dairy Food Safety Victoria, as the dairy-only regulator, has had a very strong engagement with the sector and a proven track record. I want to put on record that in no way should this change by the government be seen to suggest that Dairy Food Safety Victoria was not doing its job. There was nothing wrong with Dairy Food Safety Victoria, and we want to carry over some of those mechanisms and some of that oversight and industry-led input and committee work as well into this new bill. In terms of PrimeSafe, it regulates meat, poultry and seafood, with deep sector expertise. These are not broken institutions, these are respected here and internationally, and I commend them for the work that they have done. And they have evolved. Certainly they have evolved over time, as I said, with technology and experience. We do not want to lose that good knowledge and that good process.

The bill establishes Safe Food Victoria and it abolishes Dairy Food Safety Victoria and PrimeSafe. The bill talks about a legislative umbrella. It also amends a number of other acts that need to be amended with the creation of Safe Food Victoria: the Dairy Act, the Food Act 1984, the Meat Industry Act 1993, the Seafood Safety Act 2003 and others as a consequence. In fact a lot of it is just tidying up as a result of this new entity. The government will say – and it is; it was in the Silver review, it is part of the Silver review – that it is about consolidating. In terms of the Silver review, it says:

> Consolidation will reduce duplication, improve coordination, and streamline regulatory interactions for food businesses, while strengthening oversight across the sector. The reform aligns with the phased consolidation outlined in the Economic Growth Statement, with consultation underway.

If that all becomes true, then that is the maximum outcome that we can expect. However, we certainly are concerned, and when I say 'we', it is the Liberals and Nationals, and my good colleague the Shadow Minister for Agriculture Emma Kealy has done a power of work on this, and we thank her for that. She has consulted widely with the sector, and there are still many concerns that they have. As I said, the current system has had a strong reputation across the whole sector. What I would like to do is just outline some of the concerns that we will be fixing and amending in our various amendments. There is no guarantee that the new regulatory board will include representation and expertise from dairy, meat processing, agriculture or regional food production. Without mandated expertise the board risks becoming dominated by generalists, and that is what much of the feedback from the sector has said. The agricultural sector have said that they are concerned about generalist appointees rather than people with direct industry knowledge, so we want to actually embed that in the legislation. These committees that Safe Food Victoria is going to establish have not had that expertise defined in legislation.

We also want to move some amendments in relation to fees. Dairy Food Safety Victoria operates on a cost-recovery, industry-funded model, and it has built up reserves funded by dairy producers. This has been in the long term. We want to make sure that those funds are transformed and transferred over to remain, as it were, hypothecated for the dairy industry. This is a really important thing. We do not want to see, which has been the case in the government sector, and we have seen it in other areas – not in these particular industries by any stretch but in other areas – something go to consolidated revenue and be lost to the improvements and the oversight and the quality of food safety from that particular area.

The other thing that is interesting and important is that this legislation proposes additional foods, such as cell-cultivated meat, that could be regulated in the future by Safe Food Victoria. We are now well into a new millennium and new technology, and whilst it sends, philosophically, a shiver through my spine – the fact that we are going to have cell-cultivated meat, that you can grow your steak there in the lab and it can taste reasonable or otherwise; I am quite concerned about that, coming off the farm

and having fresh lamb, fresh pork and fresh beef – I also understand that this world is getting more and more populated, and we need to ensure that we can nutritionally feed the population. Where I sit is that while it would be something that I would not particularly enjoy or adhere to, I understand that there is a developmental potential for that.

The government has stated also, in terms of the review fees, that they will review the fees. But I just want to put on record our concerns should they steal the fees that exist now that have been obtained by the various entities that are used but also the future fees that are used specifically for that development and for that food safety.

In terms of export risks, and I have said it in here, some of the conversations and communications around the changeover are that the dairy industry and the meat industry very much rely on international markets. They have export partners which are stable and credible, so what they are concerned about with the changeover is that this credibility may drop in terms of standards. They do not want to see that happen, so I have to put on record our concern around that.

In terms of the centralised bureaucracy, this is what we see often, but whether or not this will actually deliver what the Silver review has suggested that it might, we are concerned about a larger bureaucracy that is more distant from the industry and slower to respond to specific issues, and of course there are a lot of issues out there. Biosecurity is an incredibly important issue that we have raised in the past in this Parliament, where there has been threat of internationally borne diseases coming into the country and the need for high regulation. I understand a lot of that is in the federal sphere, but every state has its own requirement and responsibility to protect our biosecurity across the board.

There are some other factors that I will go through when I am actually doing consideration of the amendments, and I thought I would try and do that in this time rather than going into committee of the whole and doing them piecemeal. That provides us with some continuity for discussion here. As I said, the dairy industry is concerned about the changes. They are concerned that there is no guaranteed industry representation on the new board, and we will fix that with our amendments. They are concerned that consultation is not embedded in the legislation. We also hear from the Australian Meat Industry Council that risks to exports exist. They have said these commitments are fundamental to maintaining industry confidence, protecting sector-specific expertise and delivering on the government's stated objectives.

In relation to emerging food products and labelling, as new products like cell-cultivated meat enter the market we certainly must ensure that they are properly regulated and that they contribute to the cost of that regulation. Whereas there has been in the past a fee structure from the primary producers providing that to the regulators, that is not necessarily there in this new bill, so we need to ensure that they will be properly regulated, that these new and emerging products – cell-cultivated meat, as it is called – contribute to the cost of that regulation and that the consumer is not misled or unclear in terms of the labelling. If it says meat, it should be meat, and I will go into that very clearly in the conversation around our amendments. As I said, we are not opposing the reform. There could be opportunity for improved and streamlined regulation, certainly in this situation where we have got a net debt slated, in terms of the forward estimates for 2028–29, for just shy of $200 billion and Victorians are suffering just about $1 million per hour in interest repayments. We understand the need to streamline and make efficiencies where possible, but we will be moving amendments to ensure that industry representation is on the board, to establish mandatory consultative committees, to protect industry-raised funds and to introduce a statutory review. This is a new system, this is a new entity and we need to look into that and make sure that it is achieving its objectives to strengthen protections around food labelling and to ensure new food industries pay their fair share in terms of regulation.

I just want to put on record, as I said, some of our amendments, which will hopefully streamline the process in committee of the whole. But before I do, I just want to mention one particular industry group called Cattle Australia, whose chief executive officer Dr Chris Parker said:

> Lab-grown proteins must be held to the same food safety, environmental and labelling standards as real products like beef …

I thank them. They went on:

> The processes and ingredients used to produce these products are often 'commercial in confidence' …

They are secret spy, new ingredients.

A member interjected.

Melina BATH: Well, they are commercial in confidence, so they could be anything. We need to make sure, for human consumption, for markets, for people and for families who might want to and like to use these, that they are held to the same food safety, environmental and labelling standards as real meat.

In relation to the amendments, let me go through them so that we are across them. We want to amend the Food Act 1984 in terms of regulating the labelling and use of food terms. We do not want to see the use of 'milk' where it is not milk – milk has a definition – and it is not a product of dairy. We want to prevent misleading terms of meat descriptors such as bacon, steak and mince. If you go into any good supermarket or any large supermarket these days, even in the local IGA, you will see 'bacon-like' ingredients. They have a market and they deserve to be in that market, but there needs to be a clear differentiation between plant-based foods and cell-cultivated meat. Consumers deserve to see that clarity, and that is what our first amendment does.

On clause 4, on a non-regression and industry support guarantee, we want to ensure that the food safety standards do not go backwards. Surely that must be the objective of any good government – that if you are changing the regulator, changing how it operates, it is held at the same standards. We will be moving an amendment to be able to ensure that the industry does not go backwards – the food production does not go backwards and the quality does not go backwards. It is very important to make sure that nothing is weakened with this bill.

In terms of clause 14, our amendments 4 and 5 look at mandatory industry and regional representation. We are quite concerned that with the new board there is not a specified requirement for a dairy expert, a meat expert, a seafood expert and experts on horticulture and eggs. We want to ensure that there is that representation. We also want to ensure – and this is a very, very big focus particularly of the Nationals but of the Liberals and Nationals – that at least one of those members lives in regional Victoria. There will be advocacy, there will be understanding and there will be decisions made. We often see that decisions are made by people who are in Melbourne and who do not have an understanding of regional Victoria and experience in regional food production, so that is another of the amendments.

In terms of consultation, we want to see far more rigour around the consultation process. Our amendments 6 to 8 to clause 25 would enable real industry consultation. We want to ensure that there are dedicated industry committees and that the majority are industry-led, industry-experienced members and that there is a mandatory referral to correct the sector. It needs to be not just one size fits all and homogenous; we need that specific understanding. We need to ensure that this particular amendment gets up, because it would support a lot of the industry concerned throughout the process.

In terms of our amendment to clause 35, amendment 9, we are looking at mandatory performance transparency. What does it do? It adds reporting. This is about the regulations. We have regulations for an important mechanism to make sure that there are high standards, and if those high standards are not being met, then there needs to be reporting on the types of inspections, the types of enforcement directions, the incidents, health trends that we see and fees, because we then get the full transparency

that needs to occur. It would also enable Parliament to assess the effectiveness and to support the understanding around the regulatory burden, and it would also support future scrutiny, potentially even by the Public Accounts and Estimates Committee.

In terms of financial reform, our amendments 10 to 13 are to clauses 36 to 38. What this particular amendment does is create a general fund account. They were in separate accounts, PrimeSafe and Dairy Food Safety Victoria; it is amalgamating all those funds to a general fund account. What we specifically want to do is make sure that funds that were in the dairy section are retained in the dairy and food innovation account, that there is a Food Act account, that there is a meat industry account, that there is a seafood safety account and then there is a general account. This ring fences revenue and spending and ensures those fees stay within each sector. This stops this cross-subsidy and ensures that those people who are doing the work, who are producing our food and who are creating employment, economic value and healthy plates for our tables, still have that potential industry research and support in terms of what needs to happen in terms of the regulation.

That is answering some of the other questions from our concerned industry sector. Amendment 14 looks at an independent three-year review. Again, it must assess cost, safety outcomes and export impacts. That is also a very important sector. It forces accountability in terms of this major structural reform, and it provides that oversight. It gives government and the minister at the time important oversight. In terms of our amendments 15 to 18, these look at transition funding for integrity. They redirect the legacy funds, as I have spoken about, into the correct industry accounts, they ensure seafood funding is separated properly and they prevent that distortion over the transition. We do not want to see industry short-changed in this transition.

The other one that we are looking at is clause 82. Our amendment 19 looks to declared food and lab-grown meat. It explicitly includes cell-cultivated protein as a declared food. I thank Emma Kealy for doing this work. We want to ensure that that is a declared food. It clarifies that 'declared food' includes novel foods permitted under the Australian and New Zealand food safety standards. It looks at specifically including cell-cultivated protein – meat. I will say 'meat' for the last time on that one, but cell-cultivated protein. It introduces safeguards for new food classes. There are some key protections in terms of the cell-cultivated protein. We really want to make sure that the consumer has transparency. We want to ensure that biosecurity and safety oversight are embedded in this legislation. We want to make sure that there is that clarity and understanding. It is forward planning for new developments. It balances innovation, consumer protection and agricultural interests, and I think that is warranted.

Lastly, in terms of ministerial powers, we have a couple of amendments in relation to parliamentary oversight. The minister can only regulate new foods if they are new technologies or non-traditional. This stops the unchecked expansion of regulation.

Finally, the truth. The new clause proposed by our amendment 22 looks at new truth in labelling. It protects terms like 'cheese', 'milk', 'meat' and 'beef' and requires clear labelling for plant-based products and cell-cultivated protein. This is important. It states that it must be of equal size to the stated term that the company has decided to use. If it is not milk, you should not be calling it milk. Milk is from a lactating mammal, and we just want that transparency. It is about honesty for consumers. It is about fairness for farmers and no more marketing tricks. It must say what it is and say what it does.

I ask the house to consider these amendments to restore balance to a centralised system, to ensure that there is absolute respect for those that produce our food, that it retains the quality and the industry oversight and that these amendments pass. I will circulate those amendments now.

Georgie PURCELL (Northern Victoria) (16:30): I too rise to speak on the Safe Food Victoria Bill 2026. From the outset I will say that I will not be opposing this legislation. It is interesting for me to follow the Nationals member and her commentary, which I will be getting into, as well as the comments of her colleague in the lower house in the debate there. It is very, very interesting to hear commentary from the Nationals about truth in labelling and declaring what is in products, because I

think most people in this place would not be eating animal products if they knew the horrific practices that went on in our slaughterhouses and abattoirs across this country.

I want to start with something really important about this legislation – something that we are very, very supportive of – and that is the progress of a cultivated meat industry right here in Victoria. That is something that is incredibly important because it is an emerging space. It is a new space. It is a space that other countries have had huge uptake in. It is not only better for animals and the environment but also creates jobs, which we are missing out on right here in Victoria. This legislation will enable a specialised licence that will support and promote food innovation. Something that I am really excited for is the ability for cultivated meats to be given a chance to thrive here in the Victorian market, because currently that is not happening.

Cultivated meat is real animal meat. No matter what the Nationals will tell you, there are no hidden ingredients in it. Anything that is commercial in confidence is so because the product cannot be sold in Victoria at the moment, so all of the companies are keeping their ingredients secret. This bill will be the pathway for them to be able to actually sell it here in our state. It is produced by simply taking the cell of an animal and culturing it in a controlled environment. This is so important because it eliminates the need to raise and slaughter animals. I do not just say that from an animal protection perspective, I say it from a land use perspective and I say it from an environmental perspective. The most thrilling and exciting thing about cultivated meat is it only requires a scraped cell from one single animal once in its lifetime. That cell can be replicated and used over and over again, and the animal does not even have to die for it to happen. Why anyone would be opposed to this is absolutely beyond me. How it works is you take a sample of stem cells, feed them nutrients in bioreactors and then differentiate them into muscle and fat tissue, which is what meat is.

Currently, local councils are regulators of cultivated meats, but the reality is that council environmental health officers may not have the appropriate expertise to adequately regulate these food products, and that causes an absolute bureaucratic nightmare. Without the change in this bill, all 79 councils would need to develop expertise in this area of food technology, and that is the current real barrier for innovation here in Victoria. What this new body will do is centralise the functions of other regulators by creating Safe Food Victoria, which is essentially a one-stop shop that will make it easier to obtain a relevant food safety licence. This legislation will also establish the Safe Food Victoria board. I note the Nationals are seeking that certain industries be represented on the board, and they are also seeking the establishment of specific animal agribusiness advisory committees – as if that industry does not have enough influence already. But it seems only right – in fact it should be the most important thing to happen – if that is going to happen, that there is also someone on the board who is committed to being a voice for the animals. This is a board that will be making decisions about animals, and in the absence of them being able to speak for themselves, there should be someone who is able to speak for them. That is why I intend to move an amendment that requires one of the board positions to be filled by an animal welfare advocate, and I ask that that amendment be circulated now.

Right now Victoria is a more complicated jurisdiction to establish a food business in. That is why cultivated meat has not really taken off yet like it has in other countries around the world where the industry is worth an enormous amount of money. There are new jobs in it, it is innovation, it is emerging industries, it is new technology, and Victoria right now is missing out on that because of the resistance. I know that many in the vegan community and the animal protection community are thrilled at the prospect of having this here in Victoria. But more importantly it is an opportunity that is most exciting for people who do eat meat but want to make a more ethical choice that does not result in the killing of animals.

It is incredibly important for people to understand why this is such a win–win situation. Cultivated meats are grown from a small sample of animal cells, which removes the need to raise and slaughter whole animals, as I have said. Unlike traditional meat, it requires no harm whatsoever. A single biopsy can produce large quantities of meat, which essentially means the horrors of factory farming, confinement and slaughter are just not required. No matter what the Nationals tell you, this is the same

product that is being produced right now from harmful practices here in Victoria. We just do not need to do it, so I do not know why we would not take that up. It is better for the environment because less land is required for animal agriculture, as the need to provide space for grazing animals and feed crops is significantly reduced.

In saying this, I want to make a comment again on the Nationals member and her commentary before in relation to supporting the meat industry here. The majority of our meat is exported overseas; it is not consumed here. We are using an incredible amount of land, a huge amount of land, to export meat overseas. Again, the cultivated meat industry does not require us to do that, and we could continue to still export that meat. In fact without the need to raise livestock for dairy and meat, we would reduce global agricultural land use by 75 per cent. Because cultivated meat is grown in a controlled environment, there is also lower risk of contamination and no need for the routine antibiotics that are commonly used in factory farm settings. This will also result in fewer viral epidemics, less threats to food security and benefit our health and animal welfare. It has the exact same taste, texture and flavour as meat, yet despite all of the overwhelming positives, there will still be people who continue to turn their nose up at this and want to keep the status quo – the status quo being, clearly, the horrors of animal agriculture.

This is probably a nice segue into my next point, and that is to mention some of the comments made by the member for Lowan in the other place. I note that there are a number of amendments now in relation to her comments. The member referred to cultivated meat as a 'direct competitor' and said:

> If lab-grown meats are going to be included under this legislation and regulated by Safe Food Victoria, a fee or levy needs to be introduced as soon as possible to ensure they effectively do not get a free ride.

If we want to talk about getting a free ride, let us talk about animal agriculture here in Victoria and across Australia, because right now one of the largest and most environmentally intensive industries in this country is operating without the same level of accountability expected of other industries. We set climate targets across sectors like mining and forestry, yet animal agriculture, despite its significant contribution to emissions – in fact it is one of the biggest climate culprits in this country and around the world – largely escapes this level of scrutiny.

They get off scot-free. There is no binding requirement for the sector to meet the same standards as others to reduce their impact, despite them often contributing more, and often they are even propped up, despite what they are doing. We have all seen the drone shots of feedlots stretching beyond what the eye can see. With hunger on the rise globally, we need to start reconsidering our food-based systems. I know people probably expect me to say that, but it is really important that we all understand that, no matter how we feel about animal welfare, because if we do not, we are going to be forced to act. Innovation in the meat industry is urgently needed to address this, as there is no current mainstream method of production that is going to satisfy the growing demand for meat and our growing population. Right now estimates show that global meat demand is projected to double by 2050 compared to 2000 levels. This solution, as I have said, is here and is included in this bill, and we need to make it more accessible.

The member for Lowan also went on to say that the consumer must be able to make an informed choice and then delved into the Nationals' favourite topic – and I note that the member in here also mentioned it – nut milks, or nut juice as they often say. She said:

> But we also need to ensure that our kids understand and that the community understands that almond milk is not really milk, it is juice. It is a beverage. It is a tea, maybe. It is certainly not milk.

She continued:

> I know many people, including even National Party MPs, who enjoy soy milk or an almond latte, but we need to call it as it is. We need to be up-front around it. We need to ensure that milk is milk – it is a lactated secretion from a mammal – and it is protected in that way.

First of all, I would like to thank the member for Lowan for acknowledging what many adults that were weaned from their own mother's breastmilk still do not know: cows make milk not because they are cows, cows make milk because they are mothers, which often blows people's minds. It might not be shocking to the Nationals, but many people do not realise that cows are producing milk because they are kept in a constant cycle of pregnancy. Their babies are taken away from them and are killed, and then the milk is given to humans. And when they are kept in that lifetime of constant pregnancy and someone else is taking their babies' milk – well, I am sure you can guess how it ends up. It often starts with a truck, and sometimes it ends with a sledgehammer.

But if the member has an issue with calling almond milk 'milk', or if the Nationals have an issue with that, I would like to know: do they have the same view about peanut butter, about coconut milk and about eggplant? People are not stupid. They are aware of what is in a plant-based milk product. This is a targeted and intentional attack from the animal agriculture industry, who are threatened by the growing demand and the rise in plant-based eating. But why stop at the labelling of plant-based foods? Why wouldn't we call ham 'pig thigh' or beef 'cow flesh'? Instead of wings, why wouldn't we say 'chicken shoulder joint'? That is in fact what those products are. Or hot dogs – what is actually in them as well? I am sure people are smart enough to know they are in fact not dogs. So if anyone needs to be up-front and honest about labelling, it is the animal agriculture industry, and I would welcome those changes if we are going to talk about truth in labelling.

Going back to cultivated meat, I have actually had cultivated meat. I took our fine Deputy Premier Mr Carroll, when he was Minister for Industry and Innovation, along with Ms Watt in this place, to try cultivated meat with one of our brilliant startups here in Victoria, who are desperate to get out there on the market. I think it is safe to say that they loved it. They were very impressed, knowing that they were eating the very product that many people enjoy. I do not think the Deputy Premier actually eats meat himself, but he had tried pork at one point in his lifetime, and he said it tasted exactly as he remembered it. It tasted exactly as they remembered it because it is exactly that product. I cannot stress that enough: cultivated meat is meat without the harm. It has the same texture, taste and feel but without the cruelty and the cost to our planet and our future. This is really important because the reality is that there are people who will never give up consuming meat, and now that cultivated meat exists, they do not have to. We just need to get it out there on the market. The member then added that she seeks to move amendments to include mandatory plant-based product disclosures and cultivated meat disclosures as well as an amendment to ensure consumer transparency requirements, saying:

> We need to ensure that people understand when meat is meat and when it is not.

What the member again fails to understand, which I keep driving home here, is that cultivated meat is real meat. It is meat, and in the same way, if someone has an allergy to conventional meat or fish that is produced in the cruel way, they will almost certainly have an allergy to the cultivated meat product being made from the very animal itself. That is because the body will recognise these products as meat and fish, because again, they are biologically identical.

But if we are going to have a chat about the differences between conventional meat and cultivated meat, then allow me to explain the cruel and outdated practices that the former requires. Conventional meat involves artificial insemination, where pigs and other animals have their semen collected and inserted into the cervix of the female animal via a catheter. Bodily mutilations are also incredibly common in animal agribusiness. In fact they are standard practice, and they are conducted without pain relief, as would be required for our companion animals. This can include disbudding in calves and kid goats, involving a hot iron applied directly to the skull to destroy the developing horn tissue. Live lamb cutting, or mulesing, is when a lamb's tail is hacked off with a hot knife, often without prior pain relief as well. In fact in Victoria it is only legally required to provide pain relief after the mutilation, and advocates and vets have described this as having your arm surgically removed and then being given a Panadol. That is their assessment of the requirements for pain relief here in Victoria and the standard practices that go on here.

Chick maceration I have spoken about before, which involves day-old male chicks being killed using a high-speed grinder. Many people often contact me wanting to know a way to avoid this, saying, 'Can I buy free range? Can I buy organic?' The answer is: grinding male chicks on their first day of life is standard practice in every form of egg-laying system here in Victoria, because 50 per cent of eggs that are hatched in hatcheries will be the sex that cannot lay eggs, and therefore they are a waste product to the industry. The solution to that is to be thrown into a high-speed blender and turned into mince; that is happening here in Victoria at multiple locations. What is perhaps most confronting and what is most concerning is the technology exists to not do this. It is being implemented around the world, and even the industry here supports bringing in the innovation to avoid chick shredding. But the government has not invested in it yet to allow them to do that.

These do not even touch the surface, these standard practices, of what happens after farmed animals reach maturity. I will spare you all the details of what happens inside crowded cages, in factory farms, sheds and feedlots and in overheated transport trucks, which again are basically unregulated. I cannot tell you how many times I have heard of ordinary members of the public – people who eat meat and who have not engaged with or seen up close our farming systems until they hit a regional road – seeing a truck on the way to a slaughterhouse in blistering heat, seeing how much those animals are suffering and knowing that there is nothing to stop trucks travelling on those days.

Then of course we have the gassing of pigs, which is the most common way that pigs are made unconscious, if you can call it that, before slaughter here in Victoria. I am sure many of us have seen the confronting and horrific scenes of these poor animals, which have intelligence equal to that of a four-year-old child. They are smarter than our dogs. They are some of the smartest animals on the planet, and here we lower them into gassing cells where they thrash around. It has been described by vets as like being burnt from the inside out. That is the way that we stun them before slaughter here in Victoria. And of course this is all done because, as I said previously, the demand for meat is growing so rapidly that the industry is finding ways to process or kill as many animals as quickly as possible.

These standard practices that I talk about are not common knowledge for meat consumers. These practices are in fact purposely and deliberately hidden. They are buried beneath layers of strategic advertising, secrecy and ag gag legislation, which I will get to in a moment. But if we are going to talk about truth in labelling – if the Nationals are going to talk about truth in labelling, wanting to declare that a product is cultivated meat or plant-based, and they are so scared of these products that are great for the environment, that are great for animals and that are great for human health – then why aren't we putting on packets in supermarkets that that pig was gassed or those eggs came from a place where they macerate day-old chicks? Why aren't we saying that lamb have their backside cut off without pain relief when they are sold in the supermarket? If the Nationals want truth in labelling and if they want truth in labelling laws, then we should be telling Victorians, we should be telling Australians, the things that we allow – that this government allows – the industry to do to these poor animals.

Time and time again we have seen activists uncover illegal or cruel practices behind factory walls. Again, this is another piece of legislation that the government suddenly had time to quickly do, that they announced very swiftly in response to the animal agribusinesses' demands – and they still have not prioritised the animal welfare laws that they committed to – and that is to introduce ag gag legislation here in Victoria to make it even harder to uncover illegal or cruel practices happening behind these walls. So not only will they not tell Victorians what they are doing to these animals, they do not want anyone to expose it either. If they are so proud of this work that they are doing, or if they have nothing to hide, I do not understand why they have fought tooth and nail to implement these laws that essentially create a new set of laws only for animal activists. Trespass is already a crime in Victoria, but there is an even worse crime for a trespass when it comes to animal activism. That is to evade accountability, while those who expose the truth are being punished – they are facing jail and they are facing enormous fines. Then of course we have recently seen the case where a slaughterhouse in Victoria is taking its case all the way to the High Court, with the Farm Transparency Project fighting an injunction that was put on footage that they captured in a slaughterhouse here in Victoria. If they

have nothing to hide, why are they fighting so hard and spending so much money to cover up what is legal and what is allowed here in Victoria?

It is probably a good time to note that this bill is coming through the Parliament when a parliamentary inquiry actually recommended that a number of those things I have just spoken about at least be displayed on the Victorian government's and the Victorian department's website. It would make my job a whole lot easier; people contact me all the time with animal cruelty complaints when they see factory farming, when they see maceration or when they see a livestock truck. I of course have to respond to them and say, 'Thanks for your concern and thanks for caring about animals, but actually that is completely legal in Victoria.' Not only is it legal, it is actually standard practice and is encouraged and supported by the government. Then we see in labelling, marketing terms like 'free range', 'cage free' and 'barn raised'. These are also deliberately used to hide the realities of modern animal agriculture, while in the case of cultivated meats – I have even heard the Nationals doing it today – they use 'fake', 'synthetic' and 'artificial'. It is very, very scary, and it is intentionally pushed by the meat industry to generate fear and distrust among consumers.

Melina Bath interjected.

Georgie PURCELL: I will take up that interjection, because these words are being intentionally used to put people off these products. The member for Lowan, to her credit, did say that she loves veggie patties, which I was pleased to hear, but she did lose me when she said:

> … you do not need to call it meat just to be able to sell it. It is disingenuous to do that. I do not understand why you would seek a product that tastes like chicken if it is not chicken. Eat chicken; it has not got preservatives in it.

That takes me back to the reason why everyone should be excited about cultivated meat. But here, I want to address the way in which we often get asked, 'Why would you want to eat something like its animal-based counterpart when you could just eat the real thing?' which obviously this comment is referring to. That is missing an incredibly important point, and that is that people choose plant-based options not because they do not like the taste of meat. I did not stop eating meat because I did not like the taste of meat. I stopped eating meat because of the cruelty, the environmental impact and of course the health risks that are associated with eating animal products. The appeal of tasting cultivated pork was clear to me, knowing that people could enjoy the same taste without destructive consequences.

If the member is so concerned about preservatives in vegan meats – and preservatives are obviously a very, very common ingredient in many food products in the supermarket – I think it is probably important that we talk about what is in meat products. Antibiotics are regularly given to farmed animals to prevent disease, to control outbreaks and to treat sicknesses like infections and parasites. Their usage is so rampant in the industry that it is even impacting human tolerance. Again, this should concern every single one of us even if we are not concerned about animal welfare, because the World Health Organization calls the overuse of antibiotics in animal agriculture one of the biggest threats to global health that we face. It makes sense when you think about it, because thousands of animals are crammed in together in filthy conditions, and that is a perfect breeding ground for bacteria to thrive. Then of course there is abscess removal undertaken by meat workers, where they will cut out infections filled with pus if an animal comes through that is sick. Of course, talking about pus, that is an ingredient – if you can call it that – that is regularly found in dairy milk. In the US the Food and Drug Administration allows up to 750 million pus cells in every litre of milk. In Europe regulators allow 400 million pus cells per litre. But in Australia – I have to quote *Mean Girls* – the limit does not exist. The limit does not exist for pus cells here, and that means potentially that if an animal is sick or has mastitis or there is something wrong, we do not know about it, and there is no testing or standard to determine if that could be the case.

Lastly, if we are going to talk about products that can be found in meat products and things that are probably more scary than preservatives, the fact is that here in Australia a few years ago Coles brand milk was pulled off the shelf because it had, essentially, cow poo in it. But what is important to note

is not the fact that it had cow poo in it but that it had too much cow poo. It had beyond the allowable amount of cow poo that can be found in a bottle of milk. I share these things because – and of course everyone is free to make their own choice; I obviously have my very strong views – if we are going to make people afraid or make comments about ingredients in animal products such as preservatives, then I think there is actually a much more important issue that needs to be addressed, and that does not necessarily need to be from an animal welfare front. It needs to be done also from a human health front. As I said, we are actually lagging behind in comparison to other countries around the globe when it comes to sharing with consumers what they might be consuming when they pick an item up off the shelf.

In summarising, because I have spoken far longer than I expected to –

Michael Galea interjected.

Georgie PURCELL: It is a long speech, Mr Galea. I am very passionate about this. This bill has a very, very good thing in it. This bill will be the first step to allowing the sale of cultivated meat here in Australia, and everyone – every member and every party in this place – should consider that a good thing, because it is good for animals; it is good for the environment; it is good for human health; it creates jobs; and it allows us to prepare for challenges which, if we do not address them now, we will be forced to face in the future. Of course the climate emergency is being driven partly by the animal agriculture industry, and if we do not have the tools in place to feed our state and to feed our nation, like cultivated meat allows us to, then we are going to be in some pretty serious trouble in a few decades. I look forward to discussing this further in committee of the whole, and in saying that, I commend the bill to the house.

Jacinta ERMACORA (Western Victoria) (17:00): I am pleased to speak on the Safe Food Victoria Bill 2026. Food safety is a critical issue for Victoria, especially in my own region of south-west Victoria. The south-west of Victoria produces a substantial proportion of Victoria's beef, lamb, dairy and seafood and an increasing amount of cropped foods like canola. If you look at the structure of the south-west economy, you can see that food is our reason for existing. For example, according to WestVic Dairy's 2025 annual report, western Victoria's dairy industry produces 22 per cent of the nation's milk and 25 per cent of national dairy exports by volume. That is a quarter of national dairy exports coming from the south-west. It is not only dairy. Food and Fibre Great South Coast have calculated that the Great South Coast region alone accounts for almost a third – that is 29.5 per cent – of Victoria's total beef production and more than a third, or 33 per cent, of sheep and meat production, with a gross value of around $1.4 billion per annum.

We also produce a substantial proportion of abalone and rock lobster, or crayfish. According to the *Victorian Food and Fibre Export Performance Summary* report, abalone is worth $25 million and rock lobster is worth $86 million in exports respectively. I have visited Southern Ocean Mariculture, the abalone farm near Port Fairy, a wonderful example of natural food production that relies on safe and accountable transportation of products to markets and ports. Together these products represent billions of dollars in exports and domestic sales. They are critical in ensuring Victorians have strong food security. It makes sense that the quality of our production, storage, transport and manufacturing systems ensures that food products are kept safe to consume. Confidence in our food products underpins all of that value. This bill will ensure that that confidence is maintained into the future.

These changes will also help to reduce the complexity and fragmentation of food safety regulation. We know that regulatory complexity is not only a risk but also a direct input cost to production of our food. Simplifying regulation saves time and therefore money for food producers. The changes made in this bill are the fulfilment of a commitment in the 2024 *Economic Growth Statement* and also the Allan government's commitment to halving the regulatory burden in the state of Victoria. These changes from the Silver review reflect that commitment.

The bill will implement the first stage of a two-stage reform program to consolidate food safety regulators in Victoria. Stage 1 will see the establishment of Safe Food Victoria. This new entity will replace PrimeSafe and Dairy Food Safety Victoria. It will also take over the food safety regulator functions of the Department of Health. This will create a single front door for food safety queries. Safe Food Victoria will hold a whole-of-supply-chain role in ensuring food is safe, with support from departments and local councils. It will be in place by mid-2026, reporting to the Minister for Agriculture. Stage 2 will see the development of a new framework for food safety in Victoria. This will consolidate existing food safety regulation and modernise the licensing, compliance and enforcement laws. The overriding aim of the framework will be to streamline regulatory processes and ensure greater consistency across the supply chain, from paddock to plate. This process is in early stages, and we plan to bring it before Parliament in 2027.

While our current system is working, there are issues that need to be addressed. Our food safety legislative framework is outdated and the regulatory structure is overly complex and devolved. Reviews have consistently identified that the system is not optimised to support businesses. It also struggles to respond to change. To outsiders it might not seem like food safety is a particularly dynamic field, but risks to our food safety are constantly changing. Climate change is increasing the frequency and severity of risks from adverse weather events, such as pathogens being introduced to production or processing facilities by floodwater; warmer weather increasing the likelihood of moulds in feeds that can result in mycotoxins in dairy and meat products; and algal blooms contaminating seafood products. Advances in food production may also need a regulatory response. Emerging technologies such as cultivated or lab-grown meat and precision fermentation, which creates specific proteins such as egg whites without any animal involvement, pose new risks as well as opportunities. Take new markets such as insect protein, where there are potential contaminants and allergen risks – what are they? We need a regulatory system that is able to respond to these emerging challenges.

We have also identified challenges and inefficiencies in our current system. Take, for example, our ability to respond to major incidents. Incident response arrangements are currently different across three agriculture portfolio regulators, with centralised leadership by the Department of Health. However, there is limited incident response expertise and capacity within the agriculture regulators. Leadership of a response might also be different: if the issue relates to a licence, that is the regulator; a local council, that is Health; a specific food type, that is the regulator; or a non-regulated food, back to Health. Powers also differ between agencies, leading to inconsistent application at the moment. This was demonstrated most recently in the recall of a non-dairy yoghurt. While the business was DFSV licensed and Dairy Food Safety Victoria led the response, it was unclear if powers under the Dairy Act 2000 would be used. If Victoria were to suffer a truly widespread event such as the recent blue-green algal event in South Australia, the lack of a consolidated regulator would have the potential to unnecessarily hamper response. Ensuring the ongoing strength and credibility of our food safety regulation is critical to maintaining public health and consumer market trust.

Safe Food Victoria will provide a single front door for businesses to interact and provide clarity of leadership for food safety operations. They will therefore be better placed to regulate for more complex businesses that might need to be regulated by multiple bodies, such as businesses that conduct multiple activities onsite that would otherwise be covered by different regulators, such as a cafe that might produce its own cheese or salami onsite; businesses that complete multiple parts of the supply chain onsite, such as a horticulture grower who also packages up onsite for retail sale; and businesses without a clear regulatory home, such as cell-based products. Take the example of a diversified farm business operating a farmgate retail outlet and cafe and some food manufacturing. They may require, as I said earlier, multiple regulators under the current regime. These arrangements can and should be simplified.

Extensive consultation has been undertaken as part of this reform, and the bill reflects the feedback provided from stakeholders. Through Engage Victoria the government received 123 submissions, and 93 per cent of the submissions were supportive of the planned efforts to improve the food regulatory system. More than 60 targeted consultations have been undertaken with key peak bodies and

stakeholder groups. These consultations include extensive and thorough engagement with the dairy industry. In addition to the dairy round table, the dairy industry has been consulted in around 20 individual meetings since December 2024. This includes a meeting with a minister in November 2025. While we understand that they do not support the proposal, their views have been heard and have influenced the final design of the regulator.

I want to address one particular concern raised by the dairy industry, and that is that their fees will be used to subsidise regulation of other industries. I want to be very clear that cross-subsidisation will not occur. Each regulatory function in Safe Food Victoria is fully funded, either by fees or by government appropriation. A fee review will be conducted as part of stage 2 reforms to determine if any recalibration of fees should be conducted. As per government policy, this will be subject to the principle that fees should be based on the cost of regulation and that cross-sector subsidisation should not occur. Transparency on the revenue and expenditure of Safe Food Victoria will be provided through their annual reports.

In conclusion, firstly, I say that food labelling is a federal space, so that is my acknowledgement of the contribution from the Animal Justice Party and also some other comments about food labelling. I do feel some measure of frustration because the amendments from across the chamber, from the Nats, call for less regulation all the time. They want things to be simpler. They want life to be simpler. In principle they do not want rules. But already the amendments that have been called for here add complexity and add really historical scenarios to a modern piece of legislation, and I do find that quite frustrating. Lean and clean is the goal here, and that is what this bill will provide. A consolidated food safety regulator is a proven model that works in many places around the world. It works in New South Wales, Queensland, New Zealand and many other international jurisdictions. I strongly recommend the bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:13): I rise to speak to the Safe Food Victoria Bill 2026 and make a few remarks in relation to this bill. I know my colleague Ms Bath has gone through in detail what the bill will do, and I am not going to repeat all of those aspects and the amendments that we have to the bill, which are important amendments. I was just listening to the member of the government, and I would say that Victorians want less intrusion by government. We want government out of our lives. We are absolutely sick of this government being in our lives. I want to go to the point of two particular aspects that I am interested in in this bill, because it is something that I think is partly the reason why we are debating this.

What this bill does, amongst a number of things, is establish Safe Food Victoria and provide for it to perform functions in regulating the Victorian food industry. The history of food safety regulation in Victoria is it is delivered through a combination of specialist regulators and government agencies. They include local councils and the Department of Health. That is where I want to go in my contribution, because it brings me to the I Cook Foods saga – 'slug-gate' I aptly named it. What happened was an absolute disgrace. Through the course of not one but two inquiries we found that the chief health officer actually did not provide evidence to the inquiry, then had to come back to the second inquiry and include that evidence. We found so many things that were inconsistent and incomplete. The committee members were provided with information as we were literally walking in the door.

Luckily I have a background and I could actually read some of the reports, and I was questioning them at the time. I am raising this because it is important in relation to this bill because of what happened to Ian and Ben Cook and the Cook family when their business was shut down by the Dandenong council after Dr Sutton was given information. As the courts ruled, this business was unfairly shut down. There was an injustice that was done, and it has gone on for years. I am going back to those issues around what actually happened. As I was saying, I was looking at those reports, and I had questions regarding some of the samples. As we know, Mrs Painter, the woman who tragically died and was the subject of this case, was not found to have had listeriosis in her bloodstream or body at the time of her death, because she had been successfully treated with antibiotics, but that was the reason that Dr Sutton said

that she had died – listeria. In fact she had not; she was clear of listeriosis. There were other aspects that I was provided with under privilege that never came out. The department fudged the evidence and fudged the information that we were provided with at the time, I believe, and it was very selective information that was provided. Again, as I said, the chief health officer had to come back and correct the evidence because he gave misleading evidence in the first inquiry.

Moving on from that, this is I believe partly why this bill is being brought into the house – because of the complete stuff-ups by the government, by the department and by the council in question. I want to give some context around this issue, because it was very dodgy from the outset. Community Chef, which was set up by Anthony Albanese and Daniel Andrews back in 2009 to get a social enterprise up and running, was in competition with I Cook Foods. Clearly there was an issue around that competitive nature, and it was all very suspect. Nevertheless, what happened happened. There was still a lot of information that I believe should have been further investigated and never was, including around the investigations that took place. What was found in the courts, which the government fought and fought and fought and fought and spent tens and tens of millions of dollars on to shut down the case, was that the chief health officer Brett Sutton did unfairly shut down I Cook Foods, and again, the government tried to hide everything. The Pitcher Partners report that was there talking about the huge losses of Community Chef, this competitor – look, the whole saga was dodgy. The Parliament did its best to get to the bottom of it. I do not believe we got to the bottom of it, because we never got the evidence that we should have.

Tom McIntosh: The MP who cried wolf.

Georgie CROZIER: You say that, Mr McIntosh – 41 people lost their jobs, a family lost their business.

Tom McIntosh: I actually wasn't listening to you. Sorry.

Georgie CROZIER: Well, actually they are listening, and they have listened to me over this issue for many years. It was an injustice that was done, and the courts proved it.

The ACTING PRESIDENT (John Berger): Order! Direct your comments through the Chair, please.

Georgie CROZIER: I will note again the arrogance of the members on the other side around this really important issue where a family business was destroyed – and where the chief health officer provided incomplete evidence to a parliamentary inquiry and had to come back and provide more evidence in the second inquiry – and then 41 people lost their livelihoods and their homes. The arrogance of members over there to say, 'No-one's listening.' I tell you that the Cooks deserve better than the arrogance of the Andrews government and of the Allan government and of the dodgy practices that went on in the department of health. The Supreme Court's own ruling said that this business was unfairly shut down. The courts found in favour of the Cooks, and I will say that I am very proud to have known these two men that fought for justice. There was an injustice done here. Mrs Painter did not die of listeriosis. That was proven. She was free of listeriosis. There was evidence provided and given, and yet this business was shut down. To the day I leave this place I am going to say that the Cooks were unfairly treated by the department of health and by the Andrews government, as it was then. Community Chef was $7 million in debt, set up by Andrews and Albanese – all very convenient, because they were good mates. We had this legitimate business with 41 employees that lost their jobs and in some cases their homes.

Those opposite might not think that there is anything to worry about, but by God, there is. And I say again, the vast majority of Victorians were watching that case, and they had huge sympathy for the Cooks, because they knew that an injustice was done. It was a disgrace what had gone on and the lack of evidence that the parliamentary inquiry actually got. That is partly why we are debating this bill – because of the stuff-ups and the cover-ups and the cost to the Victorian taxpayer of the shutting down of I Cook Foods by the Department of Health. That is what this bill does. Take it out of the hands of

local councils and incompetent people in the Department of Health, and we will hopefully get it sorted so we do not go through such a saga again.

I look forward to Ms Bath moving her amendments so that we can get some improvement to this bill. They are sensible amendments. They should be supported, given the nature of what they are asking to improve the bill on. I think some of those amendments around labelling – we want greater transparency. We want to know what we are eating. Is it the misleading descriptor prohibition? We want to know what we are eating. Is this fake meat, or is it actual meat? I mean, I am a farmer's daughter. I have grown up eating meat. I do not want some fake burger named as meat. Almond milk: that is a fake name too; it is almond juice. I mean, for God's sake, mandatory plant-based product disclosure should be an absolute given, and I think most reasonable Victorians would agree. I support Ms Bath's amendments wholeheartedly, and I hope those over there do too.

Tom McINTOSH (Eastern Victoria) (17:22): I rise to support the Safe Food Victoria Bill 2026. I would just like to assure Ms Crozier – I walked in and I was not listening to her speech, but it was just the negative tone that we constantly hear droning from that side that I was commenting on. To anyone listening, I was not making any reflection on the words that Ms Crozier may have been saying; it was the constant negativity that we hear from the coalition. This bill will implement the first stage of a two-stage reform program to consolidate food safety regulators in Victoria. Stage 1 will see the establishment of Safe Food Victoria, effectively creating a single front door for food safety queries. Safe Food Victoria will be established by mid-2026, reporting to the Minister for Agriculture. The bill will create a new statutory authority, Safe Food Victoria, to replace PrimeSafe and Dairy Food Safety Victoria as well as conduct the food safety regulatory functions currently undertaken by the Department of Health. PrimeSafe and Dairy Food Safety Victoria will be abolished. Stage 2 will see the development of a new framework for food safety in Victoria. The reforms will streamline regulatory processes, ensuring greater consistency across the supply chain from paddock to plate. This process is in the early stages and will continue through to 2027. This will strengthen our food safety system by making it more robust and responsive to effectively manage risk, foster innovation and facilitate continual improvement. In short, our food safety system will be even safer and smarter. Again I acknowledge the work of Minister Spence and her team. I commend the bill to the house.

John BERGER (Southern Metropolitan) incorporated the following:

> Thank you, President, I rise today to contribute to the debate on the Safe Food Victoria Bill 2026.
>
> This is an important bill which is worthy of the support of the Legislative Council.
>
> It ensures that our food safety standards here in Victoria are up to scratch and fit for the coming years and decades, without becoming overly complex or burdensome on business.
>
> I would like to take just a moment to thank the Minister for Agriculture in the other place, Minister Spence, for her hard work in this area and across the portfolio.
>
> Her work means that the future of food safety in this state is one which serves the interests of producers, businesses, and customers alike.
>
> There are a range of interests to balance when dealing with this issue.
>
> Customers need to be able to trust that those who sell them food from the shops or at a restaurant are selling them food which is safe to eat, requiring regulation.
>
> If the regulation goes too far, however, and becomes too complex and difficult to comply with, businesses may be forced to take on an unsustainable additional financial burden, or be discouraged from selling certain foods altogether.
>
> A total lack of regulation, on the other hand, would also damage the interests of business due to the loss of trust in business by consumers.
>
> If consumers are not able to trust a business that the food which they are selling is safe to eat, they will be quite reluctant to spend their money there.
>
> Given all of this, what is necessary is for the government to create a regulatory framework which allows consumers to trust the food system as a whole, without placing too great of a compliance burden on business which would threaten the viability of the business.

Creating a system that strikes this balance is difficult, but nevertheless, remains an important part of our work in delivering for Victorians.

This bill which we are debating today is only one part of how we will meet that challenge and ensure that our food system maintains public trust and better facilitates businesses to open and grow.

This bill does not constitute the entirety of the reforms which the government proposes to bring to food safety regulation, it is only the first stage of a two-stage process.

The first stage, which will be progressed and implemented via the passage of this bill, is about entities reform.

This reform of our food safety regulators will allow for a system of regulation which is more efficient, a system of regulation which is more consolidated, and a system of regulation which is simpler to understand.

Creating the new regulator, Safe Food Victoria, will be an effective way of building a smarter and more effective regulatory system.

The second stage of the reforms which are planned for later down the track will propose to modernise our food safety legislation around licencing, enforcement, and compliance.

It will also examine the role which is played by local counicls in the existing food safety regulation system.

Overall, we are driving these reforms in food safety regulation because there are a number of outcomes which we are seeking.

For businesses, we want to see simpler and clearer regulation which reduces the cost of compliance.

This is because we want a regulatory system which better facilitates businesses to open and expand; creating jobs, growing the economy, and providing good food for the customers.

For customers, we want to ensure that the regulatory system is powerful enough to protect them from bad practice and food which might be dangerous to eat.

At the same time, we want a framework which is easy enough, simple, and stable enough for businesses to work within that it does not serve as a hinderance to them.

We cannot have a system which impedes access to or pushes up the cost of food.

For public health, we want to ensure that the system has the right structures in place so that it can prevent public health issues from emerging, and when they do, that it can respond quickly and effectively to situations as they develop.

The way which this bill proposes to work towards these goals is through the creation of a consolidated food safety regulator, amoung other changes.

The current regulatory system is far from consolidated, being spread out acros a number of government departments, entities, as well as local councils.

The result of this is that the system can at times be overly complex and difficult to navigate.

This bill does not propose a sweeping reform which would overhaul the entire food safety system overnight.

This is only the first stage of a series of reforms.

Specifially, this bill is about reforming the entities which govern food safety.

As such, this bill would abolish Primesafe and Dairy Food Safe Victoria while establishing Safe Food Victoria to serve as the state's central food regulation body.

In addition, a number of regulatory functions which are currently the direct responsibilities of government departments will be transferred to Food Safe Victoria.

Creating a consolidated regulator is a measure which seeks to improve outcomes for consumers, improve outcomes for business, and improve outcomes related to public health.

This measure will save costs for government by reducing duplication across the public sector, and will reduce costs for business by making compliance simpler navigating the system easier.

This is the first step in a planned two-stage process of food safety reform.

To begin directly addressing the provisions of the bill:

This bill provides the legislation for the abolition of Primesafe and Dairy Food Safety Victoria as well as for the creation of the now body Safe Food Victoria as a statutory body.

While the date for Safe Food Victoria's commencement of operations is not set in the legislation, it is currently planned to begin on the 1st of July this year.

The bill provides for the governance structure of Safe Food Victoria: there will be a board of five to seven members appointed by and reporting to the Minister for Agriculture.

The board will have the power to appoint a CEO as well as the power to create consultative committees for individual sectors.

The staff, the property, and the assets of Primesafe and Dairy Food Safety Victoria will be transferred over to Safe Food Victoria.

Retaining existing staff is critical to ensuring that Safe Food Victoria can get up and running and can benefit from the expertise and experience of existing staff as it commences operations, instead of having to rebuild an expertise base from the ground up.

As the two-stage process of food safety reform takes place, Safe Food Victoria will enforce existing legislation, including legislation which is intended to be reformed in the future.

This bill makes minor amendments to the Dairy Act 2000, Food Act 1984, Meat Industry Act 1993, and Seafood Safety Act 2003 in order to ensure that their existing regulatory provisions can be enforced by Safe Food Victoria.

The changes made under this bill affect a wide range of areas of government.

For example, creating a consolidated food safety regulator has significant implications to health.

As such, this bill ensures that the Chief Health Officer will have a role to play in Safe Food Victoria, being given the power to provide advice and information about a public health risk to the regulator if Safe Food Victoria is not aware of it or does not have access to information about it.

This could relate to a pathogen, a food-borne illness, or any other risk to public health which may be spread through the food system.

All of us in this place know, based on the experience we all went through at the beginning of the decade, how important it is that we have systems in place which can manage public health risks effectively.

We need to be able to have access to good, accurate information about these risks, and we need to respond quickly.

The reforms contained within this bill take all of this into account and ensure that the Chief Health Officer will rightfully play an important role in the system which governs the regulation of food in this state.

We know that there are a range of factors at play when we are dealing with food safety regulation, and to neglect the issue of public health would be to neglect our responsibilities to the Victorian people.

That is why his bill contains these sorts of strong provisions for the protection of public health.

President, as I have already explained, this bill reforming the food safety regulation system is not being brought about in isolation, it is the first bill in a two-stage process of reforming the system.

But our reforms to the regulation of food safety, taken as a total package and including both stages, are not being brought about in isolation either.

They are part of a broader suite of reforms which our government committed to in 2024 as part of our Economic Growth Statement.

We understand, on this side of the chamber, that if we want to create more jobs in this state and if we want to bring more prosperity to this state, we need to grow the economy,

We also understand that if we want to generate more tax revenue to ensure that we can continue to deliver our high-quality essential services which Victorians rely on, we need to grow the economy.

Growing the economy is a big part of pursuing all of these three ends.

The Economic Growth Statement laid out four simple principles and then explained how we intended to achieve them.

Those principles were that we intended to open doors, cut red tape, build new skills, and reach every community.

Opening doors means creating a business environment which promotes, facilitates, and supports investment and innovation from the private sector.

To do this, we created the Victorian Industry Development Fund which provides support to high-potential businesses in priority sectors.

Announced a 10-year plan to release more land for industrial purposes.

Supporting small and medium enterprises to export to global markets.

Supporting defence industry here in Victoria.

Unlocking strategic redevleopment sites by expanding the highly successful Development Facilitation Program.

And many other measures, unfortunately I do not have time to go over every measure which was included in the Economic Growth Statement, President.

The bill which we are currently discussing relates most closely to the second principle, that of cutting red tape.

This bill directly relates to the policy goals set out in the Economic Growth Statement including reducing the number of business regulators and reducing the regulatory burden for business.

Other measures contained under cutting red tape section include removing the need for a planning permit for outdoor dining on public land and streamlining liquor licensing, saving businesses both money and time.

Building new skills does exactly what the name suggests, it acknowledge that to grow an economy in the 21st century, you need a highly skilled workforce.

In reaching every community, we are also demonstrating that we understand that every part of this state has something to offer.

Leaving certain communities behind is not only unfair, but it also would prevent the state from being able to truly reach its maximum potential.

The measures which are included in the Economic Growth Statement are largely common sense and will provide a significant benefit to businesses across the state.

In laying out the significance of the Economic Growth Statement, I want to make it clear that we are reforming the food safety regulatory system as part of a broader goal.

That broader goal is that we want to make it easier to do business in this state, and so we are seeking to reform a system which is outdated, which is at times confusing, and which can carry with it a significant financial burden on businesses through compliance costs.

This bill will simplify the system by ensuring that there is one food safety regulator carrying out the duties which were once spread across several regulators.

This will mean businesses will not have to spend so much time navigating the regulatory system, and by reducing regulatory duplication, many businesses will benefit from reduced compliance costs.

Further, through our measures in this bill which are both practical and prudent, we are ensuring that the interests of businesses, customers, producers, and public health more broadly are all being considered protected under the new legislation.

This is because when we pursue economic growth, we need to ensure that everybody benefits, not just certain individuals or certain interests.

What Labor governments in the state of Victoria have historically understood better than other parties have is that we are not sent here to govern only on behalf of certain groups of people.

We are sent here to govern on behalf of the entire state.

When we push for reforms which benefit business, we also need to ensure that workers and customers are also going to benefit.

This is a big part of what the Economic Growth Statement is all about.

It is also, in part, what this bill is about.

By abolishing existing regulators and consolidating their funcitons under a new regulator, we are building a better regulatory system for food safety, with the goal of facilitating greater economic growth as the goal.

This is an important bill, reforming food safety regulation is an important part of the work we are doing to make it easier to do business in this state.

Actively and aggressively pursuing economic growth is an important part of what this Labor government is doing to create jobs, create opportunity, and ensure that our state's economy is working in the interests of everyone in the state, not just the interests of a few.

Obviously, I do not have time today to outline this government's full economic agenda which has delivered economic growth, delivered a budget surplus, delivered high quality jobs for Victorians, and delivered high quality government services.

This work is ongoing, and it supported by bills such as this one which support businesses to open, to grow, to invest, and to expand, bringing now jobs and now economic activity along with them.

I commend the bill to the house.

Ryan BATCHELOR (Southern Metropolitan) incorporated the following:

The Safe Food Victoria Bill is a proactive step the Allan Labor Government is taking on food safety.

It shows we are proactive in managing risks which is what the community expects.

This bill is about making things easier for businesses and providing a safer food industry for all Victorians.

This is a reform is part of the government's commitment to the Economic Growth Statement in 2024.

It will make Victorians safer.

And it will make doing business simpler here in the state.

What will this bill do?

This Bill is part of a two-stage reform program.

It consolidates food safety regulators in Victoria.

The structure of our food safety regulatory system is overly complex.

Currently, it is regulated by the Department of Health, Department of Energy, Environment and Climate Action, Dairy Food Safety Victoria, PrimeSafe and 79 Local Councils.

These Bill also enables the continued protection of public health,

Provides a collaborative approach to achieving food safety outcomes with industry,

And streamlines the regulatory system making it simpler for businesses.

Stage 1 will see the establishment of Safe Food Victoria.

Effectively creating a single front door for food safety queries.

Safe Food Victoria will be established by mid-2026, reporting to the Minister for Agriculture.

The bill will therefore create a new statutory authority.

Safe Food Victoria will actively take over and manage the food safety regulatory functions currently undertaken by the Department of Health.

PrimeSafe and Dairy Food Safety Victoria will be abolished.

Stage 2 will see the development of a new framework for food safety in Victoria.

The reforms will streamline regulatory processes, ensuring greater consistency across the supply chains.

This process is in early stages and will continue through 2027.

What this simply means is that our food safety system becomes safer and smarter.

Responding to effectively manage risks, foster innovation the food sector and enable continuous improvement.

Why will a consolidated food safety regulator work better?

There are numerous reasons for having a consolidated food regulator.

A single responsible regulator for all food businesses provides clarity for the business sector.

Currently, some businesses are regulated through multiple bodies.

Safe Food Victoria will provide a single front door for business interactions thereby enabling smoother and easier operations for businesses and industry.

This legislation also reduces the number of permissions required.

Businesses can often conduct multiple activities that don't neatly sit in a specific framework and require multiple permissions.

This occurs often in the manufacturing of both dairy and non-dairy products that can be licensed and regulated by either DFSV (Dairy Food Safe Victoria) under the Dairy Act or registered by both Local Councils under the Food Act and DFSV.

One such example is Bega Cheese.

Bega Cheese manufactures both processed cheese and non-dairy spreads like vegemite and peanut butter;

This is licensed by DFSV despite the Dairy Act limitations.

Another example is a farm business operating a farm-gate retail outlet and café with some food manufacturing

These arrangements can be simplified for businesses.

And this bill do just that – simplify arrangements for businesses.

Cross subsidisation within the regulator and will the dairy or meat industry pay for other industries?

Cross subsidisation will not occur.

Each regulatory function being stood up in SFV is fully funded – either by fees or by government appropriation – so cross subsidisation will not occur.

A fee review will be conducted as part of the Stage 2 reforms to determine if any recalibration of fees should be conducted.

This will be consistent with the government's pricing for value guidelines.

As required by government policy, major principles of this process include that fees should be based on the cost of regulation and cross subsidisation should not occur.

Transparency on the revenue and expenditure of SFV will be provided through is annual reporting obligations.

Consultation

Extensive consultation has been undertaken as part of this reform and the bill reflects the feedback provided from stakeholders.

As part of the formal consultation conducted through Engage Victoria the Government received 123 responses from 2,579 unique visitors.

Of the 123 responses, 93 per cent of submissions were supportive of the planned efforts to improve the food regulatory system.

More than 60 targeted consultations have been undertaken with key peak bodies and stakeholder groups across the Health and Agriculture portfolios throughout 2025.

Benefits for the industry?

As demonstrated in many jurisdictions – not least Qld, NSW and New Zealand – a consolidated regulator can effectively regulate multiple industries.

While there are some specific skills relevant to specific industries, most food safety regulatory skills can be applied to any industry.

This includes compliance and audit skills, hazard identification and mitigation, microbiology and stakeholder engagement.

Where specific skills are required,

Safe Food Victoria will ensure that staff continue to be trained or recruited with these skills.

Given that staff from existing regulators will transfer, Safe Food Victoria will retain significant expertise at launch.

Additionally, the Safe Food Victoria Bill is the first stage of reform and will deliver early benefits.

Benefits such as administrative efficiencies and making it easier for businesses to interact with government by offering a clearer, more efficient and single point of contact.

A second stage of reform is planned and will focus on modernising the regulatory framework.

This includes updating existing legislation and considering the optimal role of local government in the food regulatory framework.

There are significant potential benefits for industry from this second stage of reform.

We expect to complete considerable consultation and an impact assessment for stage 2 reforms in 2027.

Public Health

Managing a critical public health risk remains the primary purpose of this change – and the SFV Act's first objective is to 'safeguard public health'.

This change more cleanly divides responsibilities between the Health and Agriculture portfolios rather than diminishing its responsibility.

The Health portfolio remains in charge of public health issues and will continue to advocate and progress programs to support issues like nutrition, composition and obesity.

The Agriculture portfolio and Safe Food Victoria will primarily focus on acute issues – like ensuring businesses produce safe and suitable food – while supporting government initiatives related to chronic public health issues

Conclusion

This Labor Government will deliver on this necessary reform to keep Victorians safe and make it easier to do business in Victoria.

We'll modernise Victoria's food safety system to make it fit for purpose, so we can manage the food safety risks in the 21st Century.

We'll also make it more accessible and simpler to do business in Victoria as we promised in our commitment to the Economic Growth Statement.

This is about the government making positive future improvements rather than responding to a specific problem or failure.

Several reviews have identified that while the system is working, there are weaknesses that could lead to problems if not addressed.

This includes having many small regulators completing similar regulatory tasks leading to regulatory inefficiency.

There are also gaps in our current food regulatory system.

Particularly, in regard to novel and emerging technologies, and responding to business models which include producing products that span multiple parts of our regulatory system.

Acting proactively to ensure the ongoing strength and credibility of our food safety regulatory system is critical to maintaining public health.

It also maintains consumer and market trust in our great Victorian produce and our valuable food sector.

I commend this bill to the house.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (17:24): I would like to begin my summing-up by paying tribute to our hardworking farmers. The work that they do is absolutely vital to the prosperity of our state and vital to all of us having food on our plates. We know that drought and bushfires have hurt our farmers, particularly in areas of Western Victoria, which I represent. What farmers need is reform that will make things easier for them, and that is what we believe this bill does.

This bill will strengthen food safety in Victoria by improving the administration of compliance and licensing. This will make the system easier for businesses and safer for Victorians. This is a proactive reform that ensures our food safety system is prepared for the risks that we face today and into the future. Our current system is overly complex, and we have got too many regulators: Dairy Food Safety Victoria, PrimeSafe, the Department of Health, the Department of Energy, Environment and Climate Action and of course the 79 councils. This does not protect Victorians or the reputation of our stellar agricultural industries. A single front door for queries, licensing and responses just makes sense. It is easier and will make Victorians safer. This is already working in numerous other jurisdictions including New South Wales, Queensland and New Zealand.

I will now turn to addressing some of the comments raised during the debate from the opposition and the crossbench. In doing so I will also deal with a number of the amendments that will come before the committee directly. In terms of the issue of industry representation on the Safe Food Victoria board that has been flagged by those opposite, the government will be opposing this amendment. The bill sets out the skills required on the board, which represent best practice approaches to governance. Safe Food Victoria board members are there to provide governance to the entity, not to represent regulated industries. This would introduce the risk of conflict of interest. The bill already includes food industry and food safety expertise as core skill requirements of the board, and consultative committees provide the appropriate pathway to obtain industry-sector expertise and perspectives. The minister will ensure balanced representation, including regional Victoria, on the board when making appointments.

I understand that there is a proposal to mandate consultative committees for dairy and other sectors. In terms of what has been proposed by the opposition, we believe the legislation is not the right place to do this. The board should have the power to determine how it will use consultative committees and their structure, function and processes. If necessary, the Minister for Agriculture will be able to use a statement of expectations or their directions powers in regard to the use of consultative committees.

Forcing the creation of committees in legislation would overrule the board, remove stakeholder input from the process and lead to unnecessary administrative burden and greater costs for industry.

I also understand there are concerns around the cross-subsidising of industries; that has been called out by a number of people. There are calls for the establishment of sector-specific funds in addition to the general fund included in the bill. The government's view is that this would introduce cumbersome legislative provisions that would increase administrative costs, which would be reflected in licence fees. Sector-specific funds are unnecessary, as all funds are fully funded to avoid the chance of cross-subsidisation. PrimeSafe already has a model to manage funds from multiple sectors including meat, chicken, seafood, game et cetera. PrimeSafe is able to account for and provide advice on these different industries to its board to inform decision-making processes. A similar approach can be replicated with Safe Food Victoria by having separate cost centres.

I also understand some members would like to see a mandatory review stage included in this legislation. I can advise that as part of stage 1 of the government's food reforms an evaluation framework is already being developed by the Department of Treasury and Finance. There will also be further reviews through stage 2 of our food reforms. I also want to make it clear in relation to the declared food category that the intent is to provide a flexible regime. The declaration process is not about deciding whether food should be regulated or not; it is about being clear who the right regulator is – in this case local council or Safe Food Victoria. In the absence of a declaration these foods would still be legal for sale but would fall into the regulatory remit of councils, which may not hold the specific relevant expertise.

I also know that members in the other place raised concerns, and indeed Ms Bath did as well, about the labelling of meat or milk for plant-based or cell-cultured proteins and dairy alternatives. This legislation, the government believes, is not the right place for these concerns to be addressed. Any changes to labelling of plant-based or cell-cultured proteins and dairy alternatives should be introduced via amendments to the Food Standards Code or the Australian Consumer Law to ensure national consistency, and this of course is a matter for the Commonwealth. There is also no evidence of a problem. Consumer research published by Food Standards Australia New Zealand in 2025 found consumers were not confused about plant-based products. I do not believe anyone buying almond milk – we have heard this before, time and time again – believes that almonds are actually lactating.

I am also aware that some members have asked, 'What are the benefits of regulating cell-based foods by Safe Food Victoria versus local councils?' If no amendments are made to Victorian legislation, local councils would be the regulators of cell-cultured foods. Local council environmental health officers may not have the appropriate expertise to adequately regulate these food products. Without Safe Food Victoria taking on this regulatory function, each council would need to develop expertise in what is a highly specialised and complex area of food technology. The establishment of Safe Food Victoria provides an opportunity to provide a fit-for-purpose regulatory approach where oversight of these products and other emerging products produced with new technologies can be centralised. Safe Food Victoria will be better able to develop the specialised expertise needed for efficient and effective regulation, and Safe Food Victoria will also be better able to support businesses to establish themselves in Victoria.

I also know that there is some interest in what the fees will be for cell-based food businesses. The actual fee will not be determined at the launch of Safe Food Victoria, as it is subject to both a declaration from the minister and a fee determination by the board. This process will be progressed post launch, as no businesses currently produce cell-cultured food for sale in Victoria. It is intended that the declared foods be subject to cost recovery via licence fees in the same way that existing businesses regulated by Dairy Food Safety Victoria and PrimeSafe are. It is expected that Safe Food Victoria will fix fees that must be paid by declared food licence holders at the level that fully recovers the costs of regulating those businesses. It will be appropriate for the size and stage of that industry. There is no flat fee structure applied across sectors. Context will remain important. The power to fix fees rests with the SFV board, who will need to have consideration for both the level that fully recovers

the costs of regulating those businesses and broader government policy. Fee-setting is done to avoid cross-subsidisation. Meat or dairy licences will not be paying for cell-culture regulatory activity. For single businesses the regulatory effect will be relatively small, involving things like desktop review of a licence application, a standard audit, follow-up questions and other administration.

Then of course there is the question of how the efficiencies will be generated by Safe Food Victoria. Safe Food Victoria will put downward pressure on the cost of regulation. For example, the administration costs of hosting four primary regulators are often duplicative: two CEOs and executive staff in departments, four-plus separate IT systems that do not connect, 17 board positions and four separate worksites. Safe Food Victoria will improve efficiency by removing duplicative elements of the regulatory system without cutting frontline staff. This is expected to improve the underlying cash balance of the regulator by around $1 million per annum, and this will allow the board to consider additional investment in regulatory infrastructure, increased capacity or, if appropriate, a reduction in fees to match the new operating environment.

In conclusion, you have heard in the contributions from members in this place and in the other place about the importance of the agriculture industry and the need to be proactive in protecting the sector and Victorians. This reform will mean that we can effectively manage food risks in the 21st century. It will make Victorians safer and make things easier for our farmers and businesses. I again thank our farmers for the vital work that they do in keeping our regions thriving and keeping this great state fed. I trust that I have addressed many of the concerns members have raised through this summing-up speech, and I will be happy to continue to go through the issues as they come before the committee.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (John Berger) (17:36): I have considered the amendments on sheet MB21C, circulated by Ms Bath, and in my view amendments 1 and 22 are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required.

Melina BATH (Eastern Victoria) (17:36): I move:

> That it be an instruction to the committee that they have the power to consider and amend a new clause to amend the Food Act 1984 in relation to the use of certain terms in advertising, packaging and labelling of certain foods.

Motion agreed to.

Committed.

Committee

Clause 1 (17:38)

Melina BATH: What I intend to do, if it is convenient – I have got a lot of questions on different clauses – is go through them all now while there are a limited number of people in the house, and then we will go from there when the amendments come through. Industry is concerned that this new regulator will be so large in its amalgamation that support will decline, concerns and emerging risks will not be managed in an appropriate timeframe and it will be sluggish. These are some of the conversations that my colleague Ms Kealy has had with industry. Why is there no guarantee that support for the Victorian producers will not be reduced under this new regulator?

Gayle TIERNEY: The government believes that there will be a more efficient way, a single front door, for farmers and those that are heavily connected with industry to have their questions and issues raised and addressed.

Melina BATH: In relation to the policy position and food safety standards, how can the government guarantee that they will not fall below those that are currently in existence under the current legislation, and why has the government chosen not to guarantee those standards expressly in the bill?

Gayle TIERNEY: The purpose of the reform is how we can regulate the industry better, and it must include options to reconsider the appropriate level of regulation. Inclusion of such a clause may limit the regulator's ability to consider new ways of working or opportunities to reduce regulatory burden. While we are supportive of the broad intention of the proposal – and this is in relation to your amendment 2 – that reform must not reduce the protection of health from harms associated with consuming food and the industry support offered through regulation; locking the regulator into a static 2026 state we believe would be short-sighted. The purpose of the reform is to enable a better, more flexible framework for the regulator to implement change in response to shifting practices and risks. The phrasing is too uncertain, and it is unclear how this new requirement might impact valid changes in practice. For example, the recent approach to reducing the number of audits for some meat businesses might be considered not maintaining the same level of support or safety, despite being risk-based and backed by the industry.

Melina BATH: In relation to the industry support for dairy and for meat – and they have certainly raised their concerns with us and regional food producers – is it the government's intent that it will be at least maintained at the existing levels of support? And in terms of not embedding this in the legislation, why aren't you embedding this level of support instead of leaving it to administrative discretion?

Gayle TIERNEY: The concern is that if there was a committee for every single issue or concern, then nothing would get done and there would be very little coordination. That is why the government, through its consultations, has arrived at the proposition that is before the house tonight.

Melina BATH: In relation to board composition and governance – and I think you made some comments in your summing-up – I felt that the insinuation or the reflection on the bill was that you cannot be a person with industry experience and provide good governance. It felt to me in your summing-up that you were separating those out, so please respond to clarify that. But the government's rationale about not requiring representation of the key sectors – dairy, seafood, meat, horticulture, eggs – in the Safe Food Victoria (SFV) board I do not understand. Explain to me why the government is not using that rationale.

Gayle TIERNEY: The headline in all of that is the distinction between governance and governance skills and a governance framework versus a representative body. The clauses in the bill outlining the skills required on the board represent best practice contemporary approaches to governance of statutory entities. The focus is appropriately on the skills that the board requires in order to effectively undertake its functions within a governance framework. The board members need to provide strategic governance of the entity, not represent regulated industries. It is clear. This amendment would potentially introduce the risk of conflicts of interest and the risk of real or perceived regulatory capture.

Due to the number of regulated industries, it would be impractical to have a representative from every part of the food industry and supply chain. The board would need to be enormous to be representative and not favour any one industry. The industries proposed to be required to be represented by this amendment represent only a fraction – around 12,000 of over 110,000 – of the industries and food businesses that will be regulated by Safe Food Victoria's remit. The proposed amendment would exclude retail service, manufacturing, export, cell-based and sprouts industries, just to name a few. The bill already includes food industry and food safety as core skill requirements of the board. I think that is the key in that.

In addition, the inclusion in the bill of the statutory consultative committees, the advice of which the board is obligated to have regard for, provides the appropriate pathway to obtain industry sector

expertise and perspectives. The minister will ensure that the board has appropriately balanced representation, including for regional Victoria, when making appointments. She has done this for the current boards, which contain multiple regional members.

Melina BATH: Just let me understand: will there be any board positions reserved for industry representatives?

Gayle TIERNEY: What there will be is representatives – I think there will be five mandatory board positions of a total of seven, and that will cover the dairy, meat, seafood, horticulture and egg industries.

Melina BATH: There will be five out of seven, and they will cover those. Are they not industry representatives?

Gayle TIERNEY: No, they are not. I have already explained that board members need to provide strategic governance of the entity, not represent regulated industries, and that has been clear through all of the consultations.

Melina BATH: You have just mentioned that there are going to be those five on there. I need you to define the difference.

Gayle TIERNEY: These are people that have got a background in the nature of the issues before the board, but they are there for governance. There seems to be a difficulty in understanding the difference between governance frameworks and boards that are there to represent industries. They are not there to represent industries. The consultative committees do have the representation from industry on them.

Melina BATH: In relation to the discretionary consultative committees, rather than mandating specific industry committees, why is the government just relying on discretionary consultative committees rather than mandating them?

Gayle TIERNEY: I spoke of this in my summing-up speech, but I will go through it again. The board is the most appropriate body to determine how it will use consultative committees to support its regulatory approach. By restricting or requiring specific committees in legislation, the board would have reduced flexibility in determining how committees will function and the efficiency and how they will run, noting that the optimum consultative committee structure may change over time due to changes in food supply chain and as the regulator matures. The approach proposed by these amendments would lead to an unnecessary administrative burden and costs being passed on to the industry. It is important that stakeholders also have a role in shaping how consultative committees themselves are structured and function. The legislation offers the framework for the board to operate within, futureproofing the arrangement. In practice we expect the board to establish multiple committees representing key industries such as dairy and meat and regulatory partners such as local government or public health stakeholders. If needed, the Minister for Agriculture will be able to use the statement of expectations or the directions powers under the bill to influence the board's approach in relation to consultative committees.

In modern legislation consultative committee provisions tend to be general in nature, allowing the board or the minister to establish the most appropriate consultative committees at a point in time. Examples where consultative committees have been prescribed, such as in relation to Alpine Resorts Victoria, where each individual resort has a consultative committee, are not comparable to Safe Food Victoria. The prescribed consultative committees are required in this case because Alpine Resorts Victoria is responsible for direct management of each of the alpine resorts rather than their regulation as such, with each being unique in character and structure with unique strengths and challenges.

Melina BATH: I go now to my amendment 9. It is about transparency and performance. Why has the government not chosen to mandate reporting on inspections, enforcement actions and food safety incidents?

Gayle TIERNEY: The bill already includes provisions requiring reporting of performance. Information on activities and performance will be included in the SFV annual report. Performance indicators and measures are best developed through the SFV strategic planning processes and the minister's statement of expectations. The proposed inclusions reflect the existing annual reporting practices of PrimeSafe and Dairy Food Safety Victoria (DFSV) or the Food Act 1984 reporting requirements. It is expected that this reporting will continue to occur and be improved by SFV.

In terms of inspections, figures appear in the annual reports and include headline numbers of audits and inspections. In terms of directions, annual reports include the use of relevant enforcement tools such as orders or notices, but it is unclear if these would be captured by the proposed amendment or why the directions given by the authorised officers and inspectors are subject to reporting but not directions given by the relevant authorities, such as SFV. In terms of incidents, what an incident entails is not clear, but recalls, enforcement activity and convictions are all captured in public reporting. In terms of fees, they are transparently reflected in financial statements each year, which are required to be reported under the Financial Management Act 1994. In respect to trends, the annual reports provide a narrative about foodborne illness trends. Prescribing these measures via legislation adds an unnecessary burden to the regulator, potentially introducing administrative duplication and driving up costs, which will ultimately be borne by regulated sectors. It may also have the perverse outcome of constraining the development of fit-for-purpose performance reporting. We believe that the amendment will also duplicate and potentially conflict with the Food Act's section 7D requirements for the reporting of council performance.

Melina BATH: Minister, in relation to PrimeSafe as a specific example, PrimeSafe is required to report on key indicators to support transparency and accountability around their activities. You did mention identifying trends potentially in food safety incidents. If they are only reported in an annual report – and some of these food safety trends can be compromising or affect biosecurity – how does the government intend to deal with that risk of only reporting annually to the broader community and also to stakeholders?

Gayle TIERNEY: There will be more regular reporting than just in the annual report. The board will receive reports from the different sectors, and there will be interactions between the consultative committees and the board that will also provide information to the board about how that is working, and then feedback to the stakeholders will occur as well. It is a practice that happens in terms of most modern regulatory situations now.

Melina BATH: So then the board has got an understanding. How is that information transferred over to the minister? Because the minister is ultimately the responsible person. Particularly if there are trends that are worrying in terms of food safety, what is that process? Is it a regular process? What can the industry expect will go to the minister's ears and understanding?

Gayle TIERNEY: The department will be present at all board meetings, and the chair can also separately make communications and information available to the minister.

Melina BATH: That is helpful. In relation to part 3, on financial accountability in relation to pooling industry-specific fees into the single general fund, I noticed, Minister, in your summing-up you said 'All will be well' in effect. You said that it is all going to go into one and then funds will be allocated. Can you please unpack that further? When a dairy industry producer has created those funds in the past and will continue to pay fees, what sort of assurance can there be that funds paid by a sector, by an industry person or a farmer, will actually be used in the context of what is needed for that industry?

Gayle TIERNEY: I will go to some points that are actually raised in your amendments on this point. We believe that the amendments introduce a cumbersome, impractical and unnecessary legislative provision that would create increases in administrative costs and ultimately be reflected in higher licence fees. Every financial decision of the regulator would require consideration of what

portion of each person's job the contract being negotiated or the accommodation being signed on to was a dairy function or a meat function, requiring considerably more administrative and financial effort to manage. The purported problem being solved in cross-subsidisation, however – this is not a problem for the regulator, in that all functions are fully funded. Each function transferring is fully paid for by either cost recovery – that is PrimeSafe and DFSV – or appropriation through the Department of Health. We also expect the overall cost of delivering regulatory services to reduce due to the consolidation under the proposal. It would be impossible to allocate this reduction: for example, to which industry would the reduced accommodation footprint be allocated?

PrimeSafe already has a model to manage funding from multiple sectors – meat, chicken, seafood and game – and is able to account for and provide advice on these different industries to its board to inform decision-making processes. It is well established; it is not new. The approach is understood and accepted by industries regulated by PrimeSafe, despite similar concerns being raised when the Seafood Safety Act 2003 was introduced, so we have already got a live example of how it works and how it functions properly. While the financial management of SFV will be a matter for its board, we expect that it will build upon and learn from the approach established from the example of what has happened with PrimeSafe with seafood coming into it. The government's guidance on the setting of fees, the pricing-for-value guidelines, is applied by regulators and mandates how fee setting is balanced across 12 pricing principles. This approach will be applied to the Safe Food Victoria arrangements, and as part of stage 2 reforms Safe Food Victoria will be supported in conducting a pricing review to support the board setting new fees under the new operating model.

Melina BATH: Can you speak then further to the transparency around those arrangements? Clearly there are – and Minister Spence would have had these – concerns from industry. What measures is the government going to provide the individual sector around that financial transparency to ensure that there is some level of confidence here? What is the government doing? What is the policy on this financial transparency other than diminishing industry confidence?

Gayle TIERNEY: It is my understanding that the process will be very similar to what is operating at PrimeSafe, where there are cost centres and everything can be tracked and traced and it is transparent.

Melina BATH: I am just going to ask then: how does that transparency manifest itself to either the public or industry representatives?

Gayle TIERNEY: The prime area will be via annual reports tabled in this Parliament.

Melina BATH: So that is a once-a-year assurity in effect, what you are saying, in terms of that transparency, noting that the bill is going to come into effect and then take time.

Gayle TIERNEY: But I would imagine that the consultative committees would be interested –

The DEPUTY PRESIDENT: Minister, Ms Bath has the call.

Melina BATH: So, Minister, there is no formal pathway, other than an annual report, that is legislated or in regulation to inform those consultative committees?

Gayle TIERNEY: There will be interactions, obviously, between the consultative committee and the board. They will be doing that with a whole range of issues, and this will be another one.

Melina BATH: Minister, in terms of fee increases or levy increases as part of the transition to the new food regulator, will the minister guarantee that there will be no increases in the next 12 months as part of this transition, noting that this is a significant change for industry?

Gayle TIERNEY: The framework that exists just is not going to change at all. The normal processes will be undertaken. There is no difference in terms of the establishment of these new arrangements.

Melina BATH: So in essence there is still that flexibility within the system to put the fees up, potentially the month after this comes through – it still exists?

Gayle TIERNEY: That certainly is not the intention at all. I think it would be a miscarriage if someone was to walk out of here or look at *Hansard* and take that as what will potentially happen. It just will not.

Melina BATH: Minister, nor am I suggesting it. I am just asking from a legislative point of view if that has the potential to do that. Whether it does or not is a matter for the new system.

Gayle TIERNEY: Ms Bath, in terms of what I indicated to you before, I take this opportunity also to put on the record that it would be very unfortunate for someone to interpret what I have said in *Hansard*, as the intention is for the same framework and the same arrangements to be put in place, not to try and indicate to the public that this somehow will trigger an increase. It is just simply not going to.

Melina BATH: The status quo applies is what you are saying.

Gayle TIERNEY: Yes.

Melina BATH: In terms of an independent review, why does the government's policy framework not require an independent review by the new regulator during its first three years of operation? What assurance does the industry have that unintended consequences will be identified early and rectified?

Gayle TIERNEY: To introduce a rolling program of review before a system is fully reformed, we believe, would be potentially wasteful and inefficient. As each review was completed the next one would begin, allowing no time for the important work of the regulator to begin or for the flagged stage 2 reforms to be conducted and no time for any of these changes to be implemented. Time is required to bed down the changes and for the new organisation to begin to realise efficiencies. An evaluation framework to measure the outcomes of Safe Food Victoria reforms is already under development in collaboration with the Department of Treasury and Finance, and this will feed into annual reporting, which is already tabled in the Parliament. Parliament is well placed to provide ongoing oversight of the performance of government entities such as Safe Food Victoria and of the operation of legislation through a range of existing mechanisms, including of course questions with and without notice, review of the tabled annual reports and parliamentary inquiries.

Melina BATH: It is a long time. I would hate for the industry to be waiting for a parliamentary inquiry to be conducted and responded to by government, but it is a legislative tool I guess is what you are saying.

Gayle TIERNEY: I take that as a comment.

Melina BATH: One of the concerns that industry has is in relation to exports and export approvals and export standards. I just want to understand a bit further about how this new Safe Food Victoria will be able to maintain that high level of export approvals and export standards and oversight in the transition over. What will be done to ensure that, because that is of industry concern?

Gayle TIERNEY: The same arrangements will apply with the Commonwealth. They are saying – and have assured the Victorian government – that there will be no impacts. As you know, that area is quite a discrete responsibility of the federal government.

Melina BATH: These are some questions that Ms Kealy has in relation to declared foods, and these relate to the emerging products, including cell-cultivated meat. She asks in relation to new foods being declared but with no mandate that new foods are to have regulations issued. Could you explain further around how soon after a new food is declared the government anticipates regulations to be issued?

Gayle TIERNEY: It is probably a good idea to actually talk about the framing of this whole thing before we get into the specifics. The intent of the newly designed declared food category is to provide a flexible regime allowing Safe Food Victoria to quickly adopt and adapt to new and emerging food technologies based on a ministerial declaration. The proposed clause would require the creation of regulations for each food or class of food, adding in significant administrative burden and delay, which is not warranted by the nature of the proposed decision. It is unclear what additional benefit having a list of foods in regulation versus a ministerial declaration brings beyond the already public process of a declaration. The declaration process is not about deciding whether food should be regulated or not, it is about being clear who the right regulator is – in this case local council or Safe Food Victoria. In the absence of a declaration, these foods would still be legal for sale but would fall into the regulatory remit of councils, which may not hold the specific relevant expertise, which I indicated in my summing-up.

Food legislation has similar arrangements, such as through the use of declared authority orders under section 41 of the Food Act. Foods such as cell-cultured food already require approval under the Australia New Zealand Food Standards Code. The declaration is not designed to circumvent these binational decisions. The minister already has this power under section 5 of the Food Act should there be a need to exclude a food business from the requirements of registration, noting this is an extremely rare power to use.

Melina BATH: In relation to declared foods not paying regulatory fees or levies, will it be expected that once declared, the newly declared food will have to pay a fee or a levy? How will the rate be determined, noting that it is not included in legislation?

Gayle TIERNEY: It is a decision of the board, but there will be thorough consultation to actually work out the proper balance and what the level might be.

Melina BATH: I certainly take your point, Minister, that councils are not necessarily equipped to be food regulators on a mass scale. I do not see them as that anyway. How will that intersect with Safe Food Victoria? How will the decision be made that it is captured by councils or by the safe food regulator? What will that look like, please?

Gayle TIERNEY: Obviously before a new food can be introduced there needs to be a declaration, and with that declaration it is determined who is best placed to deal with it at the time, whether it is local council or Safe Food Victoria.

Melina BATH: Probably one of my last questions on this is: does the government see any emerging trends? I am just wanting to get an understanding for the current industries – we will say cattle, beef et cetera. Has the government done any research or modelling? Do we anticipate that this is going to be an emerging and growing area or it is going to be quite bespoke and small? If it is going to be quite significant – I am not saying it is or is not, I am just trying to seek some understanding – how will government support councils to deal with these sorts of emerging foods and trends?

Gayle TIERNEY: One of the areas which the board will be looking at is trends. Then there will be assessments made as to what is actually happening not just locally, they will also be mindful of what trends are happening in particularly First World nations and advances or changes that are happening with regard to that.

The DEPUTY PRESIDENT: Ms Bath, I invite you to move your amendment 1, which tests your amendment 22.

Melina BATH: This amendment 1 restricts the use of certain dairy and meat terminology. This was part of the instruction motion, and it explicitly adds to the bill to amend the Food Act 1984 to regulate labelling and food terms. I have canvassed it well, as has Ms Kealy in the other house. I move:

1. Clause 1, page 2, after line 9 insert –

> "(ca) to amend the **Food Act 1984** in relation to the use of certain terms in the advertising, packaging and labelling of certain foods; and".

Gayle TIERNEY: The government will not be supporting the amendment.

Council divided on amendment:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negatived.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (18:26)

Melina BATH: This is about maintaining food safety and industry support. I move:

2. Clause 4, line 28, before "The" insert "(1)".
3. Clause 4, page 4, after line 11 insert –

"(2) Without limiting subsection (1), it is the intention of the Parliament that Victoria's food industry is to be regulated under this Act in a way that –

(a) ensures a level of food safety that is not less than the level of food safety that was provided for by the laws under which that industry was regulated before the commencement of this Act; and

(b) supports that industry to no lesser degree than it was supported, before the commencement of this Act, under the laws referred to in paragraph (a).".

Gayle TIERNEY: The government will not be supporting the amendments.

Council divided on amendments:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendments negatived.

Business interrupted pursuant to standing orders.

Harriet SHING: I move:

That the meal break scheduled for this day, pursuant to standing order 4.01(3), be suspended.

Motion agreed to.

Clause agreed to; clauses 5 to 13 agreed to.

Clause 14 (18:30)

Melina BATH: This is in relation to board member appointments criteria. I move:

4. Clause 14, after line 11 insert –

"(1A) In appointing persons as members of the Board under subsection (1), the Minister must ensure that for each of the following industries the Board includes one person who has substantial experience in that industry and who is appointed in respect of that industry –

(a) the dairy industry;

(b) the meat and livestock industry;

(c) the seafood industry;

(d) the horticulture industry;

(e) the egg industry.

(1B) A person may not be appointed in respect of more than one industry specified in subsection (1A).

(1C) In appointing persons as members of the Board under subsection (1), the Minister must ensure that the Board includes one person who –

(a) resides in rural or regional Victoria; and

(b) has experience in food production in rural or regional Victoria.".

5. Clause 14, after line 28 insert –

"(4) A member of the Board appointed in accordance with subsection (1C) does not cease to hold office as a member by reason only of the fact that the member no longer resides in rural or regional Victoria.

(5) In this section –

rural or regional Victoria has the same meaning as it has in section 3(1) of the **Regional Development Victoria Act 2002**.".

Gayle TIERNEY: The government will be opposing the amendments.

Council divided on amendments:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendments negatived.

Georgie PURCELL: This is an amendment to add an animal welfare representative to the Safe Food Victoria board. I move:

1. Clause 14, after line 21 insert –

"(fa) animal welfare;".

Melina BATH: The Liberals and Nationals support the highest animal welfare standards, but there is also area in where that is covered – that is in Agriculture Victoria, it is in the POCTA bill. It does not sit in the Safe Food Victoria food safety and market assurance bill.

Gayle TIERNEY: I advise that the government will not be supporting this amendment.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (27): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 15 to 24 agreed to.

Clause 25 (18:37)

Melina BATH: I move:

6. Clause 25, page 15, line 10, before "appoint any person" insert "subject to subsection (2B),".
7. Clause 25, page 15, after line 14 insert –

"(2A) In establishing consultative committees under subsection (2), the Board must establish –

(a) a consultative committee in respect of the dairy industry; and

(b) a consultative committee in respect of the meat and livestock industry; and

(c) a consultative committee in respect of the seafood industry; and

(d) a consultative committee in respect of the horticulture industry; and

(e) a consultative committee in respect of the egg industry.

(2B) In appointing persons as members of a consultative committee established in accordance with subsection (2A), the Board must ensure that at least a majority of the members of that committee have substantial experience in the industry in respect of which the consultative committee is established.".

8. Clause 25, page 15, after line 16 insert –

"(3A) In referring a matter to a consultative committee under subsection (3), the Board must –

(a) if the matter relates to the dairy industry, refer the matter to the consultative committee established in accordance with subsection (2A)(a); and

(b) if the matter relates to the meat and livestock industry, refer the matter to the consultative committee established in accordance with subsection (2A)(b); and

(c) if the matter relates to the seafood industry, refer the matter to the consultative committee established in accordance with subsection (2A)(c); and

(d) if the matter relates to the horticulture industry, refer the matter to the consultative committee established in accordance with subsection (2A)(d); and

(e) if the matter relates to the egg industry, refer the matter to the consultative committee established in accordance with subsection (2A)(e).".

This is to do with consultative committee requirements in the act.

Gayle TIERNEY: The government will oppose this amendment.

Council divided on amendments:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah

Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 26 to 34 agreed to.

Clause 35 (18:41)

Melina BATH: I move:

9. Clause 35, after line 17 insert –

"(ca) the number of inspections undertaken –

(i) during that financial year; and

(ii) under food legislation; and

(iii) by an authorised officer who is –

(A) authorised under section 20(1D) of the **Food Act 1984**; or

(B) appointed under section 43 of the **Dairy and Food Innovation Act 2000**; or

(C) a person who, under the **Meat Industry Act 1993**, is appointed as, or has the powers of an inspector; or

(D) a person who, under the **Meat Industry Act 1993**, is authorised to be an inspector by an inspection service approved under section 7 of that Act;

(cb) the number of occasions during that financial year on which an authorised officer referred to in paragraph (ca)(iii) has given a direction under food legislation to –

(i) ensure compliance with food legislation; or

(ii) address a potential danger to public health;

(cc) the food safety incidents that occurred during that financial year;

(cd) the fees collected by Safe Food Victoria during that financial year;

(ce) trends occurring during that financial year in relation to illnesses, conditions and diseases that are or may be related to food;".

This is in relation to annual reporting requirements.

Gayle TIERNEY: The government will be opposing this amendment.

Council divided on amendment:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to.

Clause 36 (18:46)

The DEPUTY PRESIDENT: Ms Bath, I invite you to move your amendments 10 and 11 to clause 36, which test your amendments 12 to 13 and 15 to 18.

Melina BATH: I move:

10. Clause 36, line 3, before "Safe" insert "(1)".

11. Clause 36, after line 4 insert –

"(2) The General Fund is to be divided into –

(a) the Dairy and Food Innovation account; and

(b) the Food Act account; and

(c) the Meat Industry account; and

(d) the Seafood Safety account; and

(e) the general account.".

Gayle TIERNEY: The government will oppose the amendments.

Council divided on amendments:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 37 to 43 agreed to.

New clause (18:50)

Melina BATH: On behalf of the Liberals and Nationals, I move:

14. Insert the following New Clause before clause 44 –

"**43A Review of Act**

(1) For each of the first 3 years in which this Act is in operation, the Minister must cause –

(a) an independent review to be conducted of the operation and effectiveness, during that year, of this Act and the amendments made by this Act; and

(b) a report of that review to be prepared.

(2) A review –

(a) is to be commenced as soon as practicable after the conclusion of the year to which the review relates; and

(b) must examine –

(i) the effectiveness of the regulatory scheme provided for by this Act; and

(ii) the costs imposed on industry under that scheme; and

(iii) the impact of that scheme on food safety; and

(iv) the impact of that scheme relating to accreditations issued for the export of food produced in Victoria; and

(c) is to be completed no later than 3 months after it commences.

(4) The report of a review is to be given to the Minister as soon as practicable after it is completed.

(5) The Minister must cause a copy of the report of a review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.".

Gayle TIERNEY: The government will not be supporting this.

Council divided on new clause:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

New clause negatived.

Clauses 44 to 81 agreed to.

Clause 82 (18:53)

The DEPUTY PRESIDENT: Ms Bath, I invite you to move your amendment 19, which tests your amendments 20 and 21.

Melina BATH: This is in relation to declared food. I move:

19. Clause 82, lines 28 to 30, omit all words and expressions on these lines and insert –

'"***declared food*** means –

(a) any food or class of food that –

(i) is permitted for sale under Part 1.5 of the Food Standards Code; and

(ii) is not meat regulated under the **Meat Industry Act 1993**; and

(iii) is not seafood regulated under the **Seafood Safety Act 2003**; and

(iv) is prescribed by the regulations; or

Note

Special provisions apply to the making of regulations for the purposes of this paragraph – see section 61(1A).

(b) meat that is cell-cultured food (within the meaning of Standard 1.1.2 of the Food Standards Code);'.

Gayle TIERNEY: The government will be opposing this.

Council divided on amendment:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 83 to 273 agreed to.

Reported to house without amendment.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:58): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:58): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Cladding Safety Victoria Repeal Bill 2026

Introduction and first reading

The PRESIDENT (18:59): 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 repeal the **Cladding Safety Victoria Act 2020** and abolish Cladding Safety Victoria, to make related amendments to the **Building Act 1993** including in relation to the building permit levy, to consequentially amend the **Public Administration Act 2004** and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (18:59): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:00): 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 Cladding Safety Victoria Repeal 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

This Bill repeals the *Cladding Safety Victoria Act 2020* (**CSV Act**), abolishes Cladding Safety Victoria (**CSV**) and transfers certain cladding safety-related functions to the Victorian Building Authority (**VBA**). The transfer of cladding safety-related functions to the VBA will allow the VBA to manage the completion of cladding safety-related activities outstanding at the time of the abolition of the CSV.

In this context, the purpose of the Bill is as follows:

- to repeal the CSV Act;
- to abolish CSV and to transfer its property, rights and liabilities to the VBA;
- to make related amendments to the *Building Act 1993* (**Building Act**);
- to provide for an amount of building permit levy in respect of non-regional buildings to replace the amount payable in connection with the Cladding Rectification Program; and

- to make related amendments to certain other Acts.

Human Rights

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

- right to life (section 9);
- right to property (section 20); and
- right to privacy (section 13).

Human Rights issues

Repeal of the CSV Act, abolition of CSV, and transfer of rights and liabilities to VBA

The CSV Act established CSV to identify, manage, and rectify high-risk combustible cladding on residential and public buildings in Victoria and sets out the legal framework to fund, prioritize, and manage remediation, reducing fire risks and protecting building owners. Section 7 of the CSV Act sets out the functions of CSV which includes, among other things, the administration of the Cladding Rectification Program provided for in the Act.

Clause 4 of this Bill repeals the CSV Act.

Clause 5 abolishes CSV and provides that, on the day of commencement of the Cladding Safety Victoria Repeal Act, the CSV Board is abolished and its members and the CEO go out of office. Further, Clause 5, in combination with the clauses specified below, provides that:

- all property, rights and liabilities of CSV become property, rights and liabilities of the VBA on the commencement day, subject to any relevant encumbrances (clause 6);
- the VBA is substituted as a party to any proceeding pending in any court or tribunal to which CSV was a party immediately before the commencement day (see also clause 10, and clause 11, which provides for continuity in respect of evidence); and
- the VBA is substituted as a party to any arrangement or contract entered into by or on behalf of CSV as a party and in force immediately before the commencement day (see also clause 8, which provides that any reference to CSV in any Act, subordinate instrument, agreement or other document is taken to be a reference to the VBA, so far as it relates to any period on or after the commencement day).

Clause 23 inserts in section 197 of the Building Act – which sets out the functions of the VBA – the function to finalise the administration of the Cladding Rectification Program previously undertaken by CSV under the CSV Act.

Right to life

Section 9 of the Charter provides that every person has the right not to be arbitrarily deprived of life. An 'arbitrary' deprivation of life may be described as one that is unreasonable or disproportionate. The right imposes a negative obligation on public authorities to refrain from conduct that causes an arbitrary deprivation of life, and it is possible that it also imposes some positive obligations to take steps to prevent arbitrary deprivation of life and in some circumstances to investigate deaths in which a public authority may be implicated.

Repealing the CSV Act and abolishing CSV, established to administer the Victorian Cladding Rectification Program designed to rectify unsafe non-compliant or non-conforming external wall cladding so as to reduce fire spread risks and protect residents and the broader general public from the fire risk caused by such cladding, could on a broad reading of the right to life, incorporate a positive obligation to take steps to prevent arbitrary deprivation of life, engage the right to life under section 9 of the Charter.

However, in light of clause 23 of the Bill, which sees the VBA absorb the functions of CSV to finalise the administration of the cladding rectification program previously undertaken by CSV, I do not consider the right to life to be engaged. The VBA will upon the abolition of CSV immediately assume the role and responsibilities formerly assumed by CSV under the CSV Act, including the facilitation of cladding rectification work for government buildings and supporting building owners by engaging services for cladding rectification work.

By transferring the functions of CSV to the VBA, the Bill ensures that the cladding safety-related functions under the CSV Bill and that the protective objectives of the Cladding Rectification Program are preserved. For these reasons, I am of the opinion that the right to life in section 9 of the Charter is not engaged or limited by this Bill.

Right to property

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. The Charter does not define 'property' and while there is no Victorian authority on the question as to whether an accrued right to bring an action against the State would be 'property' for the purposes of the Charter, the Supreme Court has indicated that the term should be interpreted 'liberally and beneficially to encompass economic interests'.

Adopting a broad reading of the right to property, the transfer of property as well as rights and liabilities from CSV to the VBA is relevant to the property rights of natural persons who hold an interest in the rights and liabilities of CSV. However, as the rights and liabilities of CSV are, in accordance with clauses 5 to 11 of the Bill, transferred to the VBA without altering the substantive content of that liability, no natural person with an interest in such liabilities are deprived of their interest in that liability.

Accordingly, the Bill does not limit the property right in section 20 of the Charter.

Transfer of staff

Clause 14 of the Bill provides that a person who was employed by CSV before the commencement day is to be regarded as having been employed by the VBA. Clause 15 of the Bill deals with the terms and conditions of employment of staff transferred from CSV to the VBA under clause 14.

The transfer of staff occasioned by this amendment is relevant to the rights to freedom from forced work (section 11) and the right to privacy (section 13). However, for the reasons below, I consider that neither right is limited by these amendments.

Freedom from forced work

The right to freedom from forced work in section 11 of the Charter relevantly provides that a person must not be made to perform forced or compulsory labour, which includes all work or service exacted from any person under the menace of a penalty and for which the person has not offered themselves voluntarily (with certain exceptions).

While the provision effecting the transfer of staff will automatically alter a person's employer without their consent, the person's ongoing employment is of their own volition. For example, clause 15 expressly states that the transfer of an employee from CSV to the VBA does not prevent the employee from resigning in accordance with the terms and conditions of their employment.

In addition, CSV was established as a time-bound statutory authority for the purpose of delivering the Government's Cladding Rectification Program. Given this, the staff of CSV would have expected that they may be subject to such a transfer of their employment upon the conclusion of the cladding rectification program. Accordingly, the right to freedom from forced work in section 11 of the Charter is not limited by this Bill.

Right to privacy

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

The right to privacy is a broad right that protects a person from interference in their personal and social sphere, including their capacity to pursue their chosen field of employment and develop and maintain personal relationships in the course of employment. While the right is relevant to matters of employment, it would generally only be considered limited by restrictions on employment that have consequential effects on an individual's capacity to experience a private life.

Statutory reforms affecting the terms of an individual's employment are unlikely to constitute an interference with private life of sufficient gravity so as to limit the right to privacy. Clause 14 of the Bill stipulates that a person whose employment is transferred to the VBA will be employed on terms and conditions no less favourable overall than those that applied to them at CSV and will have equivalent entitlement to benefits accrued as an employee of CSV. Moreover, staff is not being denied the capacity to seek alternative employment should they wish to do so.

It follows that the transfer of staff from CSV to the VBA will not result in any material detriment to a staff member's employment terms, conditions or entitlements. For these reasons, I am satisfied that the right to privacy in section 13 of the Charter is not limited by this Bill.

Conclusion

For the reasons set out above, I consider that to the extent that the Bill engages human rights, the Bill is compatible with the Charter.

The Hon. Harriet Shing, MP
Minister for Development Victoria and Precincts
Minister for Housing and Building

Second reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:00): I move:

That the bill be now read a second time.

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

The main purposes of the Bill are to:

- repeal the Cladding Safety Victoria Act 2020 and abolish Cladding Safety Victoria and the Cladding Safety Victoria Board
- confer upon the Victorian Building Authority trading as the Building and Plumbing Commission (BPC) additional functions to enable the completion of CSV's trailing activities and administrative obligations
- transfer Cladding Safety Victoria's property, rights and liabilities to the BPC
- transfer Cladding Safety Victoria staff to the BPC
- repeal the Cladding Rectification Levy and introduce a new element of the Building Permit Levy (BPL), to be applied to class 2–8 buildings in non-regional Victoria with cost of building works of $1.5 million or more, up to and including 30 June 2029, reducing the overall cost of the BPL.

Background to the Cladding Safety Victoria Repeal Bill 2026

This Bill represents the successful conclusion of a world-first initiative, set up by the Victorian Government in response to cladding related safety issues, to fight for Victorian consumers by making their buildings safe from combustible cladding. Cladding Safety Victoria (CSV) has worked with stakeholders across Victoria, becoming the only jurisdiction globally to implement a program to rectify non-compliant or non-conforming external wall cladding products on buildings. CSV has developed a risk-based approach, backed by evidence, to remediate cladding issues and contributed to the global improvements to building safety related to cladding.

The Bill also recognises the importance of a sustainable funding model for consumer-focused building reforms and a need to respond to changes in the way our building system operates. Changes to the building permit levy will reduce costs for consumers and builders, while continuing to provide support for reforms to the building and plumbing systems.

Following the tragic Grenfell Tower fire in London in June 2017, and several cladding related fires closer to home, the Victorian Government established the Victorian Cladding Taskforce (the Taskforce) to audit privately owned residential buildings to determine the extent of combustible cladding. On 16 July 2019, the Taskforce handed down its final report, which included a recommendation to establish Cladding Safety Victoria (CSV). CSV was established as a standalone agency through the Cladding Safety Victoria Act 2020 (the CSV Act), with its focus on improving the safety of building occupants.

The Government committed initial funding packages totalling $600 million to establish the Private Residential Cladding Rectification Program (CRP) and $150 million was committed to complete the Statewide Cladding Audit (SCA) and Government Buildings Cladding Rectification Program (GBCRP). In December 2023, additional funding of $109 million, including $95 million through the CRL, was approved to rectify a further tranche of buildings, which had been identified with an unacceptable cladding risk.

In 2022, the Victorian Government approved $40 million for the Cladding Remediation Partnership Program (Partnership Program) to protect a wider range of consumers from cladding-related harm. The Partnership Program provided all in-scope buildings assessed with a lower cladding risk with a pathway to remediation. The Partnership Program also meant that local councils were provided with a consistent framework to support owners of these buildings to mitigate cladding risk at the lowest cost and satisfy any enforcement noticed issued by a municipal building surveyor.

Achievements of Cladding Safety Victoria

Over the last 6 years, CSV has made countless Victorians safe from the dangers posed by combustible cladding. In partnership with stakeholders including building owners, owners' corporations and Fire Services

Victoria, CSV has completed remediation on more than 99% of the highest-risk buildings in the Cladding Rectification Program, dramatically reducing their combustible cladding risk, with the remaining buildings to be completed this year.

CSV has also worked to remove the cladding risk on 130 government-owned and community buildings, including schools, hospitals and buildings of cultural significance, with 3 more to finish soon. The Partnership Program has put in place risk mitigation pathways for 100% of additional lower-risk Class 2 buildings (1,210 buildings).

CSV has contributed significantly to global knowledge on combustible cladding risk and led the way in the development of evidence-based cladding risk reduction approaches. CSV's methodology, the Protocols for Mitigating Cladding Risk, has been published online and shared widely around the world.

CSV's ground-breaking approach to identifying, assessing, classifying and treating combustible cladding risk has saved lives, and it has saved building owners hundreds of millions of dollars. At the conclusion of its program of work, CSV will have improved building safety for all of us across Victoria.

I now turn to the Bill. The Bill has 3 sections:

Part 1 – Preliminary

This section contains preliminary provisions for the Bill, including its purpose, commencement arrangements and definitions to enable the operation of the Bill.

Part 2 – Repeal of Cladding Safety Victoria Act 2020 and abolition of Cladding Safety Victoria

This part contains provisions for repealing the CSV Act and abolishing CSV as an agency. It provides for the transition of CSV's property, liabilities and rights to the BPC and for the transfer of any remaining CSV staff to the BPC, ensuring that these staff will be employed on terms and conditions no less favourable than those they were employed under at CSV.

Part 3 – Amendments related to repeal of Cladding Safety Victoria Act 2020

This part includes the provisions for the granting of cladding-safety related functions to the BPC, to allow it to complete any cladding safety-related activities once CSV is abolished. It also includes provisions repealing the cladding rectification levy component of the building permit levy and introducing a new, lower, component to the building permit levy in place of the repealed CRL. Additionally, Part 3 provides for several technical corrections to the amendments made to the Building Act by the State Taxation Further Amendment Act 2025, as well as consequential amendments required to other legislation on the repeal of the CSV Act.

Repeal of the Cladding Safety Victoria Act 2020

With CSV's successful programs coming to an end as planned, CSV will no longer need to exist as an agency. This also means that the need for the legislation under which it operates is removed and the CSV Act can be repealed. CSV was always intended to be a time-limited agency, with a clear goal of making our community safer. In conjunction with the government's consumer-focused program of reforms to the building system, the improvements implemented by CSV have saved lives and protected Victorians from the debilitating debts which would have been incurred had they been forced to self-fund the rectification of combustible cladding-related building work.

I take this opportunity to acknowledge and thank the current Cladding Safety Victoria Board, its CEO and its staff, for providing the guidance and leadership required to enable CSV to complete this significant program:

- Rod Fehring (Chairperson)
- Sarah Clarke (Deputy Chairperson)
- Genevieve Overell (Member)
- Jo Pugsley (Member)
- David Webster (Member)
- Dan O'Brien (CEO)

The Bill provides for the BPC to take on cladding-safety related functions, so that it can ensure that any outstanding activities related to CSV's work are completed. The BPC will also receive CSV's property, assets and liabilities, and some CSV staff, to enable a successful transition of responsibility to the BPC and retention of the specialist cladding safety knowledge built up by CSV over the past 6 years.

Integrating CSV into the Commission adds to the consolidation of the building and plumbing regulator and a continued focus on putting consumers at the heart of the system.

Amendments to the Building Permit Levy and continued funding for the building and plumbing systems

The Bill amends the *Building Act 1993* (the Building Act) to make changes to the Building Permit Levy (BPL), with a significant net reduction in the overall levy amount to be paid.

The Building Act requires all building works that are considered construction, demolition or removal of a building in Victoria to have a building permit and a BPL is payable before the permit can be issued for works valued over $10,000. The BPL was established in Victoria in 1993 and was unchanged until 2017, when it was increased to fund building dispute activities.

The Cladding Rectification Levy (CRL) was then added in January 2020, to fund cladding remediation works on Class 2–8 buildings in metropolitan Melbourne. The Minister for Planning's review of the levy in 2023 rightly concluded there was still an ongoing need for the levy at that time to complete CSV's work. However with the approaching completion of the cladding programs, the CRL component of the BPL will soon no longer be required.

While the base rate of the BPL will remain unchanged, a new, lower element of the BPL will be introduced to replace the CRL, which will be repealed. This change to the levy structure will result in an overall decrease in the total levies to be paid on impacted building classes by between 47% and 66%. The levy change, valid up to 30 June 2029, will only apply to Class 2–8 buildings in metropolitan areas with a cost of building works of $1.5 million or more. This means that domestic residential houses (Class 1), buildings of a public nature (Class 9) or non-inhabitable structures (Class 10) and non-metropolitan builds are exempt and will not suffer from any additional financial pressures.

The reduction in costs will benefit both consumers and the building industry, whilst still allowing the delivery of ongoing building reforms, to support implementation of Victoria's Housing Statement.

Technical corrections to amendments to the Building Act 1993

The Bill also makes several technical corrections in the amendments made to the Building Act by the State Taxation Further Amendment Act 2025. These include clarifying definitions to ensure that all engaged building practitioners are considered for the purposes of calculating the cost of the building work, amending relevant definitions which will change as a consequence of this clarification, and amending section 3A regarding the cost of the building work, to ensure correct interpretation of this clause.

Conclusion

CSV has successfully completed a complex and difficult task in reducing the combustible cladding risk for Victorians. CSV's leadership, adaptability and application of expert knowledge to rectify buildings with non-compliant or non-conforming cladding means that we can now all feel safer in our built environment.

I commend the Bill to the house.

Bev McARTHUR (Western Victoria) (19:00): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Building and Plumbing Administration and Enforcement Bill 2026

Introduction and first reading

The PRESIDENT (19:00): 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 re-enact with amendments the law relating to the regulation of the building and plumbing industries, the enforcement of building and plumbing work standards and the discipline of building practitioners, plumbers and endorsed building engineers, to impose a levy in relation to building work requiring a building permit, to make consequential amendments to other Acts and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:01): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:01): 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 Building and Plumbing Administration and Enforcement 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 have this opinion for the reasons outlined in this statement.

Overview of the Bill

The primary features of the legislative scheme provided for in this Bill are:

- to reform and improve the administration and regulation of the building and plumbing industries;
- to strengthen the enforcement of building and plumbing standards and support effective disciplinary processes for registered building practitioners, licenced building employees, endorsed building engineers and licensed and registered plumbers;
- to establish the Building and Plumbing Commission and associated regulatory entities;
- to establish the Building Appeals Tribunal;
- to impose levies in relation to work requiring a building permit;
- to make consequential and related amendments to the *Building Act 1993* (**Building Act**); and
- to make consequential and other amendments to related Acts.

The Bill provides that the objective of the building system, which includes the building and plumbing industries and the building system regulators, is to promote and protect the health and safety of building occupants and the public. This objective is to be achieved through design, construction, installation, commissioning, testing and maintenance work that is consistent with building and plumbing standards and building legislation and is overseen by robust building system regulators (clause 6). A person, in performing a function or exercising a power under building legislation, must have regard to this objective, as well as any relevant entity-specific objective (clause 11).

The importance of the Bill

The new legislative scheme established by this Bill is designed to strengthen Victoria's building regulatory system with the aim of producing a safer, more transparent and more accountable building system in Victoria. It establishes a new administrative framework that introduces a stronger, integrated and more efficient building regulator, while also enhancing the regulatory powers that underpin the system.

Establishment of an overarching legislative framework

A key feature of the Bill is the establishment of an overarching legislative framework. By consolidating and unifying what are currently discrete pieces of building legislation, the Bill aims to simplify primary legislation for the building and plumbing sectors and improve efficiency across the regulatory landscape.

The Bill will deliver a coordinated and effective system for monitoring and enforcing Victoria's building legislation, ensuring clear, end-to-end accountability for building and plumbing work. This integrated approach is intended to support compliance, lift professional standards, and improve outcomes for consumers and industry participants.

Establishment of the Building and Plumbing Commission

The Bill creates the Building and Plumbing Commission (**BPC**). The BPC will be an integrated building regulator designed to be both efficient and trusted. The BPC is expected to play a foundational role in supporting the Government's housing delivery targets and rebuilding consumer confidence in Victoria's construction sector. This follows the Government's October 2024 announcement that the Victorian Building Authority (**VBA**) would be replaced by the BPC, which will also become the sole insurer for the domestic building sector for buildings three storeys and under. The BPC will operate as a one-stop-shop for building

and plumbing practitioners and consumers, and will assume all functions and powers held by the VBA after all the provisions in the *Building Legislation Amendment (Buyer Protections) Act 2025* and the *Domestic Building Contracts Amendment Act 2025* take effect.

Human rights

In light of the large scope of this Bill, this Statement of Compatibility continues with an outline of the rights generally engaged by the Bill and then discusses the compatibility of relevant Parts of the Bill with those rights.

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

Right to protection from discrimination (section 8)

Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. 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. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (**EO Act**) on the basis of an attribute in section 6 of that Act, which relevantly includes disability and 'profession, trade or occupation'. The EO Act does not define 'profession, trade or occupation', however a fair reading would suggest that this section protects Victorians who face discrimination and stigma because of their employment. 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 in summary are:

- 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.

Freedom from forced work (section 11)

Section 11 of the Charter provides that a person must not be made to perform forced work or compulsory labour. 'Forced or compulsory labour' relevantly does not include work or service that forms part of normal civil obligations. While the Charter does not define 'normal civil obligations', comparative case law has considered that to qualify as a normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, must not be exceptional or have any punitive purpose or effect.

Right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to privacy is broad in scope and encompasses rights to physical and psychological integrity, individual identity, informational privacy and the right to establish and develop meaningful social relations.

This right has been interpreted to extend to matters relating to the right to seek employment, and may be interfered with where employment restrictions impact sufficiently upon the personal relationships of the individual and otherwise upon the person's capacity to experience a private life (*ZZ v Secretary, Department of Justice* [2013] VSC 267).

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

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Freedom of association (section 16(2))

Section 16(2) of the Charter provides that every person has the right to freedom of association with others. Although this right is generally concerned with allowing people to pursue common interests in formal groups, it has been broadly construed to include private and business associations and is not confined to participation in formal groups.

Right to take part in public life (section 18)

Section 18(1) of the Charter provides that every person in Victoria 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. Section 18(2)(b) further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to the Victorian public service and public office.

Right to property (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or the common law, are confined and structured rather than unclear, are accessible to the public, are formulated precisely and do not operate arbitrarily.

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

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests.

The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Presumption of innocence (section 25(1))

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

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. This right reflects the principle of double jeopardy. However, the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Penalties and sanctions imposed by professional disciplinary bodies generally do not usually constitute a form of 'punishment' for the purposes of this right as they are not considered to be punitive.

Human rights issues

The commissioners and the chief executive officer of the Building and Plumbing Commission

Chapter 3 of the Bill concerns the Regulatory and Review Entities established under the Bill, namely the BPC (Part 3.1, Division 1), insurance manager (Part 3.1, Division 5), chief dispute resolution officer (Part 3.1, Division 6), State Building Surveyor (Part 3.2), Building Monitor (Part 3.3), the Building Appeals Tribunal (Part 3.5), and Municipal councils (Part 3.4).

Part 3.1 of the Bill includes provisions relating to the membership and staffing of the BPC. Clause 43 provides that the BPC consists of a commissioner appointed as chair and up two additional commissioners. Clause 58 provides that the BPC may employ an eligible person as the chief executive officer of the BPC.

Clause 44 provides that a person is an eligible person to be a commissioner if the Minister considers that they are of good character and high standing in the community and the person has extensive or specialist knowledge, expertise or experience in one or more specified fields including building, plumbing, architecture, consumer protection or dispute resolution (clause 44(1)–(2)).

Pursuant to clause 44(3) a person is not eligible to be a commissioner if they have, within the preceding 2 years, held a licence or registration under Parts 11, 11A or 12A of the Building Act, been a developer or been employed by a developer, carried out, or been employed or engaged by a person or body carrying out, relevant

lobbying activity for or on behalf of the people listed above, including if their name is or has been contained in the register of lobbyist kept under section 66 of the *Public Administration Act 2004* or a similar register kept under an Act of the Commonwealth or of another State or a Territory. A person is also not eligible to be the CEO of the BPC if any of these matters apply to them or if the person holds other specified positions (clause 59).

Clause 45 provides for the appointment of the chair of the BPC. Similarly, clause 46 provides for the appointment of up to 2 eligible persons as additional commissioners (total of 3). The chair or a commissioner must not engage in any employment or business outside the office of commissioner without the approval of the Governor in Council (clauses 45(4) and 46(5)).

Further, clause 53 provides that a person must not within 2 years after ceasing to be a commissioner:

- become registered or licenced under Parts 11, 11A or 12A of the Building Act;
- become a developer or employed by a developer; or
- carry out relevant lobbying activity, or become employed or engaged by a person or body carrying out relevant lobbying activity.

Right to equality and right to take part in public life

These provisions outlining the requirements for an 'eligible person' to be a commissioner or chief executive officer may limit the rights to equality and public life by excluding people by reference to their 'profession, trade or occupation'. However, to the extent that these rights are limited, I consider that these limitations are minor, and are reasonable and demonstrably justified.

These provisions are necessary to promote the intent of the reforms and ensure the independence and expertise of the BPC. The provisions do this by removing any real, potential, or perceived conflicts of interest of members eligible for appointment. The provisions also ensure that the commissioner and chief executive officer roles are held by a person with extensive or specialist knowledge in one or more relevant fields, which is essential in a regulated sector involving highly technical knowledge.

Right to privacy

Clauses 45 and 46, which prohibit a commissioner from engaging in employment or business outside the office of commissioner without the approval from the Governor in Council, and clause 53, which prohibits a commissioner holding certain licenses, registrations, development or lobbying roles for two years after ceasing holding that office, will necessarily interfere with the right to privacy.

It is recognised that clauses 45 and 46 will impose more restrictions on a person's ability to engage in other work without approval while they are a commissioner, including extending to work that may be unrelated to the building and plumbing industry. It is also recognised that clause 53 imposes restrictions on a person's ability to engage in certain activities for an extended period after ceasing being a commissioner. The provisions relate only to the appointment of the chair of the BPC and other commissioners and are confined in their scope, allowing commissioners to still undertake outside work with approval and only prohibit activities which relate directly to the building and plumbing industries. These provisions are principally directed at ensuring independence and integrity of these public offices, and preventing risks of conflict of interests, misuse of confidential information or undue influence. They are essential to upholding public trust and ensuring impartial decision-making. These types of restrictions are commonly attached to public office to insulate holders from risks of corruption. Accordingly, I consider this interference to be lawful and not arbitrary.

Vacation of the office of the Building Monitor or removal of the Building Monitor or a commissioner

Clause 102(c) provides that the office of the Building Monitor becomes vacant if the Building Monitor is convicted or found guilty of an indicatable offence or an offence that, if committed in Victoria, would be an indicatable offence.

Clause 49 provide that the Governor in Council may, on recommendation of the Minister, remove a commissioner from the office on any of the following grounds:

a) engaging in employment or business outside the office of commissioner without the approval of the Governor in Council;

b) inability to perform the functions of the office;

c) neglect of duty;

d) misconduct;

e) being convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence;

f) any other ground on which the Minister is satisfied that the person is unfit to hold office.

The nexus between a criminal conviction and the vacation of or removal from office engages:

- the right not to be punished more than once for the same offence (section 26);
- the right to fair hearing (section 24)
- the right of presumption of innocence (section 25(1)); and
- the right to take part in public life (section 18).

The right not to be punished more than once for the same offence and the right to have a criminal charge decided by a court

Section 26 will be relevant if the vacation of the office of the Building Monitor, or the removal from office of a commissioner or Building Monitor under clauses 49(e), 102(c) or 103(1)(e) constitutes an additional 'punishment' for an offence for which the person has been finally convicted. This right may also be relevant to clauses 49(f) and 103(1)(f) which leave open the possibility that a criminal charge could be considered by the Minister as relevant to the assessment of fitness to hold office. Relevant to the concept of punishment, and following recent decisions of the High Court concerning the constitutional validity of schemes involving 'legislated punishment' in the Commonwealth sphere, it may be suggested that the section 24 right to have a criminal charge decided by a court implies a principle that a person may only be punished as a result of a charge being proven in a criminal proceeding.

In my view, clauses 49, 102 and 103 do not engage these rights as the vacation of, or the removal commissioner from office by reference to a criminal charge (as part of an assessment of unfitness to hold office), conviction or guilty finding of criminal conduct is not to be characterised as imposing a form of punishment, for the following reasons:

- The mere fact that a law operates to directly impose a detriment on a particular person does not make it punitive. Rather, what the authorities show is that the *criteria* by reference to which the detriment is imposed, and also the *purpose* for which it is imposed, are central to determining whether the imposition of a particular detriment is properly characterised as punitive. The provisions serve a protective purpose, that is to ensure the integrity and good governance of the Building Monitor and BPC and to safeguard the public trust and confidence in the Building Monitor, the BPC and its commissioners. Consistently with this purpose, a criminal charge will not result in automatic removal from office. Rather, the touchstone remains the Minister being satisfied that the person is unfit for office, which could include consideration of a particular charge and its surrounding circumstances.
- The effect of being removed from office is to prevent a person from performing the functions or duties of, or exercising the powers of, the Building Monitor or a commissioner of the BPC. It is aimed at preventing the functions of the Building Monitor or the BPC from being influenced by a person whose eligibility has come into question.
- The nature of the detriment being imposed, being removed from office, is not of a nature traditionally associated with a criminal sanction. No further conviction flows from this outcome nor is a person liable for subsequent sanctions of a criminal nature, such as a fine or imprisonment as a result of being removed.

Accordingly, as the vacation of the office of the Building Monitor or removal from office for a person convicted of an indictable offence, or whose criminal charge is considered by the Minister as relevant to the assessment of fitness to hold office, is not a punishment, clauses 49, 102 and 103 do not amount to double punishment for the purpose of section 26, or engage the determination of a criminal charge pursuant to section 24, and these rights are therefore not limited.

The right to be presumed innocent

While this right has been found to only apply to criminal proceedings (and not, by contrast, to other proceedings such as disciplinary or civil liability proceedings), it does afford an accused a right to have the benefit of the doubt, and to be treated in accordance with this principle. It is suggested that the right incorporates duties on others to refrain from prejudging the outcome of a trial – including to abstain from actions that affirm the guilt of an accused.

While Victorian case law has yet to consider in more detail the broader application of this right beyond criminal proceedings, the vacation of the office of the Building Monitor under clause 102(c), the removal of a commissioner under clause 49(e) or the Building Monitor under clause 103(1)(e) is only on the grounds of being convicted of or found guilty of an indictable criminal offence. Accordingly, these provisions only have operation where charges have been proven. Consequently, this provision does not impose a limit on the right to be presumed innocent.

Assuming that this right has application beyond criminal proceedings, taking a criminal charge into account in the assessment of fitness for office under clauses 49(f) and 103(f) may limit this right, particularly if that criminal charge forms the basis of an adverse finding. However, I consider that any such limitation is reasonably justified. The purpose of clauses 49 and 103 are to safeguard the integrity of these offices by ensuing the relevant office holder is a fit and proper person. This is particularly important noting the public significance of these offices, the far-reaching impact of commissioners' decisions and the broad remit of Building Monitor and ability to influence system-wide change. The impact on this right is confined and directed to this purpose as criminal charges may only be taken into account by the Minister where the particular circumstances allow for a conclusion that a person's fitness for office will be impacted. Further, in making this assessment the Minister is a public authority and bound to consider and act compatibility with the Charter. As such, I conclude that this limitation is in proportion to its aim and that this provision is compatible with section 25(1) of the Charter.

The right to take part in public life

The scope of section 18 of the Charter has not yet been thoroughly examined by Victorian courts. It is not clear whether section 18(2)(b) is engaged by the vacation and removal provisions in clauses 49(e) and (f), 102(c) or 103(1)(e) and (f), given this element of the right is principally concerned with affording access to public office on general terms of equality. Clauses 49(e) and (f), 102(c) or 103(1)(e) and (f), which provide for the vacation of office or grounds for removal from office on account of being convicted of an indictable offence, does not discriminate against the person. This is because being convicted of a criminal offence is not a protected attribute within the meaning of the EO Act. It follows, in my view, that the right to take part in public life is not limited by these clauses.

Disclosure of interests by a commissioner

Clause 52 requires that a commissioner who has a relevant interest must disclose the interest to the Minister as soon as practicable after becoming aware of it. A commissioner has a 'relevant interest' if they have a direct or indirect financial interest in the building, plumbing or construction industry and the interest is not because the commissioner is a consumer of goods or services that are generally available to members of the public.

Right to privacy and freedom of expression

To the extent that the disclosures required by clause 52 contain personal information, the Bill will engage the right to privacy. In my opinion, any limit on the right to privacy imposed by clause 52 is reasonable and justified. Although these provisions require a commissioner to disclose information, it is limited to a relevant interest, being a direct or indirect financial interest in the building, plumbing and construction industry that is not because they are a consumer of generally available goods or services. This provision is aimed at ensuring the independence of the BPC and only applies to a commissioner, being a person who has voluntarily assumed a role to which special obligations apply, including these obligations of disclosure of matters that are within the public interest to declare. Accordingly, I do not consider this interference is unlawful or arbitrary.

Protection from liability for commissioner, Building Monitor and other employees

Clauses 73 and 113 provide that a commissioner, a person employed or engaged by the BPC and the Building Monitor or acting Building Monitor is not personally liable for anything done or omitted to be done in good faith in the performance of a function or the exercise of a power under certain Acts, or in the reasonable belief that the act or omission was in the performance of these functions or exercise of these powers. Clauses 73(2), 73(4) and 113(2) provide that any such liability attaches to the BPC (for a commissioner or a person employed or engaged by the BPC) or the State (for the Building Monitor or acting Building Monitor).

Property rights and right to fair hearing (sections 20 and 24(1))

The fair hearing right is relevant where statutory immunities are provided to certain persons as this right has been held to encompass a person's right of access to the courts to have their civil claim submitted to a judge for determination. Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, clauses 73 and 113 may also engage this right.

The exclusion from personal liability does not deprive a person of their property rights nor interfere with the right to a fair hearing, because parties seeking redress are instead able to bring a claim against the State or the BPC. The provision also serves a necessary purpose by ensuring that the commissioner, those employed or engaged by the BPC and the Building Monitor are able to exercise their functions effectively and independently without the threat of personal repercussions. Additionally, these individuals will still remain personally liable for any conduct not performed in good faith or outside their statutory functions. Accordingly, this provision does not limit property rights or the right to a fair hearing under the Charter.

Information gathering powers of the State Building Surveyor and the Building Monitor

Part 3.2 of the Bill relocates a number of provisions establishing the State Building Surveyor from the Building Act to the Bill. This Part provides for the appointment of the State Building Surveyor to (amongst other objectives) be a primary source of technical expertise on the standards and requirements for building and plumbing work to those industries, to facilitate compliant building and plumbing work and practices, to encourage improvements to regulatory oversight and practices within the building system to facilitate high quality outcomes and to support improvements to practices within the building surveying profession (clause 88). This Part also outlines the functions and powers of the State Building Surveyor.

The State Building Surveyor will now be empowered under clause 94 to require, by notice in writing, a person or body to give the State Building Surveyor information specified in the notice. The purpose of this power is for the State Building Surveyor to exercise its functions, including to monitor a council's delivery of their building control functions and monitor developments and trends relevant to building and plumbing work in the State. Under clause 93, the State Building Surveyor may also issue binding determinations on the interpretation of a technical standard or requirement for building work or plumbing work.

Part 3.3 of the Bill will re-enact a number of provisions previously included in the Building Act. This Part provides for the appointment of a Building Monitor to (amongst other objectives) improve the experiences of domestic building consumers and affected parties of the building system by advocating for their interests at a systemic level and providing independent expert advice on these issues to the Minister and to persons and bodies involved in the building industry (clause 98). As was previously provided for under section 208K of the Building Act, the Building Monitor will be empowered under clause 109 to require, by notice in writing, a person or body to give the Building Monitor information specified in the notice. The purpose of this power continues to be for the Building Monitor to exercise its functions, including to collect and analyse information from certain building system entities to identify issues affecting domestic building affected parties. Under clause 112 (previously section 208P of the Building Act), the Building Monitor will be required to annually publish a Building Monitor Issues Report that is to specify the systemic issues that the Building Monitor has identified as affecting domestic building affected parties and make recommendations to the Minister on ways to address these issues.

The following analysis covers information obtained by both the State Building Surveyor or the Building Monitor. I note that the State Building Surveyor may be less likely to collect personal information, but the provisions in the Bill provide appropriate protections if that is the case.

Right to privacy

To the extent that the information obtained by the State Building Surveyor or the Building Monitor includes personal information, the Bill will engage the right to privacy. In my opinion, any limit on the right to privacy imposed by Parts 3.2 and 3.3 of the Bill is reasonable and justified. Although these provisions require the State Building Surveyor and the Building Monitor to gather and analyse personal and identifying information, I do not consider these functions are unlawful or arbitrary.

The types of information that can be requested by the State Building Surveyor under clause 94(1) or the Building Monitor under clause 109(1) are limited to information that is relevant to the performance of the functions of the State Building Surveyor and the Building Monitor respectively. The functions of the State Building Surveyor are specified under clause 89 and relate to providing technical expertise through binding determinations on the interpretation of building and plumbing regulations, codes and standards for the building and plumbing sector. The functions of the Building Monitor are specified in clause 99 and relate to matters of concern to domestic building affected parties.

Under clauses 94(2) and 109(2), the State Building Surveyor and Building Monitor are also required to consult with a person or body before giving them a notice under those sections to provide information or data. This is intended to enable the State Building Surveyor or Building Monitor to gain an understanding of what information is held by the person or body who will receive a notice and to ensure the notice does not unintentionally gather information that the State Building Surveyor or Building Monitor does not need for their functions.

The persons or bodies from whom or which the Building Monitor may require information be provided are limited to those listed in clause 109(4) of the Building Act and they are confined to public sector persons or bodies.

The persons or bodies from whom or which the State Building Surveyor may require information is confined to those listed in clause 94(4) and include a council, a building practitioner, a registered plumber or licenced plumber or a prescribed person or body. Consequently, clause 94(4) is not confined to public sector persons or bodies. A building practitioner, registered plumber or licensed plumber are taking part in a regulated industry and so may have a reduced expectation of privacy in those circumstances.

The Bill will also include clauses 95 and 96, and 110 and 111 (previously sections 208L and 208M in the Building Act respectively) to limit how the State Building Surveyor and the Building Monitor may use the information gathered. Under clauses 96 and 110, the State Building Surveyor and the Building Monitor must not publish or authorise the publication of any personal information or data or commercially sensitive information or data that has not first been de-identified or aggregated with similar information (as the case requires) before it is published.

Clauses 95 and 111 make it an offence if the State Building Surveyor or the Building Monitor or any person assisting or acting on behalf of the State Building Surveyor or Building Monitor uses or discloses information (including personal information) obtained in the course of performing the functions of the State Building Surveyor or Building Monitor other than for the purposes of performing the their functions.

Further, under clause 112 (previously section 208P of the Building Act), the Building Monitor will be required to gather information transparently, by including in an Issues Report information about when and to whom a notice under clause 109 was given, the type of information or data required under the notice and whether the Building Monitor is a party to any information sharing arrangements or agreements.

The Bill also includes clause 100(2) (previously section 208G of the Building Act) to provide that the Building Monitor, when exercising its powers, must comply with any relevant requirements specified by the Bill or under any other Act. The purpose of this provision is to restate, for the avoidance of doubt, the obligation of the Building Monitor, as a statutory entity, to comply with legislation such as the Information Privacy Principles set out in Schedule 1 of the *Privacy and Data Protection Act 2014*.

These provisions establish an appropriate balance between enabling the State Building Surveyor and the Building Monitor to perform their functions and achieve their statutory objectives by ensuring they can transparently gain access to the information needed to understand the issues faced by domestic building consumers and affected parties in the building sector, while protecting the rights of individuals to have their privacy and reputations protected.

Consequently, I consider that these provisions under the Bill are compatible with the right to privacy under section 13 of the Charter.

Right to freedom of expression

The information-gathering powers of the State Building Surveyor and the Building Monitor to require persons to provide information or data specified in a notice may also interfere with the right to freedom of expression, to the extent that the right extends to a right not to express or impart information. While the information gathering powers may impose a limitation on the freedom of expression, I consider that this is a lawful restriction which is reasonably necessary to both protect public order and the rights of others within the meaning of the internal limitation in section 15(3) of the Charter. The expression 'protection of … public order' is a wide and flexible concept and includes measures for 'peace and good order, public safety and prevention of disorder and crime' (*Magee v Delaney* (2012) 39 VR 50) and can include laws that enable the public to engage in their personal and business affairs free from unlawful interference to their person or property. The meaning of protecting the rights of others is similarly broad and would include restrictions reasonable necessary to protect the property rights of others (*Magee v Delaney* (2012) 39 VR 50).

This restriction on freedom of expression is confined to a very particular context, being the use of information gathering powers to facilitate the operation of the State Building Surveyor and the Building Monitor and their effective completion of their functions. In this context, there is a reduced expectation of privacy. Further, I consider that this restriction is closely tailored to its purpose of supporting the functions of the State Building Surveyor and the Building Monitor. I consider there are no less restrictive means of achieving this purpose and in turn facilitating the State Building Surveyor to facilitate high quality outcomes and improvements within the building surveying profession and the Building Monitor to improve the experiences of domestic building consumers. These powers are required to enable the State Building Surveyor and the Building Monitor to effectively complete their functions.

Accordingly, I am of the view that to the extent the right is limited, that limit falls within section 15(3) of the Charter as it is reasonably necessary to protect public order and the rights of others. As such, these provisions impose no limitation on the freedom of expression.

Review by the Building Appeals Tribunal

Parts 3.5 and 5.3 of the Bill provide for the establishment, powers, functions, procedural processes and jurisdiction of the Building Appeals Tribunal (**Tribunal**), re-enacting the provisions in Part 10 and Schedule 3 of the Building Act concerning the Building Appeals Board, subject only to minor changes. The body replacing the Building Appeals Board will be called a Tribunal to better reflect the nature of the work that the Building Appeals Board, and the body that replaces it, undertakes and will undertake (respectively).

The Tribunal established under this Bill is an independent tribunal which hears and determines disputes (as specified in Part 5.3, Division 3), other applications (arising under Part 5.3, Division 4) as well as appeals from decisions of other decision-makers (Part 5.3, Division 2) made under various acts, including under the Building Act. All members of the Tribunal are required to have relevant expertise and experience, including relating to the building industry (clause 121(1)). Tribunal members can be removed by the Governor in Council, on the recommendation of the Minister, on the grounds of an inability to perform their functions, neglect of duty, misconduct, a conviction or finding of guilt in relation to an indictable offence or, on the basis of any other ground that the Minister is satisfied means the member is unfit to hold office (clause 129).

The Tribunal has broad and flexible powers to conduct a proceeding in any manner it sees fit (clause 138(2), particularly sub-clauses (2)(a), (b), (d) and (f)) and when hearing an appeal may consider matters not raised before the decision under appeal was made (clause 216(2)). Despite this broad discretion, the Tribunal is still bound by the natural rules of justice (clause 138(2)(c)) and is required to give the parties a reasonable opportunity to make written or oral submissions (clause 138(1)), including on any advice the Tribunal has received to assist in dealing with the proceeding (clause 138(4)). Parties with a relevant interest in the matter have the right to be served with a copy of the document commencing a proceeding which specifies the nature of and the grounds for commencing the proceeding, the relief sought and other matters specified in regulations (clauses 136 and 137). The Tribunal is required to conduct a hearing in public unless it considers it is in the public interest or in the interest of justice to conduct the proceeding in private (clause 138(2)(e)). The Tribunal must also provide the parties to the proceeding with a written determination (clause 139(1) and (4)), as well as reasons for that determination upon request (clause 139(5)–(6)).

Fair hearing

The Tribunal determines private rights and interests of parties and so conducts 'civil proceedings' within the meaning of section 24 of the Charter. As such, the decision-making process and procedure of the Tribunal needs to be assessed to determine whether there is any limitation of the right to fair hearing when it conducts a proceeding.

Having regard to the provisions outlined above, I consider that there are sufficient protections in place to ensure a party before the Tribunal will have their fair hearing rights upheld. This Bill ensures that a person affected by a decision of the Tribunal will know the matters relevant to the decision, have a reasonable opportunity to present their case and respond to adverse information. They will also have their case heard by an independent, competent Tribunal after a public hearing (unless there are legitimate public interest reasons for conducting the matter in private).

For these reasons, I consider that the hearing of matters by the Tribunal pursuant to this Bill does not limit and in fact promotes the right to fair hearing.

Immunities for members, legal practitioners and witnesses in matters before the Building Appeals Tribunal

Pursuant to clause 149(1), Tribunal members, in the performance of their functions, have the same protection and immunity as a Judge of the Supreme Court. Pursuant to clause 149(2), legal practitioners or other people appearing on behalf of another person before the Tribunal are afforded the same protections and immunities as an Australian legal practitioner has in appearing for a party in a proceeding in the Supreme Court. Finally, clause 149(3), provides that a person appearing as a witness before the Tribunal has the same protection as a witness in a proceeding in the Supreme Court, and is subject to the same liabilities as a witness in a Supreme Court proceeding.

Fair hearing and right to property

The fair hearing right is relevant where statutory immunities are provided to certain persons as this right has been held to encompass a person's right of access to the courts to have their civil claim submitted to a judge for determination. Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, these immunity provisions may also engage this right.

A judge of the Supreme Court is immune from or has a defence to a civil suit arising out of acts done in the exercise, or purposed exercise, of their judicial function or capacity. A Tribunal member would thus have the same protection in relation to the exercise, or purported exercise, of their functions provided for under this Bill.

Legal practitioners acting in matters before the Supreme Court, and so before the Tribunal, are immune from liability for negligence in relation to the conduct of a case in court and for work intimately connected with the conduct of this case. This immunity does not cover work unrelated to court proceedings and is subject to certain exceptions, such as where the practitioner has acted dishonestly or fraudulently.

As these immunities act as a bar to bringing a civil claim in certain circumstances, the fair hearing right and property right will be limited by this clause.

However, I consider that this limitation is reasonable and justified. The scope of these immunities is broad but not unlimited, requiring that a Tribunal member act within their functions and a practitioner provide services or a witness give evidence associated with a proceeding. Further, these immunities are necessary to ensure to facilitate the proper administration of justice in the matters before the Tribunal. The immunity for Tribunal members facilitates the independent performance of their functions free from the spectre of litigation, and enhances the finality of the Tribunal's decisions. Similarly, immunities provided to legal practitioners, and the protections and liability of witnesses also encourage the giving of independent advice or evidence without the threat of suit from litigants who may be dissatisfied with the outcome of a proceeding, assists with the effective administration of the proceeding, and avoids multiplicity of actions where the matter could be effectively relitigated outside the regular appeal processes. In this way, these immunities assist with the efficient and proper regulation of the building system.

For these reasons, I consider that the limitation imposed on the right to a fair hearing and right to property by this clause is justified and so compatible with the Charter.

Application for modification of building regulations relating to access for persons with disabilities

Clause 231 provides that an application may be made to the Tribunal for a determination that a provision of the building regulations relating to access for persons with disabilities does not apply or applies with modifications on the ground that compliance with this provision would impose unjustifiable hardship on the owner of a building, the purchaser of a particular lot or the lessee of a building who proposes to have the building work carried out. The criteria upon which the Tribunal is to assess whether an application should be granted is consistent with, and implements in Victoria, Part 4.1 of the *Disability (Access to Premises – Buildings) Standards 2010 (Cth)* (**Commonwealth Access Standards**), which is an instrument under the *Disability Discrimination Act 1992 (Cth)* introduced by the Commonwealth Government to develop a set of uniform access provisions.

Clause 231(4) provides that the Tribunal must take into account all relevant circumstances of a particular case including, but not limited to, the costs associated with compliance, any effect compliance would likely have on the applicant's financial viability, any exceptional technical factors, the benefits or detriment likely to accrue from compliance or non-compliance including to persons with disabilities, and the nature and results from any consultation undertaken. If a substantial issue of unjustifiable hardship is raised having regard to the factors mentioned in subclause (4), the Tribunal must consider the extent to which substantially equal access to public premises may be provided otherwise than by compliance with the relevant provision and any measures undertaken or to be undertaken in order to ensure substantially equal access (clause 231(5)). Clause 231(6) provides that a determination under this section must provide for compliance with an access provision of the building regulations to the maximum extent not involving unjustifiable hardship.

Right to protection from discrimination

The access provisions in the building regulations are designed to protect and promote the rights of people with disabilities to equitably access buildings, and so facilitate access to services, their place of work, recreation or otherwise allow participation in public life. By allowing for the disapplication or modification of these provisions where compliance with the improved accessibility requirements would impose unjustifiable hardship on the building permit applicant, clause 231 may result in indirect discrimination and so limit the right to protection from discrimination under section 8 of the Charter.

However, for the reasons that follow, I consider that this clause places a reasonable condition on the operation of the access provisions and so does not constitute indirect discrimination and therefore does not limit this right under the Charter.

As set out above, clause 231 requires that the Tribunal to have close regard to the particular facts of a case and consider many of the same factors which go to reasonableness as defined in section 9(3) of the EO Act. The Tribunal is required to carefully balance the rights of people with disabilities to dignified and equitable access to buildings with the considerations of cost-effectiveness, achievability and certainty for builders and occupiers. The Bill also requires that compliance with an access provision is maintained to the maximum extent possible, ensuring that reasonable alternatives or possible carve outs to any exemption granted are required to be actively considered and must be ordered by the Tribunal where possible (for example, as outlined at Part 4.1(2) of the Commonwealth Access Standards, while enlarging a lift may impose unjustifiable hardship, upgrading the lift controls panel to provide braille and tactile buttons may not). Further, it is noted that the onus is on the applicant to establish that there is an unjustifiable hardship, indicating that exemption will only be provided where the Tribunal is be satisfied of this hardship on the basis of cogent evidence which has been tested using processes and procedures that uphold fair hearing rights (as discussed above).

Given these protections, I consider that this clause is reasonable and does not limit the right to protection from discrimination under section 8 of the Charter.

Private building surveyors – appointment and transfer of functions

Chapter 4 of the Bill relates to building surveyors. The following provisions largely re-enact existing provisions in Part 6 of the Building Act, subject to minor changes.

Clauses 155 and 160 introduce the concept of a '***related person***' in relation to a builder and private building surveyor, which include such persons as another partner in the partnership if the builder or surveyor is a member of a partnership, an officer or director of a body corporate if the builder or surveyor is a body corporate, and their spouse or domestic partner, sibling, parent or child.

Clause 155 prohibits builders who have entered into a major domestic building contract, or who act (or propose to act) as a domestic builder and related persons to these builders, from appointing a private building surveyor on behalf of the owner of the land on which domestic building work is to be carried out.

Clause 160 relevantly prohibits private building surveyors from undertaking building surveyor functions in relation to a building or building work if they or a related person:

- prepared the design of the building or building work;
- is or was, within the prescribed period, employed or engaged by the person or body that prepared the design of the building or building work; or
- had a pecuniary interest in the building or building work, or in the body that prepared the design of the building or building work or carried out the building work.

Clause 164 provides that the BPC may direct a registered building surveyor who has employed or engaged a person to act as a private or designated building surveyor to transfer all of that person's functions under building legislation to another surveyor if certain circumstances apply, including that in the opinion of the BPC, the private or designated building surveyor is incapable of carrying out the work because they are mentally or physically infirm.

Right to equality

To the extent that clause 160 restricts a person's ability to work as a private building surveyor on the basis of their prior employment activity, it may give rise to 'discrimination', within the meaning of the EO Act as discussed under the equality right above, on the basis of the protected attribute of employment activity (section 6(c), EO Act).

Similarly, the BPC's power to deprive a person of their employment functions under clause 164 on the basis of mental or physical infirmity may engage the right to equality under section 8(3) of the Charter as it would constitute discrimination on the basis of a protected attribute, specifically being disability (section 6(e), EO Act).

I consider that any such limits on the right to equality are reasonably justified under section 7(2) of the Charter. This is because in respect of clause 160, the core functions of a private building surveyor include the issuing of building and occupancy permits and the conduct of inspections of buildings and building work (clause 154(1)). Therefore, the exclusion of persons involved in the design of the building or building work from assessing and approving the safety and quality of their own work is necessary to ensure the independence and proper functioning of these regulatory mechanisms.

I also consider that the BPC's powers under clause 164 to direct the transfer of surveying functions where the surveyor is incapable of carrying out the work are reasonably necessary to ensure that the building surveying work is undertaken and completed to a professional standard, thereby protecting public safety and safeguarding the quality and integrity of the building industry.

Accordingly, I consider that any limits on the right to equality are reasonable and proportionate to achieve the purposes of the limitation.

Right to freedom of association

As the right to freedom of association has been broadly construed to include private associations, clauses 155 and 160 may engage this right by prohibiting the appointment, engagement or employment of persons on the basis of their personal or business associations.

However, these amendments are aimed at achieving the legitimate purpose of safeguarding the integrity of the building approval process by avoiding potential conflicts of interest or risks of undue influence. Accordingly, any limitations on the right to free association occasioned by the restrictions on the appointment of private building surveyors are necessary to fulfil a legitimate and pressing purpose that cannot be achieved by less rights-limiting means. I therefore consider that these amendments are compatible with the rights under in section 16 of the Charter.

Appointment of manager for private building surveyor's business

Clause 169 empowers the BPC to appoint a manager for a private building surveyor's business if the BPC is of the opinion that the appointment is necessary to protect the interests of other persons in specified circumstances such as suspension or cancellation of the private building surveyor's registration or their insolvency.

Clause 179 provides that the expenses of the management of the private building surveyor's business must be paid to the manager from the receipts of the business and any balance paid by the BPC may be recovered in court from the private building surveyor as a debt.

Right to property

'Property' under the Charter includes all real and personal property interests recognised under the general law, relevantly including debts. Accordingly, this right may be engaged by the provisions allowing for the appointment of managers, requiring payment to the managers from the receipts of the business and enabling the BPC to recover outstanding expenses as a debt owed by the private building surveyor.

However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law', where the law is not publicly accessible, clear and certain, or operates arbitrarily. In this instance, the interference will not be arbitrary, but governed by a clear and accessible process set out in the Bill and subject to reasonable conditions. For example, item 1 of the table in clause 201 relevantly enables the private building surveyor to apply to VCAT for a review of the BPC's decision to appoint a manager to their business. Further, any claim by the BPC to recover money paid to the manager must be sought in a court of competent jurisdiction such that procedural fairness is afforded to the private building surveyor (clause 179(2)).

Therefore, I am satisfied that the right to property is not limited by these amendments.

Powers of entry

Clause 176 authorises managers appointed by the BPC under clause 169 to enter and remain in or on any building or land used by the private building surveyor's business for the purpose of exercising their powers under clause 175. This provision also requires the private building surveyor (or their partner, officer, employee, agent or other person with control of documents relating to the appointment of the private building surveyor) to give the manager access to certain information and documents as the manager reasonably requires. The powers of entry also include operating equipment or facilities on the land or in the building; taking possession of any relevant document or thing; securing any relevant document or thing found in or on the building or land against interference if it cannot be conveniently removed; taking possession of any computer equipment or program.

Right to privacy

Section 13 of the Charter provides that a person has the right to not have their privacy unlawfully or arbitrarily interfered with. The determination of whether certain activities amount to an interference with privacy depends on whether the person has 'a reasonable expectation of privacy' in all the circumstances. As the building or land used by the private building surveyor's business are places of work, and a private building surveyor is taking part in a regulated industry, there is a reduced expectation of privacy in relation to such property and premises.

The expectation of privacy would be further diminished by the existence of a regulated matter, where powers are conferred on managers for the important purpose of protecting the interests of other persons in circumstances where the BPC considers the private building surveyor incapable of carrying out their functions.

Further, the entry powers are clearly circumscribed, reasonable and proportionate. For example, the entry powers must only be exercised during normal business hours or other hours with the consent of the occupier of the building or land (clause 176(2)). Further, prior to exercising entry powers, a manager must produce to the occupier the notice of appointment and a prescribed form of identification (clause 176(3)). The manager is also subject to strict confidentiality provisions in respect of information obtained as a result of their appointment (clause 185).

Thus, to the extent that privacy is interfered with, in my opinion it will in circumstances which are neither unlawful or arbitrary. Accordingly, I consider that the provisions are compatible with the right to privacy in section 13(a) of the Charter.

Property rights

As 'property' under the Charter includes all real and personal property interests recognised under the general law, the power of managers to take possession of any document or thing from the building or land used by the private building surveyor's business under clause 176 may also engage section 20.

However, the provision empowering the removal of documents or things does not limit property rights, as any interference with property through such removal would be undertaken in accordance with the provisions of the Bill, which are accessible, clear and certain, and sufficiently precise to enable a manager to perform their functions. For example, a manager must only take possession of any computer equipment or program if it is reasonably required for a purpose relevant to the management of the private building surveyor's business (clause 176(1)(f)). Any deprivation of property is thereby reasonably necessary to achieve the important objective of carrying out work under any existing appointment of the private building surveyor or completing any existing work of the business. In addition, a number of safeguards regulate the handling, retention and return of documents or things taken into possession by the manager (clause 176(4)–(7)), including requirements to take all reasonable steps to return documents or things as soon as they are no longer required. These safeguards ensure that the interference with a person's property is the least restrictive possible whilst also ensuring the necessary functions are carried out.

Protection from liability for building surveyors

Clause 178 provides that a manager, or a person acting at the direction of the manager, is not liable for anything done or omitted to be done in good faith (in the reasonable belief) that the act or omission was in carrying out a function of the manager under Division 3 of Part 4.2 of the Bill.

Clause 188 provides that a municipal or private building surveyor appointed under Chapter 4 is not liable for anything done or omitted to be done in good faith in reliance on a certificate given to the surveyor under section 238 of the Building Act by a registered building practitioner or an endorsed building engineer. The clause provides that the liability instead attaches to registered building practitioner or endorsed building engineer who have the certificate.

Clause 189 provides that a relevant building surveyor is not liable for anything done or omitted to be done in good faith in approving a draft building manual under section 41B(1) of the Building Act. The clause provides that the liability that would have attached to the relevant building surveyor instead attaches to the applicant for the relevant occupancy permit.

Fair hearing and property rights

Where an immunity clause restricts a person's ability to access a court by effectively removing their ability to bring an action in court and depriving them of their ability to obtain effective relief due to the absence of an appropriate defendant, the right to a fair hearing and right to property may be engaged. The exclusion from personal liability for building surveyors acting in good faith under clauses 188 and 189 does not deprive a person of their property rights nor interfere with the right to a fair hearing, because parties seeking redress are instead able to bring a claim against another person.

As the immunity in clause 178 acts as a complete bar to bringing a civil claim in certain circumstances, the fair hearing right and property right will be limited by this clause. However, for the reasons that follow, I consider that this clause is compatible with these rights.

Any deprivation of the ability to bring an action will be 'in accordance with law' as these provisions are drafted in clear and precise terms and are reasonably necessary to achieve the important objective of ensuring that persons appointed as managers for the purpose of protecting others are able to effectively perform their functions without the threat of significant personal repercussions. If the role attracted personal liability, this would impact the availability of qualified appointments, which are essential to ensuring critical building projects and regulatory functions remain active and compliant. The scope of the immunities is also limited to good faith actions and omissions such that it is proportionate to the legitimate aim sought. As such, there are no less restrictive means of achieving the Bill's objectives. Accordingly, the protection from liability provisions are appropriately granted and so, are compatible with the rights to fair hearing and property.

BPC's directions powers

Clause 190 empowers the BPC to direct a municipal or private building surveyor to carry out certain surveyor functions if the BPC considers it necessary for the purposes of building legislation.

Freedom from forced work

This provision may engage the right to freedom from forced work by requiring a municipal or private building surveyor to undertake functions that the BPC considers necessary for the purposes of building legislation. While it is unclear the degree to which the right would even be engaged by a power of direction over a holder of a public office (being a municipal building surveyor), it can be accepted that the right would at least be relevant to a power of direction over a private building surveyor.

As outlined above, 'forced or compulsory labour' relevantly does not include work that forms part of normal civil obligations, which is work provided for by law, imposed for a legitimate purpose, and not exceptional or having a punitive purpose or effect. This would include obligations to undertake work in order to ensure

compliance with regulatory standards, particularly where those standards are to protect against risks to persons whose safety is reliant on the compliance of others.

I am of the view that, if the right is engaged, functions required under a direction made under this clause would form part of normal civil obligations and would, therefore, not constitute a limit on the right. A direction requiring the undertaking of certain surveying functions will be provided in accordance with the Bill and will be confined in its impact, in that the direction must be necessary for the purposes of building legislation. As discussed above, the Bill protects the public by ensuring that directions require specific functions to be done in order to support compliance, lift professional standards, and improve outcomes for consumers in the building industry.

Additionally, except where cladding product-related high risk or emergency circumstances apply (sub-clause (5) and (6)), before giving a direction, the BPC must give the municipal or private building surveyor written notice stating the BPC's intention and the period (being not less than 7 days of the notice) within which the building surveyor may make submissions to the BPC about the matter.

As such, I consider that these amendments are compatible with the right to freedom from forced work.

Appointment of BPC-appointed inspector

Clause 232 provides that the BPC may appoint as a BPC-appointed inspector the following specified persons: a person employed or engaged by the BPC; a person appointed as an authorised officer or inspector by or under another Act; or a person appointed or authorised as an inspector, investigator, authorised officer or authorised person under a prescribed interstate Act. Further, this provision provides that the BPC must not appoint a person to this role unless it is satisfied that they are appropriately qualified, have successfully completed appropriate training, or have appropriate knowledge and experience (subclause 232(3)).

Right to equality and right to take part in public life

By introducing eligibility criteria for these appointments, based principally on their qualifications, training, occupation and employment, these clauses may engage the right to equality on the grounds that they would constitute discrimination on the basis of protected attributes, which includes a person's employment activity (section 6(c), EO Act) and profession, trade or occupation (section 6(la), EO Act).

On its face, this provision may involve unfavourable treatment on the basis of a person not being employed in one of the professions or occupations listed in clause 232(1), or not having the qualifications, training, knowledge or experience required in clause 232(3). For this reason, the eligibility criteria in these clauses engage the right to equality in section 8(3) of the Charter.

However, I consider any limitations on section 8(3) to be justified given that the eligibility criteria serve a legitimate and important purpose: by requiring a BPC-appointed inspector to have the requisite knowledge, skills and experience to perform their functions, these provisions facilitate the objectives of the BPC's power to make the appointment, being to perform functions and exercise powers under building legislation, for the purpose of monitoring and enforcing compliance with building legislation, and building and plumbing standards and building safety. The provisions function as a protective mechanism to ensure appointees are appropriately qualified in a role that assumes significant responsibilities concerning matters of public importance, being accountability and oversight of building legislation and the building system.

I therefore consider that the Bill is compatible with the right to equality in section 8 of the Charter.

As the provisions above do not, in my view, constitute discrimination, it follows that the right to take part in public life in section 18 of the Charter is not limited by these provisions.

Power to require production of documents

Clause 249 empowers the BPC to require a person to provide information or produce documents that may assist the BPC in monitoring compliance with building legislation, including by appearing before the BPC and answering questions.

Clause 250 empowers the BPC to require a person to provide certain information, produce certain documents or to give that information (either orally or in writing) or produce those documents to the BPC, including by appearing before it and answering questions if the BPC reasonably believes that a person is capable of providing information, producing documents or giving evidence relating to a matter that constitutes, or may constitute, a contravention of building legislation.

Subclauses 249(3) and 250(5) provide that a person is not excused from answering a question, providing information or producing or permitting the inspection of a document on the ground that the answer, information or document may tend to incriminate or expose them to a penalty. Therefore, these provisions would engage the right in section 25(2)(k) not to be compelled to testify against oneself.

Right to protection against self-incrimination

The privilege against self-incrimination generally covers the compulsion of any information or documents which might incriminate a person. While it is generally accepted that the privilege does not extend to producing pre-existing documents (particularly documents required to be produced to demonstrate compliance with a regulatory scheme), the right affords strong protection against the compulsion of oral testimony or documents that are required to be brought into existence to comply with an information request. Therefore, to the extent that these provisions compel persons to answer questions and produce new documents that may incriminate the person with respect to certain offences under building legislation, they would limit the privilege against self-incrimination.

The primary purpose of this abrogation is to enable the BPC to monitor compliance with building legislation and investigate potential contraventions. Taking into account the protective purpose of the Bill, there is significant public interest in ensuring that the BPC is able to access information and evidence that may be difficult or impossible to ascertain by alternative evidentiary means, and to use such evidence to bring enforcement action where appropriate.

The information and documents that the BPC can require are those necessary for the purpose of monitoring and enforcing compliance with building legislation. Therefore, any limitation on the right in section 25(2)(k) that is occasioned by the abrogation of the privilege is thus directly related to the Bill's purpose.

Further, the Bill provides for 'use immunity' that restricts the use of information and documents to particular proceedings, such that the abrogation of this privilege is limited. Clauses 249(4) and 250(6) provide respectively that an answer given by the person and any information provided or document produced by the person in compliance with a notice under this section are not admissible in evidence against them in any proceeding other than a proceeding under that section, or in respect of clause 250(6), that any answer given or information provided could not be used in any criminal proceeding against the person other than a proceeding under that section . Accordingly, any limitation on the right to protection against self-incrimination is appropriately tailored and the least restrictive means to achieve the regulatory purpose.

Therefore, I consider there are no less restrictive means available to achieve the purpose of the provisions. For the above reasons, I consider that to the extent that these provisions may impose a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the Charter.

Expansion of definitions of authorised persons

Clauses 239 to 242 expand the list of persons who are authorised persons for the purposes of exercising all or any powers conferred under Chapter 6 of the Bill. The effect of these amendments is to expand the pool of persons who are authorised to exercise various compulsive powers under the Bill, potentially increasing the frequency and scale at which interferences with human rights may occur. As the sections authorise entry, search and seizure powers, these provisions engage the rights to privacy and property. Notwithstanding that the powers can be exercised by a broader cohort of persons, these powers must still be exercised in accordance with the safeguarding provisions discussed below, pursuant to the authorisation conditions specified in clauses 239 to 242, and subject to identification documentation and production requirements (clauses 243 and 244). Importantly, a specified person may only authorise another person to exercise such powers if they are satisfied the person is appropriately qualified or has successfully completed appropriate training. Accordingly, for these reasons I consider these amendments to be compatible with the Charter.

Powers of entry, search and seizure

Divisions 3 to 5 of Part 6.3 of the Bill introduce a suite of powers that enable authorised persons to enter, inspect and search buildings and land, and to seize any document or thing after entry. Clause 238 provides that Part 6.3 of the Bill applies to a caravan or vessel as if these are a building and the occupant of the caravan or vessel is its occupier, granting additional powers of certain BPC-appointed inspectors to enter and inspect a caravan or vessel.

These powers provide a hierarchy of options that scale in the extent of their interference with rights:

- at the lower end of the scale are powers to enter a building or land for the purpose of carrying out any inspection authorised by building legislation with the consent of the occupier (Division 3);
- at the medium end of the scale are powers to enter a building or land without consent if it is open to the public, the safety of the public or the occupants of the building or land is at risk, or an emergency order applies (Division 4);
- at the higher end are powers to enter a building or land used for residential purposes, which can only be exercised pursuant to a search warrant (Division 5).

Where an authorised person enters a building or land, they may exercise the powers specified in these clauses and Division 6. These powers differ, depending on the basis on which entry is authorised, but broadly include

powers to search the building or land; inspect or require the production of certain documents; photograph, copy or take an extract from documents; take or keep samples of any thing; conduct destructive testing of a building product or material; and seize any document, equipment, or other thing in certain circumstances. Clause 238(2) grants BPC-appointed inspectors further powers of inspection and testing over plumbing work, including powers to isolate land or building from water or gas supply and dismantle plumbing work. Warrants can be issued where a magistrate is satisfied by evidence that:

- entry is necessary:
  - to determine whether a building, or building or plumbing work complies with building legislation;
  - to assist in the enforcement of the safety of buildings and of building and plumbing standards under building legislation,

and that entry is appropriate in all the circumstances (clause 273(1)–(2));

- there are reasonable grounds to suspect that:
  - in the next 72 hours, in or on the building or land, there is, or may be a thing (of a particular kind), connected with a contravention of building legislation (clause 274(2)(a)); or
  - information in digital or electronic format connected with a contravention of building legislation that is accessible from the building or land (clause 274(2)(b));
- it is necessary for the effective monitoring of compliance with clause 279(5) where a thing is subject to an embargo notice in or on a building or land.

Where entry is authorised by warrant, an authorised person may also seize things not mentioned in the warrant if they believe on reasonable grounds that the thing is of a kind which could have been included in the search warrant and will afford evidence about a contravention of building legislation, or that it is necessary to seize that thing in order to prevent its concealment, loss or destruction or its use in the contravention of building legislation (clause 275).

Right to privacy

These powers engage the right to privacy in section 13 of the Charter, which protects against unlawful and arbitrary interferences with a person's privacy or correspondence. To the extent that the building, land, caravans and vessels are a person's residence, these expanded entry and inspection powers are likely to engage the right to privacy. Privacy is a right of considerable breadth and relevantly protects a person's 'home', which includes a person's place of residence. As a person has an increased expectation of privacy in relation to their private residence, this provision has the potential to empower a significant interference with privacy in particular circumstances.

However, in my view, this power is precisely prescribed, aimed at achieving a legitimate objective and equipped with sufficient safeguards to ensure it is not arbitrary.

First, the provisions are necessary to ensure that inspectors have the means to carry out any inspection authorised or required by building legislation, determine compliance with building legislation or assist in the enforcement of the safety of buildings and of building and plumbing standards.

Second, a number of safeguards apply to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. In particular:

- in relation to entry for inspections, authorised persons may not enter any part of a building used for residential purposes unless with the written consent of the occupier at an agreed time (clause 264(2)), or for the purpose of inspecting (at a reasonable time) work that is being carried out under a building permit (clause 264(3));
- in relation to entry for monitoring, powers to enter a building or land (other than those used for residential purposes) must be exercised during normal business hours, when a business conducted at the building or land is operating, or when building work or plumbing work is being carried out, unless the occupier of the building or land consents otherwise (clause 266(6));
- authorised persons may only exercise entry powers with consent (other than under a warrant) for the purpose of monitoring compliance with building legislation or for the purposes of determining whether building legislation is being complied with or assisting in the enforcement of the safety of buildings and of building and plumbing standards (clauses 266(1));
- when consent is required to exercise a power, authorised persons must inform the occupier of the purpose of the entry and search and explain certain matters including the person's right to refuse consent, and seek a signed acknowledgment of consent (clauses 267 and 268);

- for entry without consent or warrant, authorised persons must only enter if the building or land is open to the public, the safety of the public or the occupants of the building or land is at risk, or an emergency order applies (clauses 270 and 271);
- authorised persons must comply with retention and return limits in accordance with clause 288 for anything seized under Part 6.3 or under a search warrant; and
- when exercising powers of entry under a warrant, authorised persons must generally announce that they are authorised by warrant, and provide a copy of the warrant to the occupier (if present) (clauses 277 and 278).

As such, a broad range of safeguards apply to ensure the powers may only be exercised in a reasonable and proportionate way that protects the privacy of individuals as much as possible. The powers serve the important purpose of enabling authorised persons to effectively monitor and enforce compliance with building legislation. The powers are appropriately tailored to reflect the source of the authority to enter a building or land and exercise associated powers, with the most intrusive powers being reserved to circumstances where a magistrate has granted a warrant.

Accordingly, I consider that the interference is neither unlawful nor arbitrary and is therefore compatible with the right to privacy in section 13 of the Charter.

Right to property

While property is not defined under the Charter, it is likely to include personal property interests recognised under general law. While entry for inspection purposes may, in certain circumstances, affect an occupier's use or enjoyment of their property, the nature and extent of such interference would be at the low end of the spectrum. The seizure powers which authorise the removal of anything found on the premises will engage property rights under section 20 of the Charter. Additionally, the authorising actions such as the demolition of or cutting into building work (if specified conditions are met), will engage the right to property.

However, the provisions empowering the seizure of any document, equipment, or other thing do not limit property rights, as any interference with property occasioned by these provisions would be undertaken in accordance with the provisions of the Bill, which are accessible, clear and sufficiently precise. For example, an authorised person may only seize anything in or on the building or land if they consider it necessary for the monitoring or enforcement purposes (clause 266) and must provide a receipt for the thing seized as soon as practicable (clause 286). Further, equipment not be seized or operated unless the authorised person believes on reasonable grounds that the operation can be carried out without damage to the equipment. As these actions must only be undertaken if reasonably required to facilitate the inspection or where an authorised person reasonably believes the thing is connected with a contravention of building legislation, any deprivation of property is reasonably necessary to achieve the important objective of ensuring compliance with building legislation.

Under a search warrant, the power to seize anything not named in the warrant is subject to various conditions: specifically, an authorised person must believe on reasonable grounds that the seized thing is of a kind which could have been included in a warrant, will afford evidence of an offence and is necessary to seize to prevent its concealment, loss or destruction or its use in the commission of that offence (clause 275). Further, any deprivation of property is reasonably necessary to achieve the important objective of ensuring and enforcing compliance with building legislation.

Therefore, any deprivation of property will be 'in accordance with law' and will therefore not limit the Charter right to property.

Right of owner and owners corporation to carry out required work

Clause 304 provides that the owner of a building or land may apply to the Magistrates' Court for an order requiring the occupier to permit the owner (and any other person) to enter the building or land and carry out the work or do any other thing required under building legislation.

Clause 306 empowers an owners corporation to authorise a person to enter a lot or a building on a lot on its behalf to carry out works in accordance with an order or notice under building legislation requiring the conduct of building, protection, plumbing or other work in relation to that lot.

Clause 307 provides that the BPC or a council may apply to the Magistrates' Court for a warrant if a person refuses to vacate a building or land when required to do so by order under the Bill. A warrant under this clause authorises an authorised person to enter the building or land (by force if necessary) and with such assistance as is necessary, to compel all persons for the time being occupying the building or land to vacate that building or land.

Privacy and property rights

To the extent that the building, land or lot is used for residential purposes, it may engage the right to privacy, which relevantly protects a person's 'home' and includes a person's place of residence. Therefore, powers to enter a building, land or lot are likely to constitute a prima facie interference with privacy. While a person would have a lower expectation of privacy in respect of entry onto the land, they would have a higher expectation in respect of entry into a building which is used as a private residence, such that the interference would be greater.

The provision also relates to a person's property interest, which includes contractual rights, specifically the right to temporary possession by reason of a tenancy agreement. Further, powers of entry for the purpose of undertaking works may amount to a deprivation of property if they substantially restrict a person's exclusive possession, use or enjoyment of their property, particularly if such works are prolonged or pose a significant interference with a person's ability to use and enjoy the building, land or lot. Similarly, powers to compel all persons occupying a building or land to vacate will clearly constitute a substantial restriction.

However, I consider that any interferences with these rights would be neither unlawful or arbitrary and would be 'in accordance with the law'. This is because powers are subject to strict safeguards. For example, an application under clause 304 can only be made if the occupier of the building or land does not comply with a notice after 7 days of it being provided. Further, these powers are for an important purpose of enabling the conduct of works that are required by law to be carried out. As such, they are aimed at ensuring the safety and compliance of the building and land, thereby protecting the safety of the occupier, other land users and the general public.

Recovery of expenses for mandatory works

Clause 305 provides that if an owner of a building or land does not carry out works mandated by building legislation, an occupier or any registered mortgagee of the land is entitled to recover any expenses necessarily incurred from carrying out those works from the owner as a debt due to the occupier or mortgagee, deduct those expenses from or set them off against any rent or add the amount to the principal sum owing under the mortgage (as the case may be).

Clause 306(6) allows an owners corporation to recover from an owner of a lot affected by an owners corporation as a debt due to the owners corporation the cost of any work carried out under clause 306(3) that is not covered by the insurance held by the owners corporation.

Right to property

'Property' under the Charter includes all real property interests recognised under the general law, relevantly including debts. Accordingly, this right may be engaged by the provision allowing the recovery of any expenses as a debt owed by the owner.

However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law', where the law is not publicly accessible, clear and certain, or operates arbitrarily. In this instance, the interference will not be arbitrary, but governed by a clear and accessible process set out in the Bill and subject to reasonable conditions. For example, clause 305(3) prohibits an occupier from recovering any expenses incurred by the carrying out, in respect of an essential safety measure, certain repairs, maintenance work or installations referred to in the *Retail Leases Act 2003*, if the occupier has agreed to bear the expenses under certain retail premises leases. Further, clauses 305(4)(b)–(5) require a registered mortgagee to give written notice of expenses to the mortgagor prior to them being added to the principal sum owing under the mortgage.

Therefore, I am satisfied that the right to property is not limited by these amendments.

Embargo notices

Clause 279 empowers an authorised person executing a search warrant issued under clause 274(2) authorising the seizure of any thing, to issue an embargo notice if the thing cannot (readily) be physically seized and removed. The notice would prohibit a person from undertaking such actions as selling, leasing, transferring or otherwise dealing with the thing or any part of it.

Right to property

'Property' under the Charter includes personal property interests and property rights characteristically entail the right to use, control, transfer, dispose and exclude. Accordingly, clause 279 is a form of 'de facto dispossession', where despite retaining formal ownership, the person is temporarily prevented from exercising various rights such as selling, renting or gifting the property. It also deems any sale, lease or transfer of the thing, carried out in contravention of the embargo, to be void. This provision may thus amount to a 'deprivation' of property so as to interfere with a person's property interest.

However, I consider that any interference occasioned by section 279 would be in accordance with the law. It ensures a thing that was otherwise required to be seized in accordance with the Bill, is not dealt with in a way that would frustrate the purpose of the seizure, akin to comparative provisions preventing the destruction of evidence. Further, it contains appropriate safeguards such as excusing a person from liability if they contravene an embargo for the purpose of protecting and preserving the thing.

Liability of officers of bodies corporate

Division 3 of Part 6.5 of the Bill extends liability for certain offences committed by a body corporate to the officers of that body corporate where the officer authorised or permitted the commission of the offence by the body corporate, or was knowingly concerned in any way in the commission of the relevant offence by the body corporate or where the officer failed to exercise due diligence to prevent the commission of the offence by the body corporate (clauses 312, 313, and 314). Similarly, clause 352(3) provides that if a body corporate is found to have failed to comply with an enforceable undertaking, each officer of the body corporate is taken to have failed to comply with the undertaking if the officer knowingly authorised or permitted the failure.

Subclause 314(3) additionally introduces a reverse onus defence that requires an officer of a body corporate to prove that they exercised due diligence to prevent the commission of an offence by the body corporate as a defence to a charge for an offence against a list of provisions specified in clause 314(2).

Presumption of innocence

These provisions are relevant to the presumption of innocence as they may operate to deem as 'fact' that an individual has committed an offence based on the actions of another body, based on their association with that body. I consider these three clauses to be consistent with this right for the following reasons.

Clause 312 does not engage the presumption of innocence as the prosecution is required to prove the accessorial elements of the offences. That is, that the relevant person authorised or was knowingly concerned with the commission of the offence. This requires proof, beyond reasonable doubt, that the individual knew the essential facts that constitute the offence and, through their own acts or omissions, was a participant in that offence. Clause 312 is broadly consistent with existing common law principles of accessorial liability.

Clause 313 goes beyond the normal principles of accessorial liability by allowing a director to be held liable for a failure to exercise due diligence. This also does not limit the presumption of innocence as the burden of proof lies on the prosecution to adduce each element of the offence beyond reasonable doubt, being the failure to take reasonable steps. The director is presumed to be innocent unless the prosecution can prove otherwise. In the alternative, to the degree that the right is still considered to be limited, due to the fact that a director who is proven to have failed to exercise due diligence is deemed guilty of the underlying offending without needing to prove the elements of the underlying offence, I consider any limit to be reasonably justified.

There is a strong need to ensure adequate deterrence of regulatory offences arising from the failure to meet minimum standards of safety in the building and plumbing industries. The Supreme Court, as well as comparative approaches in other jurisdictions, have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where such standards are necessary to protect third parties who may not have the capacity to protect themselves (in this case, consumers). These provisions only target persons who have elected to undertake a position as an officer of a body corporate, which includes assuming the responsibilities and duties that apply to these roles, and who have the capacity to influence the conduct of the entity concerned. Clause 313 specifies the offences and subject matter to which a director assumes responsibilities in relation to ensuring due diligence.

The provisions ensure that such persons are appropriately held responsible for breaches that occur by or on behalf of the entity over which they have responsibility, enabling offences to be successfully prosecuted and operate as an effective deterrent. Affected persons should be well aware of the regulatory requirements and, as such, should have the necessary processes and systems in place to effectively meet these requirements and not incur accessorial liability. Additionally, the provision is appropriately tailored to allow a court to enquire into the individual circumstances of a director's culpability. In determining whether an officer failed to exercise due diligence, a court may have regard to such matters as what the officer knew, or ought reasonably to have known, about the commission of the offence by the body corporate, whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence by the body corporate, and what steps the officer took, or could reasonably have taken, to prevent the commission of the offence by the body corporate (clauses 313(3)). Finally, in contrast to the accessorial liability clause which applies to a broad range of offences under the Act, clause 313 only applies to a small and appropriately targeted category of offences, including offences related to obtaining appropriate insurance for the benefit of the consumers of building work and offences relating to not making consumers pay more than a lawful deposit or progress payment amounts for a domestic building contract.

In my view, there is no less restrictive way of ensuring accountability of officers of bodies corporate for breaching the provisions of the proposed Act.

Turning to clause 314, I accept that this clause will limit the right to the presumption of innocence, as it shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish that they are not guilty of an offence. Clause 314(3) requires an officer of a body corporate to prove that they exercised due diligence to prevent the commission of an offence by the body corporate as a defence to a charge for an offence against specified provisions, rather than merely requiring the raising of evidence capable of supporting the defence. As this provision provides the officer with a statutory defence that can only be made out if they *prove* due diligence, the statute will shift the legal burden, not merely the evidentiary burden.

However, as noted above, 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 underlying offences subject to this provision are serious offences that go to fundamental requirements in building legislation, intended to protect the public from safety concerns and consumers from significant financial harm.

For example, a number of applicable offences pertain to unregistered building work, where requiring those undertaking building work to be registered is fundamental to the effectiveness of the building regulatory regime and consumer and public protection. Unregistered work creates significant risks to the health and safety of building occupants and the public because it both lacks initial quality control at the point of industry entry and subsequent oversight by regulators of the building work produced. Illness, injury or death may result from unregistered work if, for example, non-compliance with fire safety standards does not come to the attention of building surveyors, inspectors, or the BPC.

As registration is fundamental to the lawful operation of building companies, all directors in the building industry should have a basic understanding of registration requirements and turn their minds to compliance with those requirements. It is therefore appropriate that where an offence relates to registration, a director should bear the burden of proving that they exercised due diligence in relation to this core area of corporate compliance. Directors will also be on notice that they will be required to prove that they exercised due diligence to the legal standard, and that they will need to employ necessary processes and keeping of records to be able to satisfy this burden. I therefore consider that the reversal of the legal burden to be a reasonably necessary and proportionate response to address public safety and consumer harm risks due to the negligent conduct by officers in the building industry.

Further, the purpose of shifting the burden of proof is to provide the accused with an opportunity to avoid liability in circumstances where they were not at fault, without undermining the ability to enforce compliance with the law. Whether or how an officer exercised due diligence is peculiarly within the knowledge of the officer (e.g. access to evidence) such that they are best placed to prove the due diligence defence. Accordingly, this defence provision is necessary to ensure the effective administration of the regulatory scheme.

As such, I conclude that the right to be presumed innocent in section 25(1) of the Charter is not limited by this Bill.

Ineligibility for registration

Part 6.10 of the Bill provide that if a court makes a civil penalty order against a person, or the person is found guilty of an offence against building legislation, it may make various orders including that specified licenses or registrations under the Building Act be cancelled, and that a person not be eligible to hold specified licenses or be registered under the Building Act (in essence, a disqualification order). Similar orders concerning the cancellation of, and disqualification from eligibility for, registration, may be made in relation to a body corporate.

Right not to be punished more than once

As such orders follow a finding of guilt or a contravention of a civil penalty, I do not consider that they constitute double punishment in the sense that the orders are part of the same proceeding and are considered to be consequences that follow the finding of guilt or contravention of a civil penalty. In other words, they have the characteristic of auxiliary orders made at the same time as the primary sentence.

Secondly, the purpose of the orders is not punitive but serves to exclude persons with a history of contraventions from being able to continue to participate in the building sector, for the safety of consumers.

Finally, these orders are to be taken into account at sentencing under the principle of totality, which concerns the combined effect of a sentence and any auxiliary order to ensure it is not disproportionate to the offence.

Infringement notices and injunctions

Part 6.6 of the Bill provides for a regime where an authorised building and plumbing officer, including an BPC-appointed inspector, the chief executive officer or a municipal building surveyor, may serve an

infringement notice on any person in certain circumstances (clause 326). Infringement notices must include the details required under section 13 of the *Infringements Act 2006* and the details of any additional steps required to expiate the offence (clause 326(4)). Additional steps required to expiate a building and plumbing infringement offence may include carrying out any work if failure to carry out the work constitutes the offence, stopping any work that constitutes the offence, or doing or failing to do a specified thing for the purposes of remedying a contravention of building legislation (clause 327).

Clause 328 applies if an infringement notice requires additional steps to be taken to expiate an offence and the person served with the notice informs the authorised building and plumbing officer that those steps have been taken either before the end of the period for payment specified in the notice or if the officer allows and the person has not been charged with the offence, at a later time. In this instance, the authorised building and plumbing officer must find out whether or not those steps have been taken and serve on the person a notice stating whether or not those steps have been taken. Clause 328(3) provides that a statement that additional steps have been taken is for all purposes conclusive proof of that fact.

Part 6.9 of the Bill provides for a regime where a court may grant an injunction in any terms that it considers appropriate if it is satisfied that a person has engaged, or is proposing to engage, in various conduct that relates to the contravention of building legislation. Clause 356(6) specifically empowers the court to grant an injunction requiring a person to carry out specified building work, plumbing work or other specified work.

Freedom from forced work

Clauses 327(a) may engage the right to freedom from forced work by requiring a person subject to an infringement notice under clause 326 to undertake additional steps to expiate a building and plumbing infringement offence, specifically to carry out any work if failure to do so constitutes the offence. Similarly, clause 356(6) would engage this right.

As outlined above, 'forced or compulsory labour' relevantly does not include work that forms part of normal civil obligations, which is work provided for by law, imposed for a legitimate purpose, and not exceptional or having a punitive purpose or effect. This would include obligations to undertake work in order to ensure compliance with regulatory standards, particularly where those standards are to protect against risks to persons whose safety is reliant on the compliance of others.

I am of the view that, if the right is engaged, work required to be carried out under an infringement notice issued under clause 326 or an injunction granted under clause 356 would form part of normal civil obligations and would, therefore, not constitute a limit on the right. A notice requiring that certain additional steps be undertaken will be confined in its impact, in that the notice must only be issued where the issuing officer has a reason to believe that the person has committed a building and plumbing infringement offence. As discussed above, the Bill protects the public by ensuring that specific actions are undertaken in order to support compliance, and thus improve outcomes for consumers in the building industry. The work is not being directed for any punitive purpose.

Additionally, for example, an infringement notice issued under clause 326 will be subject to the requirements in section 13 of the *Infringements Act 2006*, such that it must be in writing and state that the person is entitled to elect to have the matter of the infringement offence heard and determined in the Court. Given this, the person may make submissions to the Court about the matter before carrying out any required work (clause 326(2)).

For these reasons, I do not consider that the freedom from forced or compulsory labour will be limited by this Bill.

Civil penalty orders

Part 6.7 provides the circumstances in which the BPC may apply to a court for a civil penalty order. Clause 330 outlines the factors the court may have regard to in determining a civil penalty amount, including whether the person has previously engaged in conduct that constitutes a contravention of a civil penalty provision.

Clause 332 provides that a court must not issue a civil penalty order against a person if the person has contravened a civil penalty provision and has been found guilty of an offence constituted by conduct that is substantially the same. Clause 333 provides that a proceeding for the making of a civil penalty order is stayed if a criminal proceeding is or has commenced against the person and is constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention. If the person is found not guilty then the civil penalty proceeding may be resumed or if they are found guilty then the proceeding for the civil penalty order is dismissed (clause 333(2)). Clause 334 provides that a criminal proceeding may be commenced against a person for conduct that is substantially the same as conduct constituting the contravention of the civil penalty provision regardless of whether a civil penalty order has been made against the person. Further, information given and documents produced by an individual in a civil penalty proceeding

are not admissible in evidence in a criminal proceeding for an offence constituted by conduct that is substantially the same (clause 335).

The right not to be punished more than once for the same offence

As discussed above, 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. Relevant to the concept of punishment it may be suggested that the section 24 right to have a criminal charge decided by a court implies a principle that a person may only be punished as a result of a charge being proven in a criminal proceeding.

In my view, Part 6.7 broadly promotes the right not to be punished more than once for the same offence by ensuring that a court must not make any civil penalty order against a person if the person who contravened a civil penalty provision has been convicted of an offence constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention of a civil penalty provision (clause 332). Further, proceedings that have been commenced against a person for a contravention of a civil penalty provision listed under building legislation are stayed if criminal proceedings are commenced or have already been commenced against the person for an offence, and the offence is constituted by conduct that is the same or substantially the same as the conduct alleged to constitute a contravention of the civil penalty provision (clause 333). These provisions seek to protect against concurrent civil and criminal proceedings for conduct that is substantially the same. However, if a person is not convicted of the criminal offence, clause 333(2) provides that civil penalty proceedings may be resumed. In my view, these sections promote the right not to be punished more than once for conduct that is substantially the same.

Clause 334 provides that criminal proceedings may be commenced after a proceeding for a civil penalty order regardless of whether a civil penalty order has been made against the person. The civil penalty regime in the Bill may interfere with a person's right not to be punished more than once given the proposed parallel operation of the civil penalty regime with the criminal law. The new civil penalty regime is intended to provide the BPC with the capacity to respond appropriately to corporate wrongdoing and the most egregious contraventions of building legislation and thus, to deter further contraventions. The regime establishes that a person cannot be given a civil penalty order if a person has been convicted of an offence constituting the same conduct.

Clause 334 enables criminal proceedings to be brought against a person regardless of whether a civil penalty order has been made for conduct that is substantially the same as the conduct constituting the offence. Accordingly, a person may receive a civil penalty and then have a subsequent criminal sanction imposed upon a conviction for the same conduct. This is relevant to the protection against double punishment in section 26 of the Charter. Whether the right is limited in this context will depend on whether the civil penalty is of such nature and magnitude to constitute truly penal consequences.

In my view, the civil penalties in this Bill for breaching the relevant provisions would not be considered to be punitive, or in effect, criminal sanctions. Although some of the maximum pecuniary penalties are up to 3000 penalty units for a natural person (clause 331), the purpose of the civil penalties is to encourage regulatory compliance and deter further contraventions, particularly for conduct that has the capacity to cause serious harm. A civil penalty order will be enforceable as a judgment debt and a person will not be liable to be imprisoned for a failure to discharge the debt.

While I do not consider that clause 331 limits or engages section 26 of the Charter, to the extent that right may be limited if a court should consider that the larger civil penalties do constitute punishment, I am of the view that the limit is reasonable and justified in the circumstances.

In relation to clause 334, this approach mirrors the 'pyramid of sanctions' model of enforcement employed by comparative regulatory schemes in other jurisdictions. This model is predicated on findings that implementing a bar against the use of both criminal and civil proceedings can undermine effective enforcement. Civil penalty proceedings can be more efficient in enforcing a regulatory scheme and deterring misconduct due to the lower burden of proof, streamlined procedure, availability of negotiated settlements and lower costs. However, civil penalties alone can be an insufficient deterrent in relation to the more serious and harmful misconduct which warrant criminal punishment. Criminal sanctions are directed at appropriate punishment and serve as a greater deterrent. A criminal conviction poses much more reputational risks for a defendant, with negative publicity and stigma potentially arising from a conviction far outweighing the label attached to an adverse decision in civil proceedings and/or the making of civil penalty orders. The availability to commence criminal proceedings following a civil penalty contravention is an important part of the pyramidal structure of enforcement of sanctions for more serious cases, while still providing for effective and efficient deterrence.

The Bill implements sufficient safeguards to protect criminal process rights, including deeming any information and documents produced by an individual in a proceeding for a civil penalty order against the

individual as inadmissible in a criminal proceeding concerning substantially the same conduct (clause 335). Further, the Bill does not interfere with existing sentencing discretions, including a sentencing judge's consideration of the principle of totality and rule against double punishment in relation to imposing a criminal sanction for substantially the same conduct already subject to a civil contravention order.

Accordingly, I consider that clause 334 of the Bill is compatible with the right not to be tried or punished more than once in section 26 of the Charter.

Improvement notices

Clause 345 provides that a person on whom an improvement notice is served must comply with the notice within the period specified in the notice unless they have a reasonable excuse.

Right to be presumed innocent (section 25(1))

Section 25(1) of the Charter is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

This reverse onus offence provision, which places an evidential burden on the accused, may engage the right to the presumption of innocence. In other words, the accused is required to present or point to evidence that suggests a reasonable possibility of the existence of facts that would establish the exception or excuse.

As clause 345 is a summary offence, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on having a reasonable excuse to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the exception. In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence.

However, the Supreme Court has held that evidential onus provisions on an accused to establish an exception does not transfer the legal burden of proof and does not limit the right to the presumption of innocence. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution who must prove the essential elements of the offence to a legal standard. Further, the exceptions relate to matters which are particularly within an accused's knowledge and would be unduly onerous for a prosecution to disprove at first instance.

Accordingly, I am of the view that these offence provisions are compatible with the Charter.

Enforceable undertaking registers

Clause 354 requires the BPC to maintain a register of all enforceable undertakings; and register each enforceable undertaking in the register. The register relevantly must include such personal information such as the name and address of the person who gave the enforceable undertaking. Clause 354(4) provides that the register must be made available for inspection by any person upon request.

Clause 355 provides that the BPC must maintain a public register of enforceable undertakings given by various entities including developers or a person who is in the business of building or plumbing The BPC must publish the register on the BPC's Internet site.

Right to privacy

The establishment of the registers – and the holding of the personal information of persons in the register referred to in clause 354 – engages the right to privacy. The publication requirement in respect of the register maintained under clause 355 may also engage the right to privacy.

However, any impacts on the right to privacy are not unlawful or arbitrary. The personal information to be included in the register is clearly stipulated in the legislation and primarily limited to basic personal information (e.g., does not include criminal records). The public register does not contain any sensitive personal information and publication is necessary to alert consumers and industry members to wrongdoing by the regulated entity who provided the undertaking, to promote accountability, and ensure transparency of the BPC's enforcement decision-making.

Accordingly, any impacts on the right to privacy are appropriate and proportionate to the legitimate aim of protecting consumers, ensuring transparency and accountability in the building industry. I therefore consider that the register established by the Bill is compatible with the privacy right in section 13 of the Charter.

Other remedies: injunctions and prohibition notices

Clause 356(6) empowers the court to grant an injunction requiring a person to: carry out or arrange for the testing, including the destructive testing, of a building product or material used in the construction of a building; transfer property; and destroy or dispose of goods that have been or may be used in carrying out building or plumbing work.

Clause 356(5) empowers the court to grant an order restraining a person from carrying on a business as a building practitioner or a plumber or supplying goods or services used in building work or plumbing work (whether or not as part of, or incidental to, the carrying on of another business) for a specified period or except on specified terms and conditions.

Clause 362 empowers the court to make a prohibition order, on an application by the BPC, of various actions such as making of a payment by another person in discharge of a debt owed to the person or their associate; parting with possession of, or transferring or encumbering, any of the person's money or other property; another person who is holding money or other property on behalf of the person or their associate from transferring or encumbering all or any of the property to the person or the person's associate. An order under clause 362 may be expressed to operate for a period specified or until a proceeding under another provision of building legislation in relation to which the order was made has been concluded. An order under clause 362 made on an ex parte basis cannot operate for a period of more than 30 days.

Property rights

As outlined above, 'property' under the Charter includes all real and personal property interests and property rights characteristically entail the right to use, control, transfer, dispose and exclude. As the above provisions authorise such actions as the destruction or disposal of building products or materials or goods and dealings with property, it will constitute a substantial restriction to a person's use or enjoyment of their property, such that the interference could amount to a 'deprivation' of property.

However, this right is not limited where a law that authorises a deprivation of property is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct. For example, it is subject to judicial oversight, where the court may only grant an injunction if it is satisfied that certain specified conditions related to the contravention of building legislation, a condition of any licence or registration under building legislation, or a notice, permit, direction, order or determination issued or made under building legislation.

A prohibition order that may be made under clause 362 potentially interferes with property. In my opinion, the right to property is not limited by these provisions, as any deprivation of property will only result from adherence to the sufficiently certain and circumscribed provisions, only following an application to a court, and only for a specified period (section 362(2)). If an application is made on an ex parte basis then it cannot operate for more than 30 days. This requirement confines any interference with property in circumstances where the person whose property may be affected by the order is not provided with advance notice of the application for an order.

As any deprivation of property which occurs as a result of the operation of section 362 will occur by way of a court order, it will be in accordance with law. Further, any deprivation of property is reasonably necessary to achieve the important objective of ensuring compliance with building legislation.

Therefore, I consider that any deprivation will be in accordance with the law such that the right to property is not limited.

Right to privacy

Although the Charter does not include an express 'right to work', there is case law which suggests that the right to privacy may include 'a right to work of some kind' where there is a sufficient impact upon the personal relationships of an individual or on their capacity to experience a private life, for example by curtailing their ability to earn a living and maintain their identity through employment.

It is possible that an injunction under clause 356(5) restraining a person from carrying on a business as a building practitioner or a plumber or supplying goods or services used in building work or plumbing work may significantly curtail their ability to earn a living and maintain their identity through employment. Accordingly, on a broad reading, the right to privacy may be engaged by this provision. However, for the right to be limited, any interference must be unlawful and arbitrary. The question of arbitrariness depends upon the proportionality of any interference with privacy.

In my view, any impacts on the right to privacy are not unlawful or arbitrary. This is so because the injunction power is subject to a range of safeguards, such that any limits on rights are precise and carefully circumscribed. As outlined above in the property discussion, an injunction can only be made by the court if it is satisfied that certain specified conditions related to the contravention of legislation, a condition of any licence or registration, or notice, permit, direction, order or determination. Accordingly, any deprivation of privacy is reasonably necessary to achieve the important objective of ensuring compliance with building legislation.

Therefore, these provisions are aimed at ensuring that only suitable people are permitted to work in the industry, which serves a legitimate and important protective purpose. The power to restrain employment due

to a person's failure to comply with the law is an important regulatory function that protects the integrity and safety of the industry.

Accordingly, I consider that any interference arising from the injunction provision would not be arbitrary.

Adverse publicity orders

Clause 367 of the Bill provides the court with the power to make an adverse publicity order if a person is found guilty of an offence or to have contravened a civil penalty provision.

If the court finds a person guilty of an offence against the building legislation or finds that a person has contravened a civil penalty provision, the court may, on application by the BPC, make an order requiring the person to do all or any of the following within the period specified in the order: disclose specified information to which the person has access to a specified person and in a specified way; or publish an advertisement at the person's expense in terms specified or determined in accordance with the order and in a specified way. The court may make an adverse publicity order in addition to imposing a penalty or making any other order the court may make in relation to the offence or contravention of the civil penalty provision.

An adverse publicity order serves the important purpose of seeking to promote accountability by preventing a person from concealing that they have been found guilty of an offence or found to have contravened a civil penalty provision and have been subject to a penalty. The purpose of the order is to deter future breaches and promote consumer awareness of the offender or contravener. This helps to create better outcomes for consumers, who will be made aware of the previous conduct of persons who have contravened the building legislation who they may be considering engaging related to the provision of services in their homes or businesses. The risk of an adverse publicity order and the resulting damage to a person's reputation may create a greater deterrence than a monetary penalty, which will in turn encourage greater compliance with the building legislation.

Right to privacy and reputation

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

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

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

I am satisfied that the right to privacy and reputation under section 13 of the Charter is not limited by the power for the court to make adverse publicity orders in clause 367.

Right to freedom of expression

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

Disciplinary action against licensed or registered persons

Chapter 7 provides for a framework for the BPC to take disciplinary action against licensed or registered persons (including registered or licensed building practitioners or employees, or licensed or registered plumbers, or endorsed building engineers) in the circumstances set out in that chapter.

Part 7.2 provides for the disciplinary powers of the BPC, including the disciplinary action it can take, and the grounds for disciplinary action in Part 7.3.

Training, rectification or other directions

Clause 374 of the Bill defines 'disciplinary action' to include directing a licensed or registered person to do, or not to do, a specified thing, including to rectify or complete specified building or plumbing work (clause 374(b)), or requiring the person to complete training (clause 374(c)).

Freedom from forced work

As outlined above, 'forced or compulsory labour' under section 11 of the Charter does not include work that forms part of normal civil obligations, being work provided for by law, imposed for a legitimate purpose, and not having a punitive purpose or effect. The action provided for under clause 374(b) and (c) is intended to ensure that building and plumbing work complies with regulatory standards, and that licensed and registered people are appropriately qualified to undertake building and plumbing work. This, in turn, is intended to protect against risks to people from unsafe building and plumbing work and lift professional standards. Accordingly, as this work is provided for by law, imposed for a legitimate protective purpose on people who have voluntarily assumed responsibilities participating in a regulated sector, and do not have a punitive purpose or effect, I do not consider that these provisions engage section 11.

Rights to fair hearing and to not be tried or punished more than once

Clause 374 of the Bill also defines 'disciplinary action' to include ordering a licensed or registered person to pay the BPC a penalty (clause 374(d)).

This provision is relevant to the rights to a fair hearing (section 24(1)) and the protection against double punishment (section 26).

Firstly, the right to a fair hearing includes a right to have a criminal charge decided by a competent, independent and impartial court after a fair hearing. Implicit in this right is that a criminal penalty is only imposed on a person following a finding of guilt by a court pursuant to a criminal process. While clause 374 empowers the BPC to order a person to pay the BPC a penalty of penalty units, in my view, this is not to be regarded as a criminal sanction so as to engage this implied right.

The disciplinary action provided for in Chapter 7 could not be characterised as punitive or constituting a criminal proceeding. The Bill describes such proceedings as 'disciplinary action' which has a civil connotation. Disciplinary proceedings are brought by application (not by arrest or summons). Proceedings are brought on grounds relating to upholding professional standards, protecting the public and maintain confidence in the building and plumbing sector. The available sanctions are largely preventative and relate to enforcing compliance with building legislation and deterring non-compliance. To the extent that they do include penalty units, these are set at a moderate amount and do not enliven criminal consequences such as a conviction or imprisonment. A disciplinary sanction involving penalty units is a common sanction in regulated sectors.

As this is not a criminal process involving a punitive sanction, it is not relevant to the protection against double punishment in section 26. Nonetheless, I note the Bill still gives effect to this right by way of clause 374(d), which provides that the BPC cannot order a person to pay a penalty if a charge has already been filed in relation to the matter, or if the matter has been dealt with by a court exercising its criminal jurisdiction or by an infringement notice. Additionally, clause 375 permits the BPC to take disciplinary action in relation to an expiated building and plumbing infringement offence under the *Infringements Act 2006* (which would involve circumstances where a person has already paid an infringement penalty), but (pursuant to clause 375(2)) cannot impose a further penalty as a disciplinary sanction under clause 374(d).

Accordingly, I am satisfied these provisions are compatible with these rights.

Show cause process

Part 7.5 provides for a show cause process to be initiated if the BPC proposes to take disciplinary action against a person.

Fair hearing

As noted above, a 'civil proceeding' under section 24(1) of the Charter is not limited to a proceeding decided by judicial decision-makers; it may encompass the decision-making procedures of administrative decision-makers with the power to determine private rights and interests. The entire decision-making process, including the availability of reviews and appeals, must be examined to determine whether the fair hearing right is limited.

In my view, the show cause process provided for in Part 7.5 promotes section 24(1) of the Charter by affording a licensed or registered person subject to proposed disciplinary action the following procedural fairness safeguards:

- the BPC must give a show cause notice to the person, stating the proposed disciplinary action, the ground for the action and the facts forming the basis of the ground, and that the person may make written or oral representations to the BPC (clauses 392 and 393);
- if the BPC ceases to reasonably believe that a ground exists to take disciplinary action, it must give written notice to the person that no further action will be taken in relation to the show cause notice (clause 396);

- if the BPC does reasonably believe that a ground exists, it must give written notice to the person of the decision to take disciplinary action, and include either the reasons for the decision or that the person may request written reasons (clause 398); and
- if the BPC decides to defer taking the disciplinary action proposed in the show cause notice, it must also give written notice to the person of the decision, including details such as whether any conditions are imposed on the deferral and then give written notice if it decides to then revoke the deferral (clauses 398, 400 and 401).

A licensed or registered person can apply for internal review of a decision of the BPC to take disciplinary action against them (under clause 398), to impose any condition on the deferral of disciplinary action (under clause 399(2)), to revoke a deferral of disciplinary action (under clauses 400 and 401). A person can apply for VCAT review of a decision of the BPC under clause 398 to disqualify them from holding a licence or being registered. Other decisions of the BPC made under clause 398, or decisions made under clauses 399(2), 400 or 401, if the chief executive officer or a commissioner made the decision or was involved in the matters that gave rise to the reviewable decision, are also subject to VCAT review.

Mandatory cancellation and suspension (emergency, interim or immediate) of licence or registration

Fair hearing

As noted above, a 'civil proceeding' under section 24(1) of the Charter is not limited to a proceeding decided by judicial decision-makers; it may encompass the decision-making procedures of provided for in Chapter 7 of the Bill, including:

- the BPC or VCAT must cancel a person's licence or registration if they make a finding during disciplinary proceedings that the person is not a fit and proper person or does not satisfy one or more of the matters set out in section 377(2): clause 381(1) of the Bill (**mandatory cancellation**);
- before taking any disciplinary action, the BPC may suspend a person's licence or registration if the BPC reasonably believes that a ground for disciplinary action exists and suspension is in the interests of the public, including having regard to any risks to neighbouring properties, people's health and safety, and consumers: clause 382(1) of the Bill (**emergency suspension**);
- if the BPC reasonably believes that a person has contravened prescribed provisions in building legislation or prescribed provisions in any other Act, the BPC may (and in certain cases must) suspend the person's licence or registration on an interim basis: clause 385(1) and (2) of the Bill (**interim suspension**); and
- if the BPC reasonably believes that a person has ceased to be covered by the required insurance, or has ceased to comply with certain building legislation, or has failed to pay a penalty or to comply with licence conditions, or has failed to complete required training, the BPC may immediately suspend the person's licence or registration: clause 388(1) of the Bill (**immediate suspension**).

In my view, the administrative decisions provided for in Chapter 7 of the Bill are compatible with section 24(1) of the Charter because of the key procedural fairness safeguards set out below.

In relation to **emergency suspension** and **immediate suspension**:

- the BPC must give the person notice of its decision to suspend their licence or registration, the grounds for taking disciplinary action and the availability of review: clause 383(1) and clause 389(1) of the Bill respectively;
- the BPC must provide written reasons for the emergency suspension and the immediate suspension to the person within five business days after giving notice: clause 383(2) and clause 389(2) respectively; and
- the show cause notice process applies to an emergency suspension: clause 383(3).

In relation to **interim suspension**, additional information must be included in the show cause notice: clause 386.

Further, under clause 407, the BPC may at any time revoke a suspension, if satisfied it is appropriate to do so, and provide written notice of its decision to the licensed or registered person.

In addition to the safeguards listed above, a person can apply for internal review, and then VCAT review, of a decision of the BPC to suspend a licence or registration on an emergency basis (under clause 382), an interim basis (under clause 385), or an immediate basis (under clause 388).

For these reasons, I consider that the administrative decisions discussed above that are provided for in Chapter 7 do not limit the right to fair hearing.

Publishing adverse decisions and notifying of cancellation or suspension of licence or registration

Clause 409 provides that the BPC may publish on its website details of an adverse decision made against a licensed or registered person under Chapter 7 or the Building Act. Clause 404 requires a person whose licence or registration has been cancelled or suspended to give written notice of the cancellation or suspension to anyone with whom the person has entered into a contract for the carrying out of work.

Privacy and reputation, and freedom of expression

By permitting and requiring the publication and notification of details of adverse decisions, including the cancellation or suspension of licences or registrations, clauses 404 and 409 engage sections 13 and 15(2) of the Charter.

The publication on the BPC's website of details of adverse decisions, permitted under clause 409, would involve the sharing of personal information (for example, at least the name of a licensed or registered person). Further, the adverse nature of the decision would affect the professional reputation of the person. However, I do not consider that clause 409 would limit either the right to privacy in section 13(a) of the Charter or the right not to have a person's reputation unlawfully attacked in section 13(b).

With respect to section 13(a), any interferences with a person's privacy would be lawful and not arbitrary. The details would be confined to only those necessary to identify a licensed or registered person against whom an adverse decision has been made. With respect to section 13(b), the publication of the decision details would be lawful and serves the legitimate and important purpose of making it known to the public the status of the licence or registration of people they might wish to engage for building or plumbing work (for example, whether disciplinary action has been taken against them, the length of any suspension etc). This, in turn, helps to create better outcomes for consumers.

Similar to adverse publicity orders discussed above, the purpose of publishing adverse decisions is also to deter non-compliance with building legislation and promote consumer awareness of the offender or contravener, owing to the risk of an adverse decision being published online and damaging a person's reputation. Further, clause 409 contains the following protections of a person's reputation:

- the BPC must note whether internal or external review of the decision has been sought;
- the BPC must remove from its website the details of any adverse decision that is overturned, or revise the details of any decision that is that is amended or substituted on internal or external review; and
- the decision details cannot be published for longer than 5 years after the decision is made or ceases to have effect.

The requirement under clause 404 to directly notify anyone who has entered into a contract for the carrying out of work by a person whose licence or registration has been cancelled or suspended, confined to circumstances in which that person is prohibited from carrying out the work without the registration or licence, clearly serves a legitimate and important purpose of protecting consumers, including against risks to their safety. Accordingly, clause 404 also does not limit section 13 of the Charter.

Finally, by requiring information to be provided, clauses 404 and 409 engage section 15(2) of the Charter, which protects the right to freedom from being compelled to provide information. This right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons including, relevantly, consumers in the building industry. Noting the purposes outlined above that these clauses seek to promote, I do not consider that they limit section 15(2) of the Charter.

Chapter 8 – Building permit applications and the building permit levy

Right to privacy

Clauses 421 and 422 of the Bill set out the information that must be specified in, respectively, a building permit application or a staged permit application. The information provided for in clauses 421 and 422 relates to contract prices, or agreed or estimated amounts, to be paid to builders/contractors, and the cost of chattels or certain items. As this information is not personal information, I do not consider that clauses 421 and 422 engage the right to privacy in section 13(a) of the Charter. If the right were found to be engaged, it would not be limited, because any interference with privacy would be in accordance with law and not arbitrary.

Fair hearing

Chapter 8 of the Bill provides for administrative decisions to be made in relation to building permit applications and building permit levies. Clause 424 of the Bill provides for when a relevant building surveyor must refuse an application for, or to amend, a building permit. With respect to the building permit levy:

- clause 425 provides for the assessment and notification of the amount of building permit levy;

- clause 417 empowers the BPC to reassess the amount of building permit levy after a building permit has been issued;
- clause 418 empowers the BPC to assess the amount of building permit levy if a person is found guilty of, or is reasonably believed by the BPC to have committed, an offence against section 16(1) or 16B(1) of the Building Act;
- clause 419 provides for the imposition of a penalty levy; and
- clause 432 empowers the BPC to charge the reasonable costs incurred by it for reassessments after the issue of building permits or assessments in respect of unauthorised building work.

As noted above, the terms 'proceeding' and 'party' in section 24(1) of the Charter suggest that the fair hearing right was intended to apply only to decision-makers who conduct proceedings with parties that are determinative of existing rights. In my view, the administrative decisions provided for in clauses 424, 425, 417, 418, 432 and 419 do not involve the conduct of proceedings with parties so as to engage section 24(1), nor are they determinative of existing rights: rather, clause 424 sets out the circumstances in which a relevant building surveyor must refuse to issue a building permit, a prospective right; and clauses 425, 417, 418, 432 and 419 concern building permit levy amounts and the BPC's related costs – these are liabilities incurred by, and not rights of, applicants.

If, however, a broad reading of section 24(1) were adopted and it was understood that the fair hearing right was relevant to decisions made pursuant to the clauses above, this right would not be limited. The right to a fair hearing is concerned with the procedural fairness of a decision. The entire decision-making process, including the availability of review, must be examined to determine whether the right in section 24(1) is limited. In my view, section 24(1) is not limited because of the following key procedural fairness safeguards provided for in Chapter 8:

- the BPC must give the applicant for a building permit written notice of the applicable rate of the building permit levy and the amount payable: clause 425(2)(b)(iii), (3)(b)(iii) and (5)(b)(ii);
- in respect of reassessments after a building permit has been issued:
  - the BPC must give notice to the person liable to pay the additional amount of levy, any penalty levy (if applicable) and any costs charged, which addresses the matters in clause 427(2) and states that the person has the right to apply to VCAT for review of the decisions and calculations listed in clause 427(2)(g); and
  - if applicable, the BPC must give notice to the person who paid the levy of its reassessment (and a refund of the difference between the levy amount paid and the reassessed levy amount) and the notice must also state that the person has the right to apply to VCAT for review of the reassessment: clause 428(2);
- in respect of assessments of unauthorised building work, the BPC must give notice of the levy, any penalty levy and any costs charged, and the notice must also state that the person given the notice has the right to apply to VCAT for review of the decisions and calculations listed in clause 430(2)(g); and
- in addition to the decisions listed above that are subject to review, VCAT review can also be sought of the BPC's decisions under clause 425 as to the amount of building permit levy (which includes any amount of penalty levy), the reasons for a reassessment under clause 417(1) and, under clause 432, the costs charged in carrying out a reassessment or an assessment (clause 201).

For these reasons, I consider that the administrative decisions provided for in clauses 417(1), 418(2), 419(3), 425 and 432 would not limit the right to fair hearing, were it considered to be engaged at all.

Penalty levy

Under clause 419 of the Bill, an amount of penalty levy is imposed if:

- a person liable to pay a building permit levy failed to notify the BPC within the specified time period (specified in clause 416(2) and (3)) about a variation to the building work that will result in an increase to the cost of the building work of a certain amount;
- the BPC reasonably believes that a person who is liable to pay a building permit levy has committed an offence against clause 324(1) by knowingly providing false or misleading information referred to in clauses 416 (in relation to notifying the BPC of increased cost of building work), 421 (information required in building permit applications), 422 (information required in staged permit applications) or 423 (information required relating to class or classes of building); or
- the BPC serves a notice under clause 430(1) after assessing a building permit levy in respect of unauthorised building work.

A penalty levy is not payable if the BPC is satisfied that the person:

- honestly and reasonably believed that the variation to the building work did not increase the cost of the building work by a certain amount; or
- will suffer financial hardship as a result of paying the penalty levy.

Right to fair hearing and to have a criminal charge decided by a court

As discussed above, the right to have a criminal charge decided by a competent court, which is a component of the right to a fair hearing, may include an implied protection against forms of punishment being imposed outside of a court process and following a finding of guilt.

Accordingly, it is necessary to discuss the characteristics of the penalty levy, which in my view should not be considered as constituting a criminal penalty for the following reasons:

- Penalty levies are imposed primarily for the purpose of deterrence. As the obligation to give notice of any increase to the cost of the building work under clause 416 (or a failure to do so or a failure to do so accurately) affects the ability of the BPC to calculate the building permit levy, there can be a financial advantage to not providing correct information or not providing the information at all. The penalty levy functions to discourage non-declaration or under-declaration of costs, so that those who do not comply with the law do not gain a financial advantage over those who do. They are intended to deter failures to notify the BPC of increased costs of the building work and to promote compliance with the Bill, in particular by ensuring that the building permit levy paid reflects the cost of the building work.
- This purpose is supported by setting the amount of penalty levy as a percentage of the assessed amount of building permit levy (clause 419(4)). I consider this amount to be reasonably necessary to deter contraventions of the Bill's building permit levy provisions.
- To the extent that the penalty levy is considered to serve a punitive purpose (e.g., to punish failures to notify the BPC of increased costs of building work in a timely and accurate matter), this does not make the penalty levy criminal, or akin to criminal punishment or a criminal charge. The penalty levy is still principally an administrative penalty. Unlike a fine, a penalty levy cannot be converted into other penal sanctions, and does not result in a criminal record. Because the penalty levy is part of the building permit levy (refer to clause 412(1)(c)) a penalty levy may be recovered in a court of competent jurisdiction as a debt due to the Commission (clause 433). Accordingly, any necessary enforcement of this civil debt would be governed by the civil debt recovery system, not the criminal law (e.g., a person would not be imprisoned for a failure to discharge the debt).

For the reasons listed above, I do not consider that the criminal process rights under the Charter are engaged by clause 419 of the Bill. Similarly, as the penalty levy provided for by clause 419 would not be considered as imposing criminal consequences, it does not result in the determination of a criminal charge pursuant to section 24(1) of the Charter.

Right not to be tried or punished more than once

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 law. This right reflects the principle of double jeopardy which only applies in respect of criminal offences. It will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, and vice versa.

The penalty levy provided for by clause 419 of the Bill is imposed by that clause if the BPC reasonably believes that a person liable to pay a building permit levy has failed to notify the Commission within the time required of an increase in the cost of building work, or has committed an offence against clause 324(1) in relation to providing false or misleading information. A penalty levy is also imposed by clause 419(1)(c) if the BPC serves a notice on a person under clause 430(1) advising the person that they are liable to pay an amount of building permit levy in relation to building work (for which a building permit is required) that was carried out or that is reasonably believed by the BPC to have been carried out without a building permit.

Whether a person's right not to be punished more than once is engaged by clause 419 will depend on whether the penalty levy is of such a nature and magnitude to constitute truly penal consequences. As I have noted above, the penalty levy would not be considered punitive or a criminal sanction.

Accordingly, I consider that clause 419 of the Bill is compatible with the right not to be tried or punished more than once under section 26 of the Charter.

Presumption of innocence

As also noted above, the right to be presumed innocent until proved guilty according to law in section 25(1)) of the Charter applies to people charged with a criminal offence. Assuming this right has application beyond

criminal proceedings, imposing a penalty levy based on the BPC's reasonable belief that a person has contravened clause 416 or has committed an offence against clause 324 or against section 16(1) or 16B(1) of the Building Act, as provided for respectively under clause 419(1)(a), (b) or (c), may limit this right. However, I consider that any such limitation is reasonably justified. As noted above, the primary purpose of clause 419 is to deter the avoidance of paying the full amount of building permit levy by a failure to apply for and obtain a building permit in accordance with Part 3 of the Building Act or a failure to notify the BPC of increased costs of the building work or by the provision of false or misleading information.

Further, the Bill provides that a person liable to pay a penalty levy is able to apply for VCAT review of the BPC's decision under clause 419(1) if it is believed that a person has committed an offence (clause 201).

For the reasons above, I conclude that clause 419 is compatible with section 25(1) of the Charter.

Building industry orders

Chapter 9 of the Bill enables the Governor in Council to make building industry restructuring orders and building industry transfer orders.

Building industry restructuring orders made under Part 9.1 can only be made by the Governor in Council on the recommendation of the Minister if the Minister is satisfied that the proposed order is consistent with the building system objective and is necessary to facilitate the better integration or any improvement of the building system, or the delivery of a specific strategy, policy, program, service or project relating to the building system. They apply in respect of building industry bodies being the BPC, the Building Appeals Tribunal, the State Building Surveyor and the Building Monitor. While a building industry restructuring order can establish a new building industry body, the new body will be a body corporate (clause 440).

Part 9.2 enables the Governor in Council to make building industry transfer orders on the joint recommendation of the Minister and the Treasurer if they are required by a building industry restructuring order, necessary to enable the transfer of a program or project for the building system or are necessary for the transfer of property, rights and liabilities from one building industry body to another.

The provisions in the Bill enable, rather than give effect to, a restructure or transfer of property, rights and liabilities. However, Orders made under Part 9.2 have the potential to impact on property, rights or liabilities or employment of natural persons. If a transfer order is made by the Governor in Council on the recommendation of the Minister and the Treasurer, all property rights and liabilities specified in the order transfer to the recipient building industry body, and the recipient building industry body is substituted as a party to any agreement or proceeding. The transfer is authorised by law and the enabling provisions are confined and structured, accessible to the public (the orders require publishing in the Government Gazette), formulated precisely and do not operate arbitrarily.

I therefore consider that the transfer of property, rights and liabilities under a building industry transfer order would not limit the property rights of any natural persons holding the interest as they are not being deprived of their interest. Rather, any right or liability of the transferee building industry body would be transferred from one building industry body to another without altering the substantive content of that right or liability. Insofar as a cause of action may be considered property within the meaning of section 20 of the Charter, I also consider that the provisions discussed above would not result in any deprivation of property as they would not extinguish any cause of action which a person may have against the relevant building industry body.

If employees are required to be transferred as a result of the making of a building industry restructuring order or a transfer order and those employees are employed under Part 3 of the *Public Administration Act 2004* (**PAA**), the provisions in the PAA would apply.

If employees are not Part 3 employees, clause 458 provides a mechanism to transfer employees on terms and conditions of employment determined by the Secretary that are no less favourable overall than those that applied to the person immediately before the transfer date, and with the protections set out in that clause. A transferred employee would therefore have equivalent entitlement to benefits accrued as an employee of the transferee body.

I also note that a transferring employee would not be denied the capacity to seek alternative employment on similar terms and that the provisions, if used, are unlikely to constitute an interference with private life of sufficient gravity so as to limit the right to privacy.

I further note that, while the provision effecting the transfer of staff would, if used, automatically alter a person's employer without their consent, the person's ongoing employment is of their own volition. Accordingly, the right to freedom from forced work would not be limited by such a transfer.

Noting that Part 9 contains powers to make orders, if a building industry restructuring order or a building industry transfer order were to be made, I do not consider that any rights under the Chater would be limited for the reasons explained above.

Chapter 10 – General

Information sharing, disclosure and use of personal information

Part 10.1 of Chapter 10 of the Bill includes information sharing provisions and provisions concerning the use and disclosure of building and plumbing information, which includes personal information, as well as commercially sensitive information and dispute resolution information obtained under Part 4 of the *Domestic Building Contracts Act 1995*. Part 10.1 of the Bill will replace sections 259A, 259AB, 259B and 259C of the Building Act and section 52I of the *Domestic Building Contracts Act 1995*. The provisions will provide for the circumstances in which permitted persons, which includes the BPC and its employees, may use and disclose information and also enter into information sharing arrangements with permitted agencies.

The Part also includes an offence provision to ensure confidentiality of building and plumbing information (clause 461) and provisions concerning use of building and plumbing information, including personal information (clauses 462 and 463), disclosure of building and plumbing information (clause 464), disclosure of information obtained under Part 4 of the *Domestic Building Contracts Act 1995* (clause 465), provision of information by the chief dispute resolution officer to the Director of Consumer Affairs Victoria (clause 467), and that the BPC may disclose cooling tower information (clause 468). It also provides for the circumstances in which commercially sensitive information can be disclosed (clause 466).

Right to privacy

To the extent that the information shared between the BPC, any permitted person and any other person includes personal information, the Bill will engage the right to privacy in section 13(a) of the Charter. In my opinion, any limit on the right to privacy by Part 10.1 of the Bill is reasonable and justified.

Although these provisions require and permit the BPC and permitted persons to use and disclose personal and identifying information, I do not consider these provisions are unlawful or arbitrary.

The purposes of the information sharing provisions are facilitating the sharing or exchanging of information held by the BPC and the permitted persons. The information shared must be reasonably necessary to assist the BPC or other permitted person to carry out the BPC's functions or powers. The Bill also provides for the sharing of information between the BPC and permitted agencies.

Clause 470 of the Bill imposes several limitations on how information can be shared under an information sharing arrangement made under that clause. Under clause 470(1) and (3)(a), if the information is to be shared between the BPC and a permitted agency, the information must be reasonably necessary to assist in the performance of the BPC's functions or the exercise of its powers or the functions of the permitted agency or the exercise of its powers. Further, under clause 470(2) and (3)(b), if the information is to be shared between two permitted agencies, it may only be information that (a) the receiving permitted agency could have requested from the BPC under clause 470(3)(a); or (b) is reasonably necessary to assist in the performance of the permitted agency's functions under the Bill.

Further, the BPC and each permitted agency that is a public entity within the meaning of the *Public Administration Act 2004* is bound by the requirements of the *Privacy and Data Protection Act 2014* and must ensure that any collection, use or disclosure of information is undertaken in accordance with the Information Privacy Principles set out in Part 3 of that Act.

In my opinion, these provisions will not result in any arbitrary or unlawful interference with privacy, as any disclosure of personal information authorised by these provisions will only occur to the extent necessary to perform the functions of the BPC or permitted agency and, for the sharing of information between permitted agencies, the functions of the permitted agency are confined to any functions the agency has under the Bill.

Accordingly, I consider that the information sharing arrangements provided for under clause 470 of the Bill are compatible with the right to privacy under section 13(a) of the Charter.

Immunities and indemnities

Part 10.2 of the Bill includes clause 473 which provides for a statutory immunity for members and staff of public authorities for acts or omissions done in good faith performing a function or exercising a power of the public authority under this Bill or the regulations, or the Building Act or regulations or in the reasonable belief that the act or omission was in the performance of a function or the exercise of a power under that legislation. Clause 473(2) provides that the liability instead attaches to the public authority, which, in effect, provides for an indemnity for the members and staff of these public authorities.

Fair hearing

The fair hearing right is relevant where statutory immunities are provided to certain persons as this right has been held to encompass a person's right of access to the courts for determination of a civil claim. Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, clause 473 may also engage this right.

As noted above, clause 473 of the Bill provides an immunity for members and staff of public authorities to not be held liable for anything done or omitted to be done in good faith in carrying out a function or exercising a power under the legislation referred to above, or in the reasonable belief that the act or omission was in the carrying out of a function or exercise of a power under that legislation.

While a public authority would include the BPC, clause 473(3) provides that clause 473 does not apply to a municipal council, so it does not apply to persons employed or engaged by a municipal council.

The exclusion from personal liability under clause 473 of the Bill will not interfere with the right to a fair hearing, because parties seeking redress are instead able to bring a claim against the public authority (clause 473(2)).

Additionally, the person employed or engaged by the public authority will still remain personally liable for any conduct not performed in good faith. Accordingly, this provision does not limit the right to a fair hearing under the Charter.

For these reasons, I consider that the limitation imposed on the right to a fair hearing by this immunity is justified and so compatible with the Charter.

Chapter 11 – Savings and transitional provisions and consequential amendments

Transfer of property, rights and liabilities from VBA to BPC

Clause 501 provides that all property and rights that were vested in the VBA are vested in the BPC and all liabilities of the VBA become liabilities of the BPC.

Right to property

The transfer of property, rights and liabilities from the VBA to the BPC is relevant to the property rights of natural persons who hold an interest in the liability transferred. However, this transfer of liabilities will not limit the property rights of persons holding the interest as they are not being deprived of their interest in the liability. Rather, the liability is transferred from one statutory office to another without altering the substantive content of that right.

Insofar as a cause of action in relation to any potential liability held by the VBA may be considered 'property' within the meaning of section 20 of the Charter, clause 501 may engage this right. However, in my opinion, these new provisions do not effect a deprivation of property as they do not extinguish any cause of action which a person may have against the VBA. Rather, liability is transferred to the BPC.

Accordingly, I consider that the amendment to transfer liabilities to the BPC does not limit this Charter right.

Transfer of staff

Clause 508 provides that a person who was employed by the VBA immediately before the commencement day is to be regarded as having been employed or engaged by the BPC with effect from the commencement day. The transfer of staff occasioned by this amendment is relevant to the Charter rights to freedom from forced work (section 11) and the right to privacy (section 13). However, for the reasons below, I consider that neither right is limited by these amendments.

Freedom from forced work

The right to freedom from forced work relevantly provides that a person must not be made to perform forced or compulsory labour, which includes all work or service exacted from any person under the menace of a penalty and for which the person has not offered themselves voluntarily (with certain exceptions).

While the provision effecting the transfer of staff will automatically alter a person's employer without their consent, the person's ongoing employment is of their own volition. For example, clause 509 expressly states that nothing in Division 3 of Part 11.1 prevents a person from resigning in accordance with the terms and conditions of their employment.

Accordingly, the right to freedom from forced work is not limited by this amendment.

Right to work

The right to privacy is a broad right that protects a person from interference in their personal and social sphere, including their capacity to pursue their chosen field of employment and develop and maintain personal relationships in the course of employment. While the right is relevant to matters of employment, it would

generally only be considered limited by restrictions on employment that have consequential effects on an individual's capacity to experience a private life.

Reforms concerning the terms of an individual's employment, particularly in the context of a statutory reform in relation to the person's employment (as discussed above), and where an employee is not being denied the capacity to seek alternative employment on similar terms, are unlikely to constitute an interference with private life of sufficient gravity so as to limit the right to privacy.

Further, subclauses 508(1)(b)–(c) stipulate that a person whose employment is transferred to the BPC will be employed on terms and conditions no less favourable overall than those that applied to them at the VBA and will have equivalent entitlement to benefits accrued as an employee of the VBA. Therefore, the proposed transfer will not result in any materially detriment to a staff member's employment terms, conditions or entitlements. Therefore, I am satisfied that the right to work is not limited by this amendment.

Conclusion

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

The Hon. Harriet Shing, MP
Minister for Development Victoria and Precincts
Minister for Housing and Building

Second reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:01): I move:

That the bill be now read a second time.

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

Background to the Bill

This Bill is first and foremost about protecting consumers from debilitating debt and heartbreak. The single biggest investment most Victorians will make in their lifetime is their home. Whether Victorians are purchasing or renting, they should be able to do so with the confidence that they will be moving into a safe, high quality and affordable home which is free from costly defects. The Building and Plumbing Administration and Enforcement Bill delivers more protections for Victorians, giving them greater peace of mind by strengthening regulatory oversight of the sector and putting consumers at the core of the system, where they belong.

The affordability and availability of housing is one of the most pressing issues we face today. This is the case not only in Victoria, but around Australia and in many other countries around the world. The Victorian Government is fighting for consumers with comprehensive reforms to deliver a stronger building regulatory system.

In 2023 the Government released the Housing Statement, setting out our plan of building 800,000 new homes over a decade. At a federal level, we are working with the Commonwealth to deliver on the Housing Accord, which targets the construction of 1.2 million new homes nationally by mid-2029. These are ambitious targets, but ambition is necessary to meet the needs of our growing state. The old system, established by a previous Liberal government, left Victorian workers on their own and saw housing become more expensive for both owners and renters, and first home buyers felt their goals slip further from their reach.

Victoria's program of reform is leading the nation and protecting consumers. More homes are being built in Victoria than in any other state. While other states have sought to water down their building controls to catch up, Victoria continues to build more homes and build them *well*.

In 2025, we released the Building Statement to expand upon the foundation of the Housing Statement and guide our program of reforms to the building system. At the centre of this program is the establishment of a new and more powerful watchdog with the teeth it needs to hold dodgy building work to account, the Building and Plumbing Commission (BPC).

The BPC consolidates all aspects of building control, including regulation, insurance and dispute resolution, into a single agency overseeing Victoria's building and plumbing industries. With tough new powers, the Commission represents the beginning of a new era of building and plumbing regulation in Victoria. It is the most comprehensive overhaul of the system since the *Building Act* was introduced over 30 years ago.

Over the past 12 months, the Government has delivered a slate of reforms through the *Building Legislation Amendment (Buyer Protections) Act 2025*, the *Domestic Building Contracts Amendment Act 2025*, and the *Building Legislation Amendment (Fairer Payments on Job Sites and Other Matters) Act 2025*. These Acts

began the process of consolidating all aspects of the regulatory system into a single body, with the Victorian Building Authority operating as the BPC from 1 July 2025.

Through these Acts, we are giving the Commission new powers to force builders to rectify poor work, closing a loophole that prevented the old regulator taking this action after occupants have moved in. We are introducing a new first-resort warranty scheme for projects of up to three storeys, supporting consumers to access their insurance more quickly when issues arise. We have also introduced a new developer bond to provide more financial protection for owners of apartments in buildings four storeys or higher, holding developers accountable for poor building work.

We are modernising the dispute resolution process, and we have worked proactively with industry and consumer groups on reforms to ensure the rules around domestic building contracts are clear and fair.

We have legislated changes to the security of payment framework to better protect sub-contractors and make sure they are paid fairly and on time for their work on site.

These reforms rightly protect consumers, but they also provide industry with more certainty. With clear pathways to identify and rectify defects, and a dispute resolution process that is easier to navigate, builders and plumbers doing the right thing will benefit, while those doing the wrong thing will be held to account. Greater consumer confidence also means greater investment in new homes and development across our state.

The Building and Plumbing Administration and Enforcement Bill is the next step in permanently establishing the Commission. The main purposes of the Bill are:

- To provide for the administration and regulation of the building and plumbing industries in a standalone Act;
- To strengthen the enforcement of building legislation and building and plumbing standards;
- To provide effective and streamlined disciplinary processes for licensed and registered persons in the building and plumbing industries;
- To ensure effective regulation through the continuation of the building permit levy; and
- To make consequential amendments to the *Building Act 1993* and other Acts.

The scale of change in our state since the Building Act was introduced in 1993 is immense, and the Building Act has become increasingly cumbersome as more is bolted on to try to keep up. Now is the time to establish a new principal Act which clearly articulates the centrality of consumers to Victoria's building industry, a new legislative structure and a new, more robust regulator in the Building and Plumbing Commission.

The building system objective

The Bill introduces, for the first time, a clear building system objective. Its purpose is to define the fundamental goal that underpins all regulation and activity across Victoria's building system: protecting consumers.

At its core, this objective makes clear that protecting the health and safety of building occupants and the public is paramount whenever building and plumbing work is carried out or regulated. By placing this principle at the centre of the framework, the Bill provides a clear lens through which all decisions that affect the building system are to be made. This will protect consumers from expensive rectification costs and rebuild confidence and trust in Victoria's building system.

Building legislation

This Bill introduces a new definition of 'building legislation' to bring together the various Acts and subordinate legislation that regulate Victoria's building system under a single, coherent administration and enforcement framework.

By clearly identifying the legislation that sits within this framework, including this Bill, the *Building Act 1993*, the *Domestic Building Contracts Act 1995*, the *Building and Construction Industry Security of Payment Act 2002*, and any other prescribed legislation, the reforms remove fragmentation and uncertainty about how these laws interact.

Importantly, the definition ensures that all building legislation is interpreted consistently having regard to the new consumer-focused building system objective. This promotes a unified approach to regulation, supports clearer decision-making and ensures all related legislation is working towards a common purpose across the building system.

The Building and Plumbing Commission

In 2024, an independent review into the Victorian Building Authority's handling of consumer complaints confirmed that significant changes were required to better protect Victorians building or renovating a home. In response, the Government has supported a sweeping transformation of the Authority's culture and

performance. This Bill progresses the next step in that transformation by abolishing the Authority and replacing it with the new Building and Plumbing Commission.

The Bill provides flexible, accountable, and transparent governance arrangements for the Commission. Up to three Commissioners and a CEO may be appointed to govern the Commission, allowing the Government to add required skills and experience to the governing body and ensure it can respond to regulatory challenges in a timely manner.

To ensure the Commission acts in the public interest, without bias or conflicts of interest, the Bill introduces new eligibility requirements for Commissioners and the CEO. Persons who have worked in roles where there is a high risk of a conflict of interest, such as lobbying on behalf of industry within the past two years, will be ineligible for the positions of Commissioner or CEO. Similarly, in the immediate two years after leaving office, ex-Commissioners are not to undertake employment in roles where there is a high risk of a conflict of interest.

To ensure greater transparency and oversight of the Commission's operations, the Bill includes new reporting requirements. The Commission will report on a strategic plan, an annual work program and its performance against a consumer safety focused objective. For ongoing accountability and continuous improvement, the Bill provides for independent governance reviews within three years of the Commission's establishment and four years after the first review.

Clear roles in the new administration and enforcement framework

The Bill provides clarity to the roles of different entities across the building system. For the first time, the roles, relationships and responsibilities of government and regulatory bodies will be defined in one place. This means that anyone using building legislation – whether consumers, industry or regulators – can clearly understand how the system operates and where responsibilities sit. This strengthens accountability, improves regulatory effectiveness and supports confidence in the building system.

The Minister

The Bill clarifies the Minister's powers so as to support implementation, align regulation with government policy, and respond quickly to emerging risks, technical developments and urgent safety issues.

The Minister also ensures strong governance across the system, including by recommending statutory appointments to the Governor in Council and approving strategic plans of the Commission and the Building Monitor.

Ministerial advisory committees

The Bill provides for the Minister to seek expert advice through advisory committees. This recognises the technical complexity of the building system and ensures decisions can be informed by the right expertise at the right time.

Secretary

The new administration framework clearly sets out the Secretary's role in the system, providing role clarity across the building system. The Secretary, with their department, is responsible for accurate and high-quality policy advice to the Minister and effective implementation of government policy through legislation and regulation.

The insurance manager

The insurance manager oversees the operation of Victoria's statutory domestic building insurance arrangements. Appointed and employed by the Commission, the insurance manager reports to both the Minister and the Commission on performance of the statutory insurance scheme, as well as outstanding policies issued under the previous domestic building insurance scheme. This dual reporting role is central to transparency, accountability and the long-term sustainability of the insurance schemes, ensuring they continue to meet their public interest objectives.

The chief dispute resolution officer

The Bill integrates the chief dispute resolution officer into the new administration framework, to be appointed and employed by the Commission. Importantly, when performing dispute resolution functions, the chief dispute resolution officer and the conciliation officers and assessors they appoint, operate independently of the Commission's direction or control. This independence is essential to protect the rights of the parties, support procedural fairness, and maintain public confidence in the dispute resolution process.

The State Building Surveyor

The State Building Surveyor provides critical technical leadership within Victoria's building system. The Bill transfers this role from the *Building Act 1993* to the new administration framework.

To strengthen the statutory functions of the role, the Bill provides the State Building Surveyor with new information-gathering powers to support effective monitoring and early identification of emerging risks. These powers ensure regulators have the technical insight needed to respond to issues early, promote compliance, and maintain confidence in the safety and integrity of the building system.

The Building Monitor

The Building Monitor is an independent advocate for consumers within Victoria's building system. Empowered to gather information and engage with relevant entities for this purpose, this role is also being transferred from the *Building Act 1993* to the new administration framework.

Municipal councils

Municipal councils continue to play a vital role in the administration and enforcement of building legislation at a local level. The Bill retains these responsibilities as part of the new administration and enforcement framework, ensuring councils are clearly positioned within the modern regulatory structure.

The Bill preserves the Minister's ability to direct councils in the performance of their functions ensuring system-wide accountability and consistent regulatory outcomes across Victoria. At the same time, the State Building Surveyor has a clear role in monitoring councils' building control functions and providing advice and support, helping to strengthen capability and promote best practice.

Municipal building surveyors

Municipal building surveyors play a frontline role in protecting safety and compliance within the building system in their municipality. They exercise statutory powers under building legislation, including by issuing building permits, occupancy permits, building notices, building orders and emergency orders within their municipal districts.

The Bill maintains clear accountability by enabling both the Minister and the Commission to direct municipal building surveyors in the performance of their functions where appropriate. This ensures consistency, responsiveness and effective intervention when risks arise.

Private building surveyors

Private building surveyors continue to play a role in providing building control functions such as issuing building and occupancy permits. Strong safeguards remain in place to protect independence and integrity. The appointment of a building surveyor may only be terminated with the consent of the Commission, preventing inappropriate pressure and supporting professional independence. Where serious contraventions are identified, private building surveyors are required to escalate these matters to the Commission for further regulatory action.

The Building Appeals Tribunal

The Bill continues the Building Appeals Board as the Building Appeals Tribunal. This Tribunal plays a key role in providing independent review and determination of building matters. It exercises both administrative appeal and original jurisdiction under building legislation, ensuring decisions are subject to proper technical oversight and can be tested on their merits.

The new name of the Tribunal more accurately reflects its legal status, purpose and functions. Importantly, its jurisdiction, powers, constitution and procedures remain unchanged, preserving continuity and legal certainty.

A comprehensive suite of modern compliance and enforcement powers

The Bill establishes a new enforcement framework for Victoria's building legislation, which will equip the Commission and other building system regulators with modern, best practice and efficient powers to protect consumers and uphold the integrity of the industry.

While the vast majority of builders and plumbers work with pride, professionalism and high standards of quality and integrity, we also know that bad actors need to face consequences to stop them undermining hard-working builders in the industry. When things do go wrong, the financial and emotional impacts on consumers can be devastating. And when the reputation of the industry is tarnished, all hard working, professional builders and plumbers are impacted as consumer confidence and investment in the industry diminishes.

That's why we need a robust compliance and enforcement framework that can drive out those who wilfully flout the law and guide, educate and assist those who are doing the right thing.

The enforcement framework contains a range of measures to enhance the ability of the Commission and other building system regulators, such as municipal building surveyors, Energy Safe Victoria and fire safety authorities, to monitor and investigate compliance with building legislation. These include:

- Clarifying and strengthening powers of authorised persons to enter buildings or land to monitor and investigate compliance.
- Strengthening the Commission's investigation powers with an administrative power to compel a person to answer questions.
- Protecting the ability of authorised persons, including staff of the Commission, to undertake their work free of obstruction, abuse or assault through the introduction of new criminal offences.

The Bill expands the suite of enforcement options available at both ends of the scale of severity to enable the Commission to act efficiently and proportionately. Early intervention powers, such as improvement notices and a modernised infringement scheme, will allow the Commission to make proactive regulatory interventions to prevent harms from escalating. For more severe contraventions, enhanced powers will enable the Commission to seek significant consequences that better reflect the seriousness of major contraventions under building legislation.

Civil penalties

The Bill introduces a civil penalty regime, to provide the Commission with a wider suite of powers to hold bad-faith practitioners to account and to align it with other consumer regulators. This will allow the Commission to pursue much higher financial penalties for the most serious breaches of building legislation. Courts will be able to strip companies of the profits they make from cutting corners and disregarding the health and safety of building occupants and the public.

These provisions ensure that penalties appropriately respond to serious breaches, where the current penalty limits mean that a fine can simply be a cost of doing business for the most profitable firms. The size of the company, large or small, will be taken into account by the court when determining an appropriate civil penalty.

Ancillary orders

The Bill also introduces a new range of ancillary orders. These consumer-focused orders will be available to the court under the civil penalty regime, and in criminal proceedings in some instances.

Courts will have an enhanced power to disqualify body corporates and individuals from being licensed or registered, for a period to be determined by the court. That could mean a lifetime ban, where justified. Enhanced disqualification powers are necessary for public protection, and to remove rogue operators who unfairly compete against and undercut responsible licensed and registered persons and businesses.

Other new orders include adverse publicity orders, consumer compensation orders, and regulatory compliance and training orders. Alongside a civil penalty, an industry member may also be ordered to provide a community service relating to their breach of building legislation, like a consumer support service. These ancillary orders are similar to those in the Australian Consumer Law and are common to civil penalty regimes.

Director liability

The Bill will introduce two new forms of liability to enhance the accountability of company directors in the building and plumbing industry. Company structures are a standard way to run a building or plumbing business, however, these structures can be misused to avoid regulatory obligations and consumer protections. When this occurs it is building consumers, government and taxpayers who bear the costs left behind.

If a company does not comply with an emergency order, building order, direction to fix, or rectification order, the Commission will have the option of making company directors jointly and severally liable for compliance with the order or direction by issuing a declared director notice.

The option of issuing a declared director notice that makes a director jointly and severally liable for compliance will incentivise building companies to meet their regulatory obligations. The new scheme will provide fairness to directors by providing them with the option of seeking review of a declared director notice if they did not take part in company management when the order was issued, or if they took reasonable steps to ensure the company complied with the order.

In a small number of serious offences which threaten the health and safety of building occupants and the public, the Bill expands the criminal and civil liability of company directors by ensuring they can be subject to proceedings if they fail to exercise due diligence to prevent the company's wrongdoing. This includes breaches which are cornerstones of the regulatory framework, such as those relating to unlawful work, unregistered work, and failure to comply with rectification orders.

Disciplinary action

The primary purpose of the disciplinary framework in the Bill is to protect consumers, building occupants and the public by upholding high standards among licenced and registered persons in the building and plumbing industries. The Bill provides for a single, consistent and equitable disciplinary framework for all classes of licensed or registered person, providing greater clarity to consumers and the industry.

The framework is based on an efficient show-cause process, which is timebound to ensure there are no unnecessary delays, while providing procedural fairness through the opportunity for licensed and registered persons to make representations as to why disciplinary action should not be taken against them. The grounds for disciplinary action will be reduced in number but broadened in scope, consolidating the voluminous and prescriptive grounds in the current disciplinary schemes.

To ensure the Commission can take timely action to protect consumers from harm, the Bill provides expanded powers to suspend a licensed or registered person with immediate effect. These powers will be available for severe matters, including where a licensed or registered person does not hold required insurance, poses an unacceptable risk to consumers or is performing or allowing work that poses a serious risk to health and safety.

The Bill provides for a flexible range of disciplinary sanctions from reprimands through to cancellation and disqualification, as well as financial penalties. The maximum financial penalties are set at a consistent level for all classes of licensed or registered person and have been increased to better deter breaches and ensure decision makers can take into account the full scale of harm when determining a penalty for severe breaches.

A person directly affected by a disciplinary decision will have the opportunity to seek both internal review by the Commission and review by VCAT. Internal review, which is not available under the current disciplinary scheme for licensed and registered plumbers, provides additional procedural fairness through a free and timebound process. To enhance consumer protection, an application for review to VCAT will no longer automatically stay the operation of a disciplinary decision.

Sustainable funding for regulating the building system

The Bill provides for the continuation of the building permit levy, a long-standing feature of the building system which ensures the effective regulation of the system.

A substantial portion of the Commission's operating costs are to be recovered through various fees including licence and registration fees. The Bill will require all fees to be set in regulations upon their next review. This approach ensures consistency across all fee categories and appropriate consultation and scrutiny of fee changes under the *Subordinate Legislation Act 1994*.

Building and plumbing industry orders

The Bill provides for a flexible approach to adjust or consolidate the statutory entities established under the Bill via the use of Ministerial restructuring and transfer orders, should a need be identified. These orders allow for existing bodies to be renamed, new bodies to be created and for staff and assets to be transferred, facilitating agile reform as part of a more contemporary legislative framework.

Subordinate legislation

The enactment of a new principal Act of building and plumbing will require the subsequent development of complementary subordinate legislation. To this end, the Bill provides various general regulation-making powers.

In many cases, existing provisions in regulations made under the *Building Act 1993* will need to be remade under the Building and Plumbing Administration and Enforcement Act.

An important component of subordinate legislation under the Bill will include a new set of standalone regulations to prescribe infringement offences under building legislation.

Commencement

Given the comprehensive nature of the reforms made by the Bill, a sufficient period to prepare for and successfully implement the reforms is required. This will ensure the Commission, other building system regulators and industry are well positioned to adjust to the new legislation.

The Government's intention is that provisions of the Bill will be proclaimed to commence on 1 July 2027. If not proclaimed earlier, the Bill provides that the new laws will commence on 1 December 2027.

Conclusion

The establishment of the Building and Plumbing Commission under a new administration and enforcement framework for the building system will give Victorians greater confidence in the integrity of building and

plumbing work and the quality of our homes. This robust framework will reduce the risk of loss and harm to the public and place consumers at the heart of the system.

These reforms will deliver greater peace of mind to Victorians, greater confidence in our hard-working builders and plumbers and more certainty to industry. Builders and plumbers who do the right thing will benefit, while those doing the wrong thing will face consequences.

Importantly, the reforms will help deliver safe, high quality and affordable homes for working Victorians.

I commend the Bill to the house.

Bev McARTHUR (Western Victoria) (19:01): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Regulatory Legislation Amendment (Reform) Bill 2026

Council's amendments

The PRESIDENT (19:02): I have received a message from the Legislative Assembly in respect of the Regulatory Legislation Amendment (Reform) Bill 2026:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Circular Economy (Waste Reduction and Recycling) Act 2021**, the **Competition Policy Reform (Victoria) Act 1995**, the **Conservation, Forests and Lands Act 1987**, the **Environment Protection Act 2017**, the **Gas Industry Act 2001**, the **Grain Handling and Storage Act 1995**, the **Local Government Act 2020**, the **Spent Convictions Act 2021**, the **Victorian Conservation Trust Act 1972**, the **Workplace Injury Rehabilitation and Compensation Act 2013** and the **Accident Compensation Act 1985** in relation to minor, technical and operational matters, to make statute law revision amendments to the **Labour Hire Legislation Amendment (Licensing) Act 2025** and minor amendments to the **Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025**, the **Fuel Emergency Act 1977** to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences and to increase the penalty for certain existing offences against that Act and for other purposes' the amendments made by the Council have been agreed to.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:03): I move:

That the house do now adjourn.

Timely Emergency Care program

Jacinta ERMACORA (Western Victoria) (19:03): (2477) My adjournment matter is for the Minister for Health Mary-Anne Thomas. Victoria now leads the nation in urgent emergency department patients seen on time thanks to Labor's Timely Emergency Care program. The action I seek is an update on how the program is easing pressure on our emergency departments.

Northern Metropolitan Region police resources

Evan MULHOLLAND (Northern Metropolitan) (19:04): (2478) My adjournment matter is for the Minister for Police, and it concerns the lack of police in the northern suburbs and the impact that is having on my constituents' community safety. This is the second time this week that I have raised this issue, because my constituents keep telling me constantly when I am out in my electorate – I am constantly talking to local residents, particularly in the City of Hume – that they are scared. They are scared about their homes getting invaded and robbed, their cars getting stolen and their kids being assaulted and mugged for merely walking down the street. They are scared because Labor continues to neglect them in the north and not listen. The most recent crime statistics bear this out. Crime is on the rise in the north, with an increase of 8.7 per cent in the City of Hume. A crime is committed in the City of Hume every 30 minutes. One example that has been raised with me by a local resident is the dangerous escalation of unregistered youth motorcycle gangs who are intimidating drivers, causing

chaos and adding to the general sense of lawlessness that is a result of 12 years of neglect of the north by this Labor government and a result of the continuing weakening of our laws, like we saw with the weakening of bail laws in 2023. There were 14 fewer police officers in the City of Hume last December than there were in the previous year. At a time when crime is on the increase in the area and as the population continues to grow, Labor has actually cut police numbers in the City of Hume.

The action I seek from the minister is to immediately and urgently reverse his savage cuts to police numbers in the north so that my constituents no longer live in fear of the crime crisis that has occurred under his watch. Crime is of particular concern in the north in places like Greenvale, in places like Meadow Heights, in places like Roxburgh Park and in places like Broadmeadows, Kalkallo and Mickleham. Many people reach out. They note in particular motorcycle gangs along Aitken Boulevard running amok and gangs and unsavoury behaviour around Mickleham and Kalkallo as well. There are tradies having the toolboxes ripped out of their utes in places like Kalkallo as a daily occurrence. People are living in fear and crime is on the increase, and this government is doing nothing about it.

Melbourne Sexual Health Centre

Sarah MANSFIELD (Western Victoria) (19:07): (2479) My adjournment matter is for the Minister for Health, and the action I am seeking is for an urgent funding package to ensure Melbourne Sexual Health Centre can continue providing free walk-in testing and treatment services. Last week the *Age* reported that Victoria's most significant public sexual health clinic has ended its free walk-in testing and treatment service, not because it was not needed but because chronic underfunding meant it could not keep up with demand. Last year they turned away more than 4000 patients because they just did not have the capacity.

STI rates in Victoria have been steadily rising since the early 2000s. Syphilis, a condition that would have been considered extremely uncommon here in the early 1990s, has become a major problem, as I have spoken about previously in this place, including increasing congenital syphilis rates. Gonorrhoea is on the rise, specifically antibiotic-resistant gonorrhoea, which means it is also becoming harder to treat. Chlamydia, Victoria's most common STI among young people, is steadily increasing, with many cases going unreported. These STIs can be completely asymptomatic but can lead to complications like infertility, pelvic inflammatory disease, dementia, congenital abnormalities or foetal death. These conditions are preventable and readily treatable, but they need to be tested for early to prevent further spread and complications. Prevention and early intervention are always more effective and cheaper than reactive care, but sexual health remains highly stigmatised, meaning that easily accessible, confidential and affordable care is critical. Melbourne Sexual Health Centre's walk-in clinic was the most significant public clinic in the state that provided exactly that. People who wanted privacy, who perhaps did not have a Medicare card because they were travelling or sleeping rough or who could not afford private care were able to access testing and treatment. Labor's funding neglect has forced the closure of this vital public service at a time when infections are on the rise and people have less money in their pockets. The only remaining public services are the women's sexual and reproductive health hubs, which predominantly focus on contraception and abortion and provide nowhere near the scale of testing and treatment for STIs that Melbourne Sexual Health Centre did. By comparison, New South Wales has over 50 well-resourced public sexual health clinics.

Why at a time of rising infections is Labor cutting funding to our most significant sexual health clinic? If people face barriers like cost or stigma, they simply will not get tested or treated until they have serious symptoms, leading to further spread and complications. The Allan Labor government must urgently increase funding for the Melbourne Sexual Health Centre so that Victorians can have access to the care they need without stigma or cost barriers.

Electric buses

Tom McINTOSH (Eastern Victoria) (19:10): (2480) My adjournment matter is for the Minister for Public and Active Transport in the other place. The action I seek is an update on Victoria's transition to zero-emission buses. Every electric bus saves 40,000 litres of diesel, and with hundreds

of electric buses rolling out across Victoria, that is millions of litres of diesel that can go into farmers' tractors or into trucks that deliver food to our stores, keeping costs down for all of us. Electric buses are 30 to 40 per cent cheaper to maintain, and they are cheaper to charge, saving money for all of us and reducing fuel demand.

Daylesford Speedway

Wendy LOVELL (Northern Victoria) (19:11): (2481) My adjournment matter is for the Minister for Community Sport. The action that I seek is for the minister to provide funding in the 2026–27 state budget for safety improvements to the Daylesford Speedway track. Daylesford Speedway has a long history, having been established in the 1950s by two ex-soldiers after they returned from World War II. The Daylesford Speedway Drivers Association is now a not-for-profit group that has leased a 7-hectare plot within The Basin recreation reserve since 1987. Racing at the Speedway has enjoyed continued popularity with locals and racing fans from all over Victoria. When Hepburn Shire Council were considering renewing the lease in 2022 they carried out community consultation, which attracted 354 submissions; almost 90 per cent of them were in favour of renewing the lease. This shows that the event has widespread community support and there is an appreciation of the benefit to the visitor economy that the event brings to the area.

Racing is fast and fun, offering entertainment to the whole family, who spend big over race weekends on accommodation, food and drinks and local attractions. High speed makes racing exciting, but it also makes it dangerous. In 2023 Stephen Douglas was tragically killed when his car went over an embankment and rolled because there was no safety wall. Daylesford Speedway was closed for over a year afterwards, and the association is now committed to making safety improvements to secure the future of racing at the site. Specifically Daylesford Speedway is seeking funding to build an infield wall, outer concrete wall and new infield catch fences, all to improve track safety for drivers and spectators. They also plan to upgrade computer and signage technology, toilet amenities and road infrastructure in and out of the track and provide grandstand seating for fans. These upgrades are estimated to cost a few hundred thousand dollars and will result in a safer track, which offers an improved race day experience for fans. This will draw larger crowds and make a big contribution to the local economy as well as supporting Daylesford RSL, which partners with the speedway.

In 2024 I sponsored a petition to the Legislative Council that asked the government to upgrade Daylesford Speedway and install a safety wall, fencing, drainage, a mobile tower and a solar farm. In response to the petition the Minister for Community Sport claimed that she was proud of the government's investment in motorsport venues but then passed the buck for facility upgrades to Hepburn Shire Council. Race organisers hope to start a new 305 sprint car series, and improving safety at the speedway is a crucial part of their expansion plans. I urge the minister to invest in motorsport in regional Victoria and fund these vital safety upgrades at Daylesford Speedway.

Montrose quarry

Aiv PUGLIELLI (North-Eastern Metropolitan) (19:14): (2482) My adjournment matter tonight is to the Minister for Planning, and it relates to the proposed expansion of the Montrose quarry. I have heard from the local Montrose community loud and clear that they do not want to see this quarry expanded. They have a number of concerns around the proposal, and they see the current environment effects statement process as a positive step that should consider the full impacts of this proposed quarry expansion. One key element that the community are concerned will not be covered is the impact of the quarry expansion on human health. The potential environmental damage and impacts are incredibly serious too, but the community want to make sure that their health and their wellbeing are also considered as part of the process, particularly when it comes to risks like respirable crystalline silica. Silica exposure is extremely dangerous and is often referred to as 'the new asbestos', and the Montrose and nearby communities need to know that any changes to the quarry will not come with risks of silica exposure. Minister, will you make sure that human health impacts are considered as part of the EES process for the Montrose quarry expansion proposal?

Suburban Rail Loop

John BERGER (Southern Metropolitan) (19:15): (2483) My adjournment is for the Minister for the Suburban Rail Loop, Minister Shing. The Suburban Rail Loop is a city-changing project, changing how thousands of Victorians move around Melbourne. This will give students, tourists and commuters direct train connections to universities, including Monash University in my electorate of Southern Metro, and major employment hubs. The SRL East will connect more people to Melbourne's largest innovation hubs outside the CBD, with stations at Box Hill, Deakin University, Glen Waverley, Monash University, Clayton and Cheltenham. With this new train connection Victorians can expect frequent and reliable rail services to these major precincts, eliminating time spent in traffic and lowering congestion on major roads. This project is building a stronger future for Victoria. The action that I seek is for the minister to join me onsite to meet current SRL project workers who proudly studied at Monash University.

School violence

Ann-Marie HERMANS (South-Eastern Metropolitan) (19:16): (2484) My adjournment is to the Minister for Education, and it concerns the growing issue of violence in Victorian schools, particularly in Melbourne's outer south-east, which is escalating into what many in the community now see as a crisis. The action I seek is for the government to fully fund addressing the scale of this crisis; to take decisive action by deploying additional specialist wellbeing and behavioural staff to high-needs areas, like the City of Casey; and to provide schools with additional support and funding, resources and teacher support to restore safety and order in our classrooms. I believe more behavioural modification programs and specialised education structures need to be effectively funded. There is an urgent need to increase support to school principals and local schools as well so they can properly respond. Workforce pressures for teachers are intensifying, with many teachers reporting burnout and leaving the profession, raising serious ongoing concerns about retention and support. It is no secret that teachers in the state of Victoria are underpaid and overworked. The strike actions we have seen and will continue to see are a testament to how desperate our teachers are to be valued and supported.

The recent Crime Statistics Agency statistics indicate the City of Casey recorded nearly 400 criminal incidents at schools and educational facilities in a single year. These incidents include assaults, sexual offences, theft and burglary, placing Casey among the more affected municipalities in Victoria. This is occurring against the backdrop of a significant rise in overall crime in Casey, with 29,858 offences recorded in the year to June 2025, which is up from 24,000-odd the year before – it is a significant increase. Like many teachers, the teachers in the South-Eastern Metropolitan Region, including in places like Narre Warren and Cranbourne, are facing escalating workloads, rising classroom disruptions and an increasing incidence of work-related violence, with recorded incidents against staff in Victoria rising from 2279 in 2014–15 to 11,858 in 2023–24. Just imagine what those stats are now. Aggravated burglaries have risen sharply. Family violence incidents have increased. These are not marginal fluctuations; they point to a community under pressure and highlight the need for a coordinated response. A government secondary school in Narre Warren had multiple serious behavioural and safety incidents reported in a short period of time. Teachers describe spending increasing amounts of time managing behavioural issues rather than focusing on teaching. Students feel unsafe, teachers feel unsafe and many parents are deeply concerned about the learning environment. The people of Casey – students, parents, teachers and school staff – deserve more than assurances; they deserve a safe learning environment and a government that treats this issue with the seriousness that it demands.

Mount Arapiles rock climbing

David LIMBRICK (South-Eastern Metropolitan) (19:19): (2485) My adjournment matter this evening is for the attention of the Minister for Environment and Minister for Outdoor Recreation. In late 2024 the Legislative Council passed a documents motion that I brought to the chamber calling for the release of documents related to cultural heritage and environment reports related to the Grampians

and Arapiles and all reports related to rock climbing. Since 2019 rock climbers have been fighting a battle to retain their right to climb in Victoria's beautiful open spaces. For many of these climbers it is more than just a hobby, it is the way that they connect deeply with the land, with their bodies and with each other. In 2019 they were unfairly demonised, and in 2024, when bans on climbing across large parts of Mount Arapiles were announced, everything came to a head, particularly in the small town of Natimuk, where many of the residents moved specifically to be close to their favourite place for rock climbing. Some action was finally taken, and the government intervened with the leadership of Parks Victoria. Since then a slow process of discussion and engagement has been ongoing with representatives of the local community, climbers, Parks Victoria and the local traditional owner group. There was also a review of Parks Victoria but no published outcome. Despite the goodwill of Natimuk locals and climbers, this has been a frustrating process, with pressure to sign broad non-disclosure agreements and a lack of transparency, and I would like to acknowledge all the people that have been working very hard on this consultation with the government.

I have been informed that the evaluation framework that Parks Victoria has established is still inadequate and might be worse than the previous decision-making framework. Questions to the minister have gone unanswered, and the documents order passed by this chamber has still not been complied with, despite the documents being provided to the department over a year ago. This is a community that wants this issue resolved. They are very happy to collaborate with local Indigenous groups and participate in a fair and balanced process. What they do not want is to be sidelined, dismissed, silenced or disadvantaged without just cause.

Sunrise at Arapiles is a beautiful sight, but shining some light on what has been happening in Parks Victoria, the Grampians and Arapiles may get to a truly balanced and acceptable outcome. Despite a comprehensive review, no details of the findings or recommendations of the review into Parks Victoria have ever been published. My request to the minister is to ensure that a summary of the review into Parks Victoria is made publicly available and maybe to speed along the tabling of documents that I called for in 2024.

The Space Between

Michael GALEA (South-Eastern Metropolitan) (19:21): (2486) My adjournment this evening is for Minister Stitt, the Minister for Multicultural Affairs, and the action that I seek is an update on The Space Between, which is an innovative program whose launch I had the privilege of attending last week with the minister at the Melbourne Holocaust Museum. The Space Between is an immersive workplace program with video profiles and interactive activities. Video profiles of everyday Jewish Victorians guide you through their daily lives. It is a program that invites and challenges all individuals within workplaces to explore difficult conversations in a safe space – conversations which can challenge people's preconceived notions of each other. It breaks down barriers between race and religion and is a powerful way that we can address antisemitism and drive social cohesion at the grassroots level. The project is being supported by the Labor government through the minister's portfolio in partnership with the Melbourne Holocaust Museum, and I would like to acknowledge museum CEO Dr Breann Fallon and co-president and good friend Sue Hampel OAM for having us on the night. The action that I seek is an update from the minister on this very encouraging program.

HealthShare Victoria

Georgie CROZIER (Southern Metropolitan) (19:23): (2487) My adjournment matter this evening is for the attention of the Minister for Health. HealthShare Victoria is a provider of procurement that assists health services to get equipment and medicines and the like – goods and other things that hospitals and health services require. They play a critical role in ensuring that that actually happens. They arrange to source and provide the delivery of such items, but the ongoing conflict in the Middle East is having a far-reaching effect on the supplies of many things, and the increasing price of fuel is adding significant additional cost to the transport of essential goods. As I said, it is not only the fuel adding significant additional costs. Freight costs, delays in shipping and supply chain risks are all

occurring at the one time in this very critical area. The essential items include medicines, medical equipment and devices, PPE, bed linen, bandages, needles, syringes, gloves – all things that are required in our hospitals and health services. So I ask the minister: given the uncertainty with what is going on and given the ongoing crisis that continues to unfold with no end in sight, what action has the government undertaken to shore up supplies, considering other states are placing significant large orders of equipment and medicines so that they can ensure that they receive equipment, devices, medicines and medical supplies for the treatment of patients to continue the care that they require?

Stripsearching

Georgie PURCELL (Northern Victoria) (19:24): (2488) My adjournment matter is for the Minister for Corrections, and the action that I seek is for him to end the use of strip searches in Victorian prisons. As raised by other colleagues on the crossbench throughout the last few sitting weeks, the Human Rights Law Centre, Flat Out and Formerly Incarcerated Girls Justice Advocates Melbourne, or FIGJAM, recently released a report titled *Ending Strip Searching in Australian Prisons*. The report detailed the dehumanising and ineffective practice of strip searches in prisons across Australia. People in prison experience strip searches as acts of sexual assault and coercive control at the hands of the state. For prisoners who are survivors of family violence and sexual violence, as many in our women's prisons are, strip searches are a particularly traumatic and triggering experience. The report found that across our prisons less than 1 per cent of strip searches result in contraband being found, despite people in prisons being subjected to this degrading practice every single day. The report even detailed an experience of a former inmate who, while being transferred between police stations, was in secure custody the whole time and yet was strip searched multiple times in the one night.

Two important points have also been raised by my colleagues on the crossbench, Ms Copsey and Ms Payne, in relation to body scanners and data collection. Body scanners represent a less invasive and less time- and resource-intensive alternative that, despite being invested in, seem to be infrequently used. The Dame Phyllis Frost Centre has put scanning machines in place but they are rarely used by the staff there. This is despite the fact that at the very same centre in April 2022, 221 recorded strip searches were conducted on women with not a single item found. I also agree that at the very least the government should look to expanding data collection on searches of people in Victorian prisons to resolve what advocates describe as 'a crisis of secrecy in prisons'. The truth is, despite all the government claims, strip searches are not really a tool to detect contraband. Instead, they are a way to control and demean some of our state's most vulnerable. As the report states, 'Strip searching is an unnecessary, degrading and deeply harmful practice that must end,' and I urge the government to do so.

Strathbogie Shire Council

Bev McARTHUR (Western Victoria) (19:27): (2489) My adjournment is for the Treasurer, and the action I seek is that the Treasurer ensure appropriate and ongoing financial support for Strathbogie Shire Council. This week representatives from Strathbogie made the long journey to Spring Street to advocate for their community of nearly 12,000 people. Strathbogie and Murrindindi were the two shires most impacted by January's Longwood Berrys Lane bushfire, along with Mitchell and Mansfield. Of the 320 homes destroyed in the fire, 110 were lost in Strathbogie alone. Hundreds of kilometres of roads were damaged and the economic consequences are still being felt today. This comes on top of drought and flooding events that have battered the region in recent years. Unlike many disasters elsewhere in the state, these fires tore primarily through private agricultural land rather than state forests. That means the financial burden has fallen squarely on council and their ratepayers.

Like too many rural councils, Strathbogie is facing financial unsustainability. The 2022 floods left the council with a $4 million gap in funding from what it expected to receive, a shortfall that had to be absorbed into the council's already lean budget. The reality remains: structural funding problems cannot be resolved through belt-tightening alone. They need proper support from the state government. Strathbogie faces enormous infrastructure demands but has limited revenue streams. But to access

support and remain compliant, they are forced to navigate complex grant processes and a 377-page Local Government Act 2020. All this costs time and money. It is simply not good enough. While I acknowledge the Treasurer and Minister for Local Government have engaged with Strathbogie, more must be done. As a starting point, sufficient ongoing funding for recovery services over the next three years must be available so Strathbogie can continue operating its recovery hub for residents. The government should also provide rate relief for those who have lost their primary residence or income and waive the Emergency Services and Volunteer Fund tax for impacted properties. They deserve practical support, not bureaucratic hurdles. Treasurer, these communities have been through enough. They are hurting, they need support and they need it now.

Western Metropolitan Region police resources

Trung LUU (Western Metropolitan) (19:30): (2490) My adjournment matter is for the Minister for Police and regards the shortage of police in the western suburbs, in my region. Community safety is a shared responsibility, and our region in Melbourne's west is currently facing pressure that requires urgent, practical actions. The action I seek is for the minister to prioritise addressing the frontline policing staff shortage and ensuring that the Western Metropolitan Region, which includes my electorate, receives the necessary resources. Local council has voiced similar concerns. The mayor of Brimbank has indicated she has formally and informally urged the Allan government to address the shortage of police resources and ensure that officers are in our community and can respond properly, prevent crime and rebuild public confidence.

Recent Victorian crime stats show another record rise in crime reports, up 4 per cent on the previous year. Having adequate resources and numbers of police on patrol, improving response capabilities and enhancing preventative policing will help restore community confidence and safety in our neighbourhoods. This is not just about placing blame, it is about delivering the police presence, visibility and capabilities that our communities need and deserve. Last year alone over 332 full-time officers left the service. We are facing 1500 police vacancies, and that number continues to rise. In my electorate Brimbank lost over 25 police officers last year, the largest drop in the state. The police service area currently holds 126 full-time officers, down from 151. Moonee Valley is not far behind, having 15 full-time officers leaving. Hume lost 14 full-time officers. Wyndham Vale lost eight full-time officers. Maribyrnong lost three full-time officers. My community is grappling with a record crime crisis. The statistics confirm they are troubling numbers, with an exodus of police leaving the force, the crime rate continuing to rise across the state and 24-hour police stations closing down and reducing hours. I recently visited Keilor Downs police station. It is opening 9:45 to 5:45 three days a week. Since Jacinta Allan became Premier, there are 370 police officers less than before. Police are closing down. So could the minister please step up, take some action and put an end to this ongoing exodus of police officers from the Victorian police force?

Timber industry

Melina BATH (Eastern Victoria) (19:33): (2491) I rise tonight with a matter for the Minister for Agriculture. Regional communities are still paying the price for Labor's closure of the native timber industry, and the Auditor-General's report this week has now laid bare the consequences. Just this week the Auditor-General's report has found the government cannot demonstrate that its forestry transition is delivering secure jobs, sustainable livelihoods or resilient regional communities. After more than $1.5 billion committed – committed, I say, not delivered – the government cannot show if workers are better off or not. Job quality has gone backwards, as per the Auditor-General's report. Before shutting down, around 80 per cent of the timber workers were in full-time employment. Now there are only 60 per cent in employment, and that is either casual and/or insecure work. The department does not even track income, job security or whether these jobs will last.

We have heard it all before in the regions. This is not a successful transition. This is an economic instability being rebranded as some form of progress, where it is actually environmental vandalism and loss of community context in the entirety in these regions. The Auditor-General was also clear

that the governance and oversight have failed – this is the Auditor-General's own report, not mine – internal controls are weak, documentation is inconsistent and accountability is diluted through outsourcing. 'No shock there,' say the country people in my electorate. Delivery was handed to ForestWorks. There are some good people working in ForestWorks. However, the department did not adequately verify training completion or employment outcomes, while still retaining legal responsibility. Most concerning of all is that the government does not know what happens next. Monitoring focuses on activity, not outcomes. Evaluations are late or are end-loaded, and there is no clear plan for the risks facing workers, families or regional communities beyond the 2026 time period. The audit tells a simple story: Labor shut down a generations-old industry first and then worried about the consequences later.

My message to the minister is clear: regional communities do not want more bureaucracy and more consultations and more glossy reports. They want fairness, they want local input and they want security and accountability. The action I seek from the minister is to immediately review the remaining funding and ensure that it is directed to workers, families and those communities most affected by the timber closure, not absorbed into bureaucratic administration. Regional communities deserve solutions, not more spin.

Responses

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (19:36): There were 15 adjournment matters to 12 separate ministers, and written responses will be sought in accordance with the standing orders.

Mr Galea asked me for an update on the government's support for the Melbourne Holocaust Museum's The Space Between: Where Understanding Begins program. I do want to thank Mr Galea for asking me about this important project, particularly during Passover, which I know is such a significant time for the Jewish community. The Allan Labor government was very proud to support this incredible program; it is being delivered through our government's $3 million commitment to combating antisemitism. Supporting our community's inclusion and social cohesion, the Melbourne Holocaust Museum created The Space Between to help workplaces navigate complexity with care, courage and responsibility. They do very impressive work at the Melbourne Holocaust Museum, and I would urge members to have a look at this particular project. I am sure that you will be very moved by it, as I was and I know Mr Galea was. It carefully curates an immersive workplace program that places humanity at the heart of connection. We know that there has never been a more important time to see and connect with other people in the community.

The government stand with the Jewish community, and we have pledged to do more to combat this insidious hate, antisemitism, and to protect our vibrant Jewish community. That is why the Allan Labor government invests in programs like the Melbourne Holocaust Museum's The Space Between. While this has become increasingly challenging, we need to find new ways, through programs like this, to respectfully and meaningfully communicate with one another. It is projects like this that build that path to building understanding and empathy across the community. I do congratulate the Melbourne Holocaust Museum on the launch of The Space Between: Where Understanding Begins and extend my sincere thanks to all of those involved in bringing it together. We are very proud to support this incredible program, and we look forward to its implementation and hopefully learning much from its very careful and innovative design.

The PRESIDENT: The house stands adjourned.

House adjourned 7:39 pm.