Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 29 October 2025

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

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Juliana Addison, Jordan Crugnale, Daniela De Martino, Paul Edbrooke, Wayne Farnham, Paul Hamer, Lauren Kathage, Nathan Lambert, Alison Marchant, Paul Mercurio, John Mullahy, Kim O'Keeffe, Meng Heang Tak, Jackson Taylor and Iwan Walters

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Jacinta Allan (from 27 September 2023)

Daniel Andrews (to 27 September 2023)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll (from 28 September 2023)

Jacinta Allan (to 27 September 2023)

Leader of the Parliamentary Liberal Party and Leader of the Opposition

Brad Battin (from 27 December 2024)

John Pesutto (to 27 December 2024)

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

Sam Groth (from 27 December 2024)

David Southwick (to 27 December 2024)

Leader of the Nationals

Danny O'Brien (from 26 November 2024)

Peter Walsh (to 26 November 2024)

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

Bridget Vallence (from 7 January 2025)

James Newbury (to 7 January 2025)

Members of the Legislative Assembly

60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lister, John[7]	Werribee	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel[1]	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren[2]	South Barwon	Ind	O'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim[8]	Werribee	ALP
Cleeland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan[9]	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden[3]	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will[4]	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam[5, 6]	Prahran	Ind	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole[10]	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Westaway, Rachel[11]	Prahran	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
Lambert, Nathan	Preston	ALP	Wilson, Jess	Kew	Lib

[1] Resigned 27 September 2023
[2] ALP until 29 April 2024
[3] Sworn in 6 February 2024
[4] ALP until 5 August 2023
[5] Greens until 1 November 2024
[6] Resigned 23 November 2024
[7] Sworn in 4 March 2025
[8] Resigned 6 January 2025
[9] Resigned 7 July 2023
[10] Sworn in 3 October 2023
[11] Sworn in 4 March 2025

Party abbreviations

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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Wednesday 29 October 2025

The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Bills

Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025

Introduction and first reading

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (09:34): I move:

> That I introduce a bill for an act to promote the health, safety and welfare of persons at work by regulating non-disclosure agreements relating to sexual harassment at work and for other purposes.

Motion agreed to.

Bridget VALLENCE (Evelyn) (09:34): I request from the minister a brief explanation of the bill.

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (09:34): This bill places restrictions on the circumstances in which workplace non-disclosure agreements can be entered into to improve prevention of workplace sexual harassment and to prevent non-disclosure agreements from being misused to silence workers or conceal circumstances related to workplace sexual harassment.

Read first time.

Ordered to be read second time tomorrow.

Business of the house

Notices of motion

The SPEAKER (09:35): General business, notices of motion 13 to 15 and 36 to 39, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

Documents

Parliamentary departments

Reports 2024–25

Matt FREGON (Ashwood) (09:36): I table, by leave, the 2024–25 reports of the Department of the Legislative Assembly and the Department of Parliamentary Services.

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Auditor-General – Cybersecurity of IT Servers – Ordered to be published

Commission for Children and Young People – Report 2024–25, together with the Minister's reported date of receipt – Ordered to be published

Disability Services Commissioner – Report 2024–25, together with the Minister's reported date of receipt

Independent Broad-based Anti-corruption Commission – Report 2024–25 – Ordered to be published

Integrity Oversight Victoria – Report 2024–25, together with the Minister's reported date of receipt – Ordered to be published

Parliamentary Integrity Adviser – Report 2024–25

Renewable Energy (Jobs and Investment) Act 2017 – Victorian Renewable Energy Target 2024–25 Progress Report

Social Services Regulator – Report 2024–25, together with the Minister's reported date of receipt

Subordinate Legislation Act 1994 – Documents under s 15 in relation to Statutory Rule 111

Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria – Report 2024–25, together with the Minister's reported date of receipt

Victorian Fisheries Authority – Report 2024–25 under s 30L of the *Surveillance Devices Act 1999*.

Members statements

Gippsland Veterans Centre

Danny O'BRIEN (Gippsland South) (09:38): I rise to congratulate the Gippsland Veterans Centre in Sale on the recent opening of their newly refurbished facilities. The federally funded project has given a new lease of life to the facility in MacAlister Street, which provides advice, support and referral information for veterans around the Wellington shire. Some 3000 to 4000 veterans from all manner of conflicts reside in the shire, and many rely on the services provided by the centre. Congrats to chair Michael Page and his team and Kylie Willmot and the Sale RSL who back the centre.

Chloe Wade

Danny O'BRIEN (Gippsland South) (09:38): A hearty congratulations also to Welshpool primary teacher Chloe Wade, who was one of just three finalists statewide in the Victorian Education Excellence Awards for Outstanding Early Career Primary teacher. Chloe teaches prep and year 1 at Welshpool and is in the fifth year of her teaching career. She has clearly set a high bar, and it shows. Welshpool, under principal Gabrielle Boyd, is one of many great small rural schools in Gippsland South.

Mountain Cattlemen's Association of Victoria

Danny O'BRIEN (Gippsland South) (09:38): Last weekend I had a great time at the annual mountain cattlemen's get-together at Molyullah, near Benalla, joining the member for Euroa, the member for Ovens Valley and Melina Bath in the other place. While cattlemen across much of the state are battling drought conditions, the mood was still good among the huge crowd. The number of non-cattle people attending reflected just how much support the mountain cattlemen still retain. There were great discussions on natural resource management, a reminder that mountain cattlemen still truly care for the High Country.

Madden House

Nina TAYLOR (Albert Park) (09:39): It was an amazing privilege to officially open Madden House in partnership with St Kilda Community Housing and the council. I also had the Parliamentary Secretary for Homes Katie Hall, Josh Burns MP and Ryan Batchelor MP with me. This house is going to deliver 26 individuals who sleep rough with a place that they can call home. The rooms are self-contained studio apartments accommodating storage, each one with a bed, a kitchenette and a separated bathroom. The building itself also includes a shared laundry space and a courtyard for residents to access. To assist the individuals taking up residency in the house, there are supportive in-house services, including mental and allied health services, counselling and independent living and employment skills training, which are supported by VincentCare and Ngwala.

Southbank Sustainability Group

Nina TAYLOR (Albert Park) (09:40): I also want to do a shout-out to Southbank Sustainability Group, who ran a 'plant your sunflower' event as part of national Children's Week in Southbank, really encouraging children to get a connection with nature. Everyone, including me, took a little plant home, and then when they are finished we are going to take them back to the community garden. Then

everyone will get to enjoy this beautiful green space amid Southbank, which has a lot of high-density living. It just shows that with individual nurturing we can create beautiful green spaces.

Templestowe Lower post office

Matthew GUY (Bulleen) (09:40): I went to bed last night, or this morning, I should say, at 3 am; I cannot say I jumped out of bed at 6:45 this morning. But driving to Bulleen park-and-ride down Manningham Road, I looked down Macedon Road and I saw the sign for the post office, and it reminded me of an important issue I wish to raise this morning again on behalf of Lower Templestowe residents, who are without a post office and, I might add, are without a post office that was promised to be reinstated by the Albanese government at the start of this year. I have not had such a response to any survey in my nearly 20 years as a member of Parliament as I have for the reinstatement of the Lower Templestowe post office, so when I drove past Macedon Road this morning and looked out and saw that sign, I thought again how the Albanese government is failing the people of Lower Templestowe, promising they would bring back the post office at Lower Templestowe Macedon Square. The older residents, disabled residents and others who relied on that post office, who cannot make it to Shoppingtown, who cannot get to Bulleen Plaza or who find The Pines in Templestowe too difficult to access because it is topographically difficult, need that post office to be reinstated. So this morning again I place on record my frustration and annoyance that the Albanese government has not brought it back.

West Gate Tunnel

Sarah CONNOLLY (Laverton) (09:42): At long last, westies are about to finally see the light at the end of the West Gate Tunnel, with works set to be completed very soon and the tunnel finally opening in December. It has been a long road for this project to get up, and we have certainly had our challenges along the way, especially my community in Wyndham. But all is well that ends well, and communities like ours in the west are some of the biggest beneficiaries of this brand new piece of infrastructure, our second crossing of the Yarra. It is going to take trucks off the West Gate Bridge, saving folks up to 20 minutes on their morning commute to work and busting congestion for residents in my electorate. It will mean easier access to the CBD, Docklands, North Melbourne and CityLink by linking the West Gate Freeway to Footscray Road, and it will take up to 9000 trucks off our roads in the inner west. For folks in the west who love to ride their bikes – there are a lot of them – there is really good news, with the brand new veloway to get you to and from work in the CBD as part of our 14-kilometre infrastructure, a new cycleway that we have gone ahead and built.

There is so much to benefit from, and for the first time westies can now experience their tunnel for themselves. Next month locals can take part in a fun run – or walk, like me – through the tunnel to see firsthand how they can navigate this new crossing. In January, once the tunnel is open, you will be able to drive through that thing for free on weekends thanks to our Premier and Transurban, supporting Victorians driving this summer. It is just a few short weeks away, and I cannot wait to enjoy it.

Mansfield Musical and Dramatic Society

Cindy McLEISH (Eildon) (09:44): The Mansfield Musical and Dramatic Society's latest production, *The Brothers Grimm Spectaculathon*, is another success story, a comical twist on the classic fairytale stories we all know and love. Congratulations to directors Meredith Newman and Bernie Gifford and producer Maree Cordes. Again I was impressed by the depth of local talent in Mansfield, which includes new and emerging actors and the involvement of loads of young people front- and backstage. Part of the production team were Derek Beekman, Dekoda Beekman and Oscar Jones. The cast included Tahlia Hinton, Jude Hams, Abi Heron, who is so much like her mother, Keeva Morris-Webb, Patrick Chandler, Jasper Watts, Merryn Kelleher and Xavi Carrington-Logan – and a special shout-out to Evie Guthridge for her special shout-out.

Mansfield Community Radio

Cindy McLEISH (Eildon) (09:44): I attended the celebration of Mansfield Community Radio 99.7 FM's 30 years on air on Saturday night. The station, run by volunteers, plays an important role in the community. The station provides local news; sports commentary, including broadcasts of the local footy; and live broadcasts from community events. They are an accredited emergency broadcaster. Life memberships were awarded to Tony Cox, who has been there since the start, which is very impressive, and to Lyn Holland. Keith Rogers, tech guru and longtime presenter, was recognised for his role and his very recent induction into the Community Broadcasting Association's honour roll. Peter Brown as president, Dallas Daniel and Judy Thoburne organised the event and did a fantastic job. Well done. I am looking forward to another 30 years.

Emergency Services and Volunteers Fund

John LISTER (Werribee) (09:45): The Wyndham and Wyndham West SES are amazing volunteers. These men and women serve our community with dedication and courage. Recently Wyndham experienced a rare tornado-like event, something almost unheard of in our area until recent years. Thank you to our SES and CFA volunteers for responding in difficult conditions. Expanding the Emergency Services and Volunteers Fund to include the SES recognises that weather events like Sunday's are going to become even more common. However, I was disturbed to see in reports on Monday the fiscal impact of the reckless policy of the Liberals and Nationals to cut the ESVF, leaving these same SES volunteers stranded for funding, jeopardising fleet replacement and equipment programs if they get in – programs like the new rescue fleet rollout, which Wyndham is looking forward to receiving. These same volunteers out on Sunday and Monday helping our towns to recover deserve certainty and resourcing, not the spectre of Liberal cuts. On Monday I went out and knocked on the doors of residents who had been affected, offering my office's support. It was heartening to see neighbours out helping each other to recover from the storm.

Wyndham Park Community Shed

John LISTER (Werribee) (09:46): On a brighter note, after a lot of advocacy by volunteers and me, I am thrilled to announce that the Wyndham Park Community Shed will receive more than $55,000 in funding. The investment will deliver better ventilation, upgraded equipment et cetera. The volunteers are always proud to show the work they do, including when the minister recently visited. Thank you to our SES and community shed volunteers. I will continue to work in government fighting for the things that matter for our community.

Richmond electorate housing

Gabrielle DE VIETRI (Richmond) (09:47): I have spoken at length about the devastating impact that Labor's plan to demolish all of Victoria's public housing will have on residents and communities. But in July, without warning, Homes Victoria sent bulldozers in to the Richmond low-rise flats to destroy playgrounds, fences, mature trees and backyards while residents are still living there. It not only caused panic but the destruction crushed and killed cats and possums living there. Over 20 native possums protected under the Wildlife Act 1975 died or fled. Volunteers are now desperately trying to treat or rehome the remaining animals on the estate, who have nowhere safe to go.

But it is not just the Richmond walk-ups that are home to native wildlife and significant trees. Aunty Tracey, a local Yorta Yorta and Gunditjmara woman, has looked after generations of possums that call the large gum trees on the Noone Street estate in Clifton Hill home. With the demolition of these public homes looming, she is worried that Homes Victoria and the government will do what they have done in Richmond – that is, tear through the estate with no warning and no concern for the damage done. If our government will not come to its senses and stop this disastrous project, the least it can do is ensure that no human or animal life is lost.

Excellence in Surveying and Spatial Information Awards

Josh BULL (Sunbury) (09:48): Can I rise to thank everyone who attended the Excellence in Surveying and Spatial Information Awards recently, which I had the opportunity to attend on behalf of the government. As a son of a surveyor, I was really pleased to be able to take Dad along. I think he got to see some of the old colleagues that he worked with over the years and talk about all of those things that surveyors love to chat about. I want to particularly acknowledge the work of ThinkSpatial from the Pakenham level crossing removal project, Taylors from the Kananook train maintenance and wash facility, Beveridge Williams from the Webb Street level crossing and Auspat Land Survey Australia for their outstanding work on the West Gate project and acknowledge the significant and important work that surveyors do right across the state on our Big Build projects and on commercial and residential developments. It is an industry that is not often spoken about but it is a very important industry for our community. It enables the government to deliver more homes, more investment in local communities and the transport infrastructure that we know is so important to a growing city and a growing state.

Patient transport

Peter WALSH (Murray Plains) (09:49): Who would have thought the Allan government would sink so low as to now steal money from aged pensioners heavily reliant on the Victorian patient transport assistance scheme? I have had a steady stream of calls and visits to my office from people who have been receiving this vital support for more than 20 years, who are being told it is gone because they live 1 kilometre or less shorter than the necessary 100 k's. I have a constituent going to Bendigo. They attend St John of God and they qualify for support, but if they attend a hospital or specialist service on the north side of the city, they get nothing. It is ridiculous and shameful. One Tongala resident cannot even get the payment for attending St John of God because VPTAS has calculated it is only 99 kilometres from her home as the crow flies – but as her car travels, it is 104.7 k's. To Bendigo Health it is 102.4 k's, but again VPTAS insists its straight-line measurement is all that matters. After more than 20 years of making this trip, has Bendigo suddenly shifted south or has Tongala drifted north? Or is it just another Allan government tax by stealth and damn the consequences? Kerang hospital is not renewing its contract with Bendigo Radiology, which means patients there will increasingly be diverted to Echuca, which is technically 96.4 kilometres away, depending on where your home is. I already have had contact from people who are saying VPTAS is refusing them money as well. The Allan government makes Scrooge look generous.

Manufacturing sector

Gary MAAS (Narre Warren South) (09:51): The greater south-east of Melbourne is Australia's manufacturing powerhouse. Our region is distinguished as an important manufacturing hub through its scale, advanced capability, large workforce and convenient proximity to key transport corridors for access to domestic and international markets. The greater south-east is home to the country's largest manufacturing workforce, with more than 3800 businesses and 75,000 jobs. The workforce is not just large but highly skilled as well, and this is underpinned by the wide array of quality education opportunities in the area, from universities like Monash and Federation Uni to Chisholm and its TAFE programs.

With the state government's free TAFE initiative, we are continuing to support the next pipeline of skilled workers, with more people utilising this to get the skills they need for the jobs they want. The greater south-east of Melbourne's manufacturing industry actually outperforms its size, producing $89 billion worth of output in comparison to other manufacturing regions in Australia, like western Sydney. This makes our region a key strategic and economic asset not only for Victoria but for the whole country as well. So it is all happening here in Melbourne's greater south-east, and that is why more people are choosing to live, work and study in our region, one of Melbourne's fastest growing areas.

St Columba's Primary School, Elwood

James NEWBURY (Brighton) (09:52): The incredible children of St Columba's Primary School wonderfully performed *Finding Nemo Jr* recently. Congratulations to Charli as Nemo, Zoe as Dory, Charlotte as Marlin, Anna as Gill, Poppy as Bloat, Isabel as Peach, Abhay as Gurgle, Juliette as Nigel, Ashleigh as Bubbles, Bonnie as Bruce and Csilla as Crush, and a big congratulations to principal Daniella Maddalena. An incredible performance – we are so proud.

Bayley Arts

James NEWBURY (Brighton) (09:53): The incredible creativity and skill of Bayley Arts clients was on display at their recent art gala night. A packed house turned out to support the wonderful clients. Bayley Arts is a Bayside not-for-profit organisation that provides exceptional support for people with an intellectual disability. Congratulations to Tess Hens, the Bayley Arts program manager, and the clients on their wonderful work.

1st/14th Brighton Sea Scouts

James NEWBURY (Brighton) (09:53): As an honorary leader of the 1st/14th Brighton Sea Scouts group, I take seriously my job of attending their annual report night and rustling up raffle tickets to help the group keep up their good work. The group was formed in 1908 and is the largest Scout group in the whole of Australia. Congratulations to group leader Janet Cardell and the whole team.

Hampton Bayside Bowls Club

James NEWBURY (Brighton) (09:53): If only my pride in bowling the first ball for the season matched my level of skill on the green. I recently joined Hampton Bayside Bowls Club for their season opening. Having formed in 1964, the club is a cornerstone of the community in Bayside. Congratulations to Phil Gibbons and the club. And to the broader community, I encourage you all to become members.

St Leonards Pier

Alison MARCHANT (Bellarine) (09:54): It was absolutely fantastic to share Parks Victoria's new design for the St Leonards Pier this month with the community. This redevelopment is going to provide a longer and safer pier for recreational activities while also protecting the significant maritime heritage and the sensitive marine environment. The new pier will be built parallel to the existing footprint, safeguarding the remaining two shipwrecks that are beneath the current pier and protected under the Heritage Act 2017. The new pier will feature a widened pier head, a finger jetty extending to 140 metres – which goes back to the original length of where it was – and a widened pier entrance to improve access. The Sirens boathouse will be a central focus.

I want to thank everyone who came along to my community forums. With over 800 responses from last year's consultation, the new design shows the real impact of community feedback. Parks have also opened up a new survey for the community to provide ideas around external design features. That is open until 17 November, and I encourage the community to share their ideas. I am incredibly proud to stand alongside the Bellarine and St Leonards community through this process. I made a commitment last year that our government would rebuild the pier, and I was not going to settle for second best. I fought to ensure that this design truly reflects what the locals deserve and value the most. It is a pier that celebrates our heritage, supports locals and visitors, but it is also for generations to come. I am really excited to see this project progress.

Electric bikes and scooters

David HODGETT (Croydon) (09:55): Today I rise to speak on the proposed e-scooter and e-bike ban on Victoria's public transport network. E-scooters and e-bikes offer an affordable and environmentally friendly way to travel while also supporting a more active and healthier lifestyle. Many constituents within my electorate rely on these modes of active transport to complete their public

transport journey when commuting to work or to study. The government's proposed ban fails to distinguish between compliant and noncompliant devices. Whilst poorly manufactured, cheap models may pose safety risks due to inferior batteries or manufacturing, a blanket ban unfairly penalises responsible owners whose devices are compliant and meet Australian and EU safety standards. When manufactured to recognised standards, e-scooters and bikes carry no greater fire or safety risk than other widely used lithium battery devices, including power banks and laptops. A blanket ban would undermine Victoria's own investment in active transport and discourage people from making sustainable travel choices. Banning modified or noncompliant devices instead would ensure a fairer and more balanced approach, allowing certified, reputable models to remain in use. I urge the government to work with the industry and commuters to establish a compliance-based system, allowing safe, certified models to remain on our public transport network.

Hume Central Secondary College

Kathleen MATTHEWS-WARD (Broadmeadows) (09:57): Sometimes the young people in Broadie get a bad rap. But I tell you what, I went to the Hume Central year 12 graduation on Friday, and you could not meet a better bunch of kids, full of talent, promise, resilience and support for each other. It was a joy to celebrate their achievements and see the pride in their faces and those of their teachers. I offer them my warmest congratulations on completing 13 years of schooling and my best wishes for their exciting journeys ahead.

NRL Victoria Harmony Cup

Kathleen MATTHEWS-WARD (Broadmeadows) (09:57): Talking about fabulous young people, I had the pleasure of meeting Young Tonumaipea, a proud Broadie boy and Melbourne Storm star; Jarrod Stains, president of First Nations Melbourne Rugby League; and Elena Euese. It was an honour to hear their stories and see their pride in their culture and their insights into the power of sport to uplift and bear witness to their incredible leadership.

The Harmony Cup showed the strength of connection between sport and culture, and it was a beautiful celebration of both, with over 1400 players representing 17 communities, including Africa United, Australia, Bendigo, Cook Islands, Fiji, First Nations, Footscray Mana, Great Britain, KCM Pasifika, Nauru, Niue, Papua New Guinea, Samoa, Tagata Moana, Tonga, Tuvalu and VIC Maori. Seeing the families there, the celebration of culture and the bringing together of people through sport certainly reinforced my belief in the importance of investment in community sport as a wonderful way to give kids and communities healthy and positive opportunities. I could not be prouder of the Labor government's $14.3 million investment in this wonderful home of rugby league at Seabrook Reserve in Broadmeadows.

Seymour and District Historical Society

Annabelle CLEELAND (Euroa) (09:58): Three years ago floods tore through Seymour, leaving homes ruined, families displaced and businesses devastated. Among those impacted was the Seymour and District Historical Society, which suffered significant damage to its collection, including photographs, letters and maps that tell a story of our region. I remember speaking with Nancy and Jeff Halpin days after the flood as they worked tirelessly with other volunteers and members to lift items above the flood line and dry out records at Whiteheads Hall. Their determination reflected that of Seymour – locals doing whatever it takes to protect and preserve our history. Last week's reopening of the historical society marks more than a restoration of a building; it symbolises the resilience of a community that refuses to let its story be lost.

Euroa agricultural show

Annabelle CLEELAND (Euroa) (09:59): While Seymour celebrated its history, Euroa celebrated its heritage at the town's 133rd agricultural show. From working dogs and horses to fleece competitions, poultry and the ever-popular ferret race, which mine won, the show captured everything that makes country life special. It was a privilege to present this year's local legends award to Patricia

Pagent – Pat, Trish, Patty – recognising her outstanding contribution to the wool and sheep industry. She is an absolute legend that is so well respected and is a force in the Ruffy community as well. Thank you to Dave Kemp, Lyndal Dean, Cathy Artridge and all the volunteers. The Euroa show was an absolutely amazing day. It is one of the original shows that everyone should make their way to next year, and it reminds us of the strength and pride of our community.

Vocational education and training

Steve McGHIE (Melton) (10:00): Over the last couple of weeks I have had the great opportunity to get out into Melton to visit some of our local schools offering non-traditional learning environments. I was able to visit both Djerriwarrh Community & Education Services and Melton Secondary College to check out their Next Step program. I know that the traditional school environment is not for everyone, and let me tell you, the kids in these non-traditional programs are thriving. At Djerriwarrh, after checking out the incredible construction works taking place to build new state-of-the-art classrooms for these kids to learn in, we headed into a great morning tea to chat with some of the students at the school. The students spoke openly about their experiences before joining Djerriwarrh, sharing how they rarely attended school. Now they are showing up every day and kicking goals. I look forward to returning to the school at the end of the year to see the progress of the construction and again in 2026 to see the students settled and learning in their new classrooms.

I was also blown away by the Next Step program and their pilot graduates for 2025. Next Step is a program run out of the lead program at Lendlease in conjunction with Bendigo TAFE. Of the 18 students at Melton Secondary who started the 15-week program, 17 have graduated. These were students who were disengaged from school, but since starting the program they have had attendance of 80 per cent. Now many of the students want to seek apprenticeships, and they will be able to do so at the new Melton TAFE. Over 15 weeks these kids learned how to use power tools and create picnic tables for both their school and the Melton hospital crew to enjoy. I look forward to seeing it continue and grow into the future, hopefully beyond just construction and into other areas.

Saltwater P–9 College

Mathew HILAKARI (Point Cook) (10:01): I know our future is in safe hands after attending the TEDx youth event at Saltwater P–9 College. All were articulate, passionate and on point. Niyanth Iyengar explored the crisis of attention in school and expanded on his 'engage, empower and elevate' method – a very relevant topic to some in this place. Naivedhya Patan reflected on the complexities of friendship and judgement, and on kindness, empathy and understanding to build community. Muhammad Aaraiz pondered a colourless world bleached by design – different from his Pakistani heritage – and how colour brings connection. Mikayla Madu focused on casual racism – as she says, she is more than her melanin – and reflected on working towards a culture of respect and equality. Ahmad Monsoor asked about the future of AI in schools, saying AI made learning feel like a dialogue – something for legislators to reflect on. Lora Ma opened up about her journey through confidence and public speaking. Everyone has stories worth sharing. Thank you, Lora, for sharing yours. We were laughing with you as the microphone failed. Chrisma Adjetey refused to be silenced and sought to create spaces where people belong in opposition to microaggressions. Lastly, Ayaana Bhardwaj talked through the mask that we use and said, 'Once I found my values, I stopped feeling so lost.'

Footscray electorate community sport

Katie HALL (Footscray) (10:03): I would like to raise today the issue of community sporting capacity in my electorate of Footscray after the disappointing decision in recent weeks of CitySide Sports to withdraw its social netball program from the Whitten Oval. This of course affects predominantly women. For a lot of women and girls in our community, social netball is the one opportunity they have each week to get out, run around, stay active, stay connected to members of their community and stay connected with their friends. This is another decision that highlights issues in the City of Maribyrnong in terms of their construction and their investment in community sporting

infrastructure. We know, unfortunately, that the shortage of basketball and netball courts in the City of Maribyrnong has led to a situation where we have young people – around 100, I believe – waiting to play for the Westgate Basketball Association. I also know that the roller derby no longer has a home. These sports are predominantly impacting women, so the local netballers are running a petition seeking the council to invest in this infrastructure.

Bayswater electorate schools

Jackson TAYLOR (Bayswater) (10:04): By the time you are all watching this, which I am sure you will, we will have officially opened the new facilities at Kent Park Primary School in Ferntree Gully, aka the Gully. We love Kent Park; it is a beautiful place. Principal Kieran Denver has been an absolute champion, a legend, a great bloke and a fantastic principal down at that fantastic school. We love Kent Park. We are getting this project delivered: it is a new synthetic oval; it is a new running track; it is new playgrounds. This was an election commitment, now very proudly delivered by the Allan Labor government. I am looking forward to getting out there and opening it up this Friday. But when you see this, it will be a Friday already gone past, which is fantastic – I cannot wait.

And of course work at St Jo's primary school in Boronia is nearly finished. It is also home to one of the best school songs – probably the best school song in the state of Victoria. It is the school on the side of the hill.

Alison Marchant interjected.

Jackson TAYLOR: I will not sing it, member for Bellarine. I tell you what, though, you might convince me before the end of my time in this place.

We have upgraded that wonderful school, which will provide the learning facilities that the school absolutely deserves. It has been great working with principal Mark Westwood and the entire school community – always very generous.

And work is well and truly underway at Bayswater South Primary School – another election commitment delivered by the Allan Labor government, with over $11 million delivered. The new toilets and storage facilities are open, the retaining walls are all done – a previous bit of work – and all the upgrades to learning facilities on all the classrooms at the school are underway. Thank you very much, principal Bret Mottrom and the entire school community.

The DEPUTY SPEAKER: A big shout-out to Kent Park Primary, my old primary school.

Noble Park Community Centre

Eden FOSTER (Mulgrave) (10:06): I rise today to acknowledge the vital work of Carers Victoria and to congratulate one of the outstanding recipients of their Connecting Carers in their Community 2025 grants, the Noble Park Community Centre in the electorate of Mulgrave. This grant is a critical investment supporting my community's efforts to reduce isolation and boost the wellbeing of unpaid local carers. These unsung heroes provide round-the-clock care yet often sacrifice their own health and social connections. The Noble Park Community Centre has a focus on culturally and linguistically diverse carers, which is really great for my community. By funding local, community-led initiatives, this program creates safe spaces where carers can connect, recharge and find peer support.

I also want to acknowledge the Noble Park Community Centre for their recent annual art show. In its 20th year and having showcased over 6000 pieces of art over the years, this wonderful event showcased the incredible talent of local residents, from emerging artists to seasoned creators, and created a vibrant space for cultural exchange right in my electorate of Noble Park.

William 'Bill' Morgan

Eden FOSTER (Mulgrave) (10:07): And before I finish, I would like to wish Reverend William 'Bill' Morgan a happy 110th birthday. He is the oldest Victorian and the second-oldest Australian, so happy birthday, Bill.

Narre Warren Senior Citizens Centre

Belinda WILSON (Narre Warren North) (10:07): 110 – something for all of us to aspire to. I would like to do a huge shout-out to the Narre Warren seniors club for having me for their Pink Ribbon morning tea. What a great morning it was.

Statements on parliamentary committee reports

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Mathew HILAKARI (Point Cook) (10:08): I am so pleased to rise on the 2025–26 budget estimates report. The chair presented this report yesterday, and it was a pretty special moment in time to reflect on a budget that is delivering so much for many Victorians. But I have some sad news for the chamber, and it is not a grievance debate of course here, so I will not spend too long on it, but we did lose the grandfather of the committee. It was the first budget estimates without the grandfather of the committee, who has been there for I think more than a decade. Of course the Nats gained a leader in the member for Gippsland South. So we did miss you. But we did have a much-loved – not weird but much-loved – uncle come and join us as deputy chair, member for North-Eastern Metropolitan Region Nick McGowan. It was with much appreciation that we enjoyed his time as the deputy chair. Importantly, I want to acknowledge the chair, the member for Laverton, who did an outstanding job once again on guiding us through the Public Accounts and Estimates Committee's review of the budget in the budget estimates. We also had a new team in terms of our secretariat, and I want to acknowledge Igor Dosen, who was really thrown in the deep end. Budget estimates really is PAEC's most important activity across the year, and it is a challenging time, particularly for the secretariat. I want to thank Igor for stepping up during this period.

I know I will come back to this report many times over the course of this term of Parliament. However, I just wanted to pull out a few highlights of the budget and what it means for the community that I represent but more so for the broader community. It starts off saying, and I think this is probably the most important thing that we can say, that wages are forecast to grow at a greater rate than inflation for the first time since the COVID-19 pandemic. Real wages growth is a really central need for members of our community. Real wages growth means a better life. If we can do things to assist the community to gain real wages growth, then we are doing a good thing, because it means better lives for families and better lives for communities and the opportunity to participate in ways that they cannot otherwise if they do not see that real wages growth. It is a primary reason for the labour movement to exist – to improve the lives of people, and that is delivered through a rate of wages growth that is greater than inflation. So I was very pleased that that is the very starting point of this report.

There is an operating surplus of $600 million in 2025–26, and this is part of achieving step 3 in the five-step fiscal strategy. The Department of Health is a massive and huge department.

Michael O'Brien interjected.

Mathew HILAKARI: I will not take up interjections just yet, but I might come back to them a little bit later. The Department of Health is a huge department, and it delivers so much for the community that we represent. At the point in time when you need the Department of Health, it may well be the very worst of days for you and your family. So we support the Department of Health with over $31.2 billion, and we have got a huge infrastructure program in health, one of the largest at almost $16 billion in 2025–26. What does that mean for communities like mine? Well, it means places like the Point Cook community hospital get built. I am so thankful for the workers on worksites at the

moment in Point Cook who are undertaking the piling and working on those foundations right at this very time. It means new emergency departments like that in Werribee. The Premier and I and others from the community that I represent, like the member for Laverton and the member for Werribee, recently visited the site and we saw how they are thinking about making sure that patients are moved through the place in a really considered way, separating paediatrics from the general hospital and assisting those people who will need some extra support as they come out of ambulances.

The Victorian Virtual Emergency Department is now the biggest emergency department in the state, and it is supported to the value of almost $450 million for its operations in the 2025–26 budget. Becoming the biggest emergency department in the state is a really big deal, because I think if we went back to the pre-COVID days, certainly something like this did not exist at all. It is supporting those people to get the care that they need much sooner.

Deputy Speaker, I can see that you are letting me know that there is limited time left, and I have only got to the Department of Health. Just to let you know, I am coming to the departments of education and justice and community safety soon. Wait for my next report.

Public Accounts and Estimates Committee

Report on the 2024–25 Budget Estimates

Cindy McLEISH (Eildon) (10:13): I am speaking today on the 2024–25 budget estimates report which was tabled in October last year by the Public Accounts and Estimates Committee. I am referring to chapter 6 on the Department of Transport and Planning; 6.6 specifically is on roads and road safety, and road maintenance and road safety fall under that. When I reviewed the report and I looked at the objectives for the coming year, out of the five objectives that are listed there is actually nothing about good road management and good road surfaces. That provides an insight for me about why our roads are so bad. The government does not have them as a priority. They are focused on transport services being safe, a quality built environment, effective management of land assets – well, I suppose that is the roads – and prosperous and connected communities, but there is nothing that specifically talks about our roads and works on those roads which need to be done. I would like to say 'outstanding', but they are not outstanding, if you know what I mean.

For too long we have heard that the condition of our roads is related to the floods. However, so many road issues in my electorate are so not related to the floods; they are related more to neglect. The government brags consistently about road investments. Every year at this time of the year we have the better roads blitz. It has been the same press release each October for six years, and it is just spin.

We have so many roads that are failing. I want to highlight a couple of the spots. The wire rope barriers between Molesworth and Yea – it is about 8 or 9 kilometres – have dings in 27 spots, and some of those are very large dings. It might be 10 metres or so where the barriers themselves have been knocked down, never been replaced and are in just terrible condition. Our road surfaces are failing – we have potholes and the surfaces are crumbling. The Buxton Progress Association the other day were complaining to me about the Maroondah Highway in Buxton. There is a spot in Ancona and Maindample on the Maroondah Highway between Bonnie Doon and Mansfield which is in appalling condition. The Goulburn Valley Highway at Molesworth, in downtown Molesworth, is dreadful. The Heidelberg-Kinglake Road, just south of Kinglake, is also in a terrible state. The Melba Highway has potholes opening up. The government must act to make a difference here.

It is not just me and adults who are saying that. I have a whole bunch of letters from children from the Mansfield Steiner School who visited Parliament recently, and they all wrote to me as a result. One thing that they would kindly ask for is filling in the potholes. Here is somebody else that is saying their gratitude for getting some work done and trying to get the potholes filled. Somebody else asked: can you please fix the potholes so the roads can be more safe? Another said, 'I want to tell you that I am grateful for some pot holes being fixed' because it is safer to drive.

Something that other kids raised was the number of dead animals on the roads, which now are no longer moved or pushed off to the side of the roads. Here we have one child from the school who said:

> I would like to request road kill being cleaned up because having dead animals lying on the road isn't good.

Another student from Jamieson said there are so many dead animals that they and their friend had started to count them. They counted 113 dead animals on the way to school. Another student said:

> It's not very pleasant to see dead animals. Perhaps we could have virtual fences or under-road tunnels. If they still got hit by cars it would be much better if you could move the dead animals.

All of these kids know that potholes exist. They know that there is neglect of the roadsides. We have dead animals littering so many roads in my electorate. It is really just not good enough.

Not only do we have dead animals everywhere but we have illegal rubbish dumping. I know the government are aware of it. In fact I raised an adjournment matter, and I did get a response from the minister to say that they are aware of rubbish dumping across the state, including the Melba Highway, Donnybrook Road, Healesville-Koo Wee Rup Road and the Goulburn Valley Highway, which I had raised. When rubbish is deemed a hazard, it is assessed as a high priority and removed accordingly. Clearly the rubbish that is dumped in my electorate, because it is to the side of the road, is not a hazard. It has been there all year at least, and it is decomposing. What is also happening is that when you have the wild weather it spreads. We have plastics and all sorts of things going into our creeks and waterways, and that is not good.

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Dylan WIGHT (Tarneit) (10:18): I rise this morning to make a contribution on the 2025–26 budget estimates report from the Public Accounts and Estimates Committee. I would like to, at the outset, acknowledge the fantastic chair of PAEC the member for Laverton. Who have we got? I think the member for Point Cook is in the room and the member for Yan Yean is as well. I do not think the member for Mildura is here, but I am sure she makes an amazing contribution.

The 2025–26 budget delivered for Victorians a responsible budget, returning the budget, as we know, to a $600 million surplus, but it also delivered the things, the services and the infrastructure that Victorians need. It also includes $3.3 billion worth of savings and efficiencies, because we went into this budget round saying that we would deliver a responsible budget from an economic point of view but one that also delivers for all Victorians. I will go into a little bit more detail on how it does that. On top of delivering that budget surplus, the first one since the COVID pandemic, and delivering on Victoria's fiscal strategy set out by former Treasurer and former member for Werribee Tim Pallas, the budget also delivered in spades, as – since I have been in here anyway – most budgets have for my communities of Tarneit and Hoppers Crossing and I think for the outer suburbs more broadly.

We saw significant growth areas infrastructure contribution allocations as part of this budget for infrastructure, for transport and for community assets, but we also saw a huge investment into education in the outer suburbs. In my electorate we have a pretty new high school, Brinbeal Secondary College, which is in its second year of operation at the moment. To give you a little bit of background about Brinbeal Secondary College, in my view – and I checked this with the Minister for Education – in terms of public secondary school infrastructure it is as good as you will find anywhere in the state. It is also a brilliant school under the tutorship of principal Simon Haber, but the infrastructure is absolutely amazing. It is a beacon in terms of education in my electorate of Tarneit.

Frankly, kids in the west deserve nothing less than a world-class education with world-class teachers but also world-class infrastructure, and that is what Brinbeal provides my community of Tarneit, particularly those around the new Tarneit West and Riverdale areas. In this budget Brinbeal Secondary College has the funding to deliver its second stage – $83 million to deliver the second stage of Brinbeal Secondary College. It will obviously increase capacity so more people in the surrounding area can

take advantage of the school, but it will continue to deliver the world-class educational infrastructure in Tarneit that residents deserve. This second stage will include two learning neighbourhoods, a visual arts building and also a sports oval to be able to deliver a PE program.

But we did not stop there in terms of education in the outer west. The Grange P–12, with two campuses in Hoppers Crossing, also received a share in $10 million worth of planning money. In 2018 we delivered a capital works upgrade for the secondary campus of The Grange, and now they have planning money to be able to plan an upgrade of their primary campus – streamlining their learning, their sports academy and their STEM academy from those late years of primary school into secondary college and having the facilities to be able to do so. As I said at the outset in respect of this report, this is a budget that was responsible and that delivered what Victorians need.

Environment and Planning Committee

Inquiry into Securing the Victorian Food Supply

Peter WALSH (Murray Plains) (10:23): I rise to make some comments on the Legislative Assembly Environment and Planning Committee report into securing Victoria's food supply and on some of the recommendations that were made and, I suppose, the lack of a government response to that particular report. I refer particularly to recommendations 1 and 2. Recommendation 1 is:

> That the Victorian Government develop a whole-of-government Victorian Food System Strategy.

That strategy should look at supporting farmers and food manufacturers to build profitable businesses and expand healthy food production. It should map the food-producing regions and protect all agricultural land from inappropriate development. The strategy must also set measurable targets, clearly attribute responsibility for achieving these targets and include a transparent monitoring framework. I think they are aspirations that would be good to make sure Victoria secures its food supply in the future. Disappointingly, the government response to that recommendation was that it is under review – and we know what 'under review' means. It means park it down the back and probably never do anything about it in the future. So I think there is a missed opportunity from the government to actually do something about that recommendation.

Recommendation 2 follows on from that:

> That the Victorian Government consider establishing a Minister for Food with responsibility for the Victorian food system in its entirety (including agriculture, food processing, manufacturing, supply and consumption).

Again, we have different parts of government managing different parts of the production, manufacturing, supply and distribution of food. That needs to be coordinated into the future. The minister should coordinate the development and implementation of the Victorian food system strategy, which is what was in recommendation 1. Disappointingly, that is also under review. I would have thought the government would have grabbed both those recommendations and used them as a blueprint for the future, particularly to give directions to the department.

If you think about the whole of the food supply system here in Victoria, for the benefit of the Minister for Environment at the table, more than 50 per cent of the food that we produce in Victoria relies on bees for the pollination service. We recently had the department actually exclude beekeepers from public land here in Victoria. Access to public land for beekeepers is an important part of their annual cycle as to where they can actually put bees to rest and to rejuvenate before they go and do the hard work of pollinating crops, like the almond crops, like the fruit tree crops, like canola and like lucerne crops. If we had had a minister for food that was actually looking at the whole supply chain, we may have had some coordination across government and we would not have had the department exclude beekeepers from public land, where they have been going for literally decades doing no harm at all. But that has a major impact on the supply of the pollination services for food.

A series of recommendations talk about population growth and urban sprawl, and that very much deals with the Melbourne growth area and the food production there. But I would remind the house that the

overwhelming majority of food in Victoria is produced outside the urban growth area, and we need to make sure there is a focus on all of that.

Recommendation 21 talks about the fact that Agriculture Victoria should, with all programs, initiatives and grants, acknowledge the importance of small to medium-sized farms to the food supply and resilience of the agriculture sector and make sure they have access to services and funding. The government has supported that in full. The concern I would raise is that large-scale farmers are equally important to the production of food here in Victoria. I would not like to see the fact that because the government has supported this in full they will exclude large-scale farmers from their programs.

The last one to touch on is recommendation 22:

> That the Victorian Government revise the *Ministerial guidelines for differential rating* … to encourage local governments to apply differential rates to farmland. The revised guidelines should …

and so on. This is supported in principle. Again, we have not seen any action. One of the things that we find in our electorates every year is that there are complaints that farmers carry an over-representative burden of the rate cost in local government. There is the ability to have differential rating. Most local governments do not use that differential rating for farmers. I would encourage the government to do more than just support it in principle – actually make this recommendation happen. The last bit would be that apart from not having the differential rate, they have actually penalised farmers with the emergency services tax. That now is effectively a wealth tax or a land tax on farmers.

Legal and Social Issues Committee

Building the Evidence Base: Inquiry into Capturing Data on People Who Use Family Violence in Victoria

Tim RICHARDSON (Mordialloc) (10:28): It is an opportunity to rise to speak on the committee report that was tabled by the Legal and Social Issues Committee, *Building the Evidence Base: Inquiry into Capturing Data on People Who Use Family Violence in Victoria*. A lot of the time this Parliament is quite a combative setting, or an adversarial setting in a question time frame, but when we get the opportunity to do reports in committees and that work there can be some extensive contributions made. This inquiry, led by the magnificent member for Lara, who has done a couple of significant inquiries as chair already, is an incredible contribution to how we respond to people who use violence and how we capture data and evidence around that. I give a shout-out to the member for Euroa as deputy chair. But I have had some chats with the member for Lara, and her depth of knowledge of this sector is immense and her care and understanding of where we need to go and how we have line of sight on people who use violence. Over 60,000 people are on Victoria Police's radar. We know that is people who have had an interaction through an intervention order or a person who has used violence in a context of family violence, intimate partner violence or former partner violence. It is substantial. And that is the number that is reported – it is such a higher factor in our community of impact and harm beyond that number.

In those critical moments where we have a person at risk of using violence, it is critical that services and agencies share information. The multi-agency risk assessment and management framework is something that Victoria can be so greatly proud of. The multifaceted approach to risk management and assessment is nation-leading. It is going through its own formal review at the moment. We have men's behaviour change minimum standards work going on, and I give a huge shout-out to the current minister, who is integral in this space. The Minister for Prevention of Family Violence Natalie Hutchins has been immense in this space – and the minister before, Minister Ward, the member for Eltham. I have had the chance to work for both as Parliamentary Secretary for Men's Behaviour Change. They have been outstanding leaders in this space.

If we do not have the data, if we do not have the information and if we do not have the eyes of our agencies on people that use violence, the increase in risk is substantial, because 2 per cent of those that perpetrate harm in a family violence context account for 40 per cent of the harm impact. If we go to a

crisis frame and have eyes on those people, have understanding of the data and drive their accountability in the future – so they have to front up to their use of violence, understand that – then how do we over time change behaviours? These are the critical elements.

The role that I have as Parliamentary Secretary for Men's Behaviour Change is about what works over time to hold people's accountability in a really difficult policy setting and then, over time, what changes behaviours. That is the critical web right now: there is the family safety package that was announced in 2024, and there are the most recent 106 recommendations in the rolling action plan that was launched by the Minister for Prevention of Family Violence. These are the critical elements, and time matters in every element. We know that people are more susceptible to engaging with a men's behaviour change program in those critical 72 hours. As time ticks on and if Orange Door is not able to reach them, their malleability to change starts to solidify, and they will be more hardened in their resolve to not seek out programs and accountability going forward.

When we have the shared data, when we are flexible, when agencies are able to use the central information point and come together and connect and when we have assertive outreach for people we think are at risk of using violence, then all those elements together with the recommendations of this inquiry are critical. I know the minister and the cabinet take this information seriously.

As we head towards the 16 days of activism in November, it is a critical time for us to think about those people that use violence. Next week in Canberra is the launch of the Adolescent Man Box report. The Man Box, launched by Jesuit Social Services, is one of the leading voices on what changes behaviours. If you have got more elements of the Man Box, you are more likely to have damaging stereotypes and attitudes towards women and girls. The *Willing, Capable and Confident* report, which was launched by Respect Victoria, is internationally renowned and leading. So when Kate Fitz-Gibbon and Matt Tyler launch that at the press club on 6 November, next week, this will be a substantial moment for our nation for accountability, data and making sure that we lower instances of violence over time.

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Jess WILSON (Kew) (10:33): I rise to make a contribution on the report tabled this week by the Public Accounts and Estimates Committee (PAEC) on the 2025–26 budget estimates, and specifically I would like to talk to the recommendations and the findings in the report around the government's pet project, the Suburban Rail Loop. This is a bipartisan committee. In fact, it is chaired by a Labor government MP in the member for Laverton. I have to say the committee has done excellent work in calling out the lack of transparency around the enormously costly project that is the Suburban Rail Loop and its dubious cost–benefit equation.

Finding 45 of the committee's report – and I say it again, chaired by the member for Laverton – states that Infrastructure Australia had:

> … low confidence in the project's cost estimates provided in the Victorian Government's business and investment case and considered the economic appraisal to be overstated.

Recommendation 17 calls on the Suburban Rail Loop Authority or the Department of Transport and Planning to publish an updated cost–benefit analysis of the Suburban Rail Loop. The committee also notes in finding 49 that the government plans to fund a third of the SRL East through so-called value capture mechanisms – in other words, new taxes on Victorians, on households, on renters and on businesses to pay for the big black hole that is the Suburban Rail Loop.

The report urges the government to publicly release details of its value capture strategy, including the fees and taxes it plans to use to raise the $11.5 billion from properties located near the proposed stations, specifically highlighting the fact that it is the government's intention to fund this project through putting new taxes on Victorians – new taxes on Victorians trying to buy a home in the area,

new taxes on renters in the area of the Suburban Rail Loop. Why is that going to be necessary? Because the government has no plans for how to fund the Suburban Rail Loop. With $11.5 billion supposedly from the state government, $11.5 billion from the federal government, of which we have seen about $2.2 billion delivered, and $11.5 billion from Victorian taxpayers, how will this be funded? It will be funded through higher debt and higher taxes once again under the Allan Labor government.

These recommendations in the report from PAEC, chaired by the member for Laverton, are not radical. They are not political gamesmanship. They are commonsense measures that are designed to ensure transparency and protect Victorian taxpayers. They echo the advice of Infrastructure Australia, which earlier this year urged the Commonwealth not to allocate further funding to the project until the costs were reviewed and the funding model was clarified. The committee notes in finding 46 that Infrastructure Australia requires the Victorian government to provide updated cost estimates, a comprehensive financing strategy detailing how value capture will work and an updated cost–benefit analysis. The report questions whether the cost–benefit analysis of the Suburban Rail Loop stacks up for Victorians, specifically calling out that the government should look at other ways to address the issues that this project is meant to fix.

We know that this project was dreamt up by the former Premier with a $30 billion to $35 billion price tag. But since then construction costs have risen and every single government project has blown out and cost taxpayers more, wasting taxpayer money. We know that every single government project has the CFMEU tax on it: 30 cents in the dollar of every government project is going to the CFMEU and organised crime, bullying and intimidation. That is why the credit rating agencies have said to the government that the SRL is an elevated risk for seeing Victoria have a further credit downgrade. Once again this government is disrespecting Victorian taxpayers, wasting their money. It is going to put up taxes and raise debt, costing all Victorians.

Bills

Voluntary Assisted Dying Amendment Bill 2025

Consideration in detail

Debate resumed.

Clause 6 further considered (10:38)

The DEPUTY SPEAKER: I remind the house that when we finished last night we were on clause 6; we still are. I understand that the member for Kew has amendments to circulate in substitution for the amendments she circulated yesterday. I invite the member to circulate these amendments now.

Jess WILSON: I seek to substitute the amendments that I circulated yesterday and ask that they be circulated to the house.

The DEPUTY SPEAKER: I call on the member for Broadmeadows to move amendment 3 in her name. I advise that if her amendment is not agreed to she cannot move her amendments 4 and 10 to 12 as they are consequential. Therefore I advise her to address the principles of all those amendments when speaking to amendment 3.

Kathleen MATTHEWS-WARD: I move:

3. Clause 6, line 33, omit 'Secretary.".' and insert "Secretary.".

One of the issues I feel most strongly about is the provision of information that is only about VAD, nothing more, nothing less, as mentioned in the second-reading speech, and how this could be interpreted by some vulnerable people. As the member for Monbulk said, feeling like you can access VAD is far different to feeling like you should access VAD. I strongly believe that any information given to a terminally ill person should include an explanation of palliative care and the options available, including assistance with personal care; discussion of the psychological impacts of terminal diagnosis and the psychological supports available; information about advanced care directives;

information explaining the difference between symptom management interventions and life-prolonging interventions and the right to refuse interventions, which I do not think enough people understand; information about elder abuse, informed consent and the supports available; consumer affairs-related material, including power of attorney and will making; information about My Aged Care, NDIS and carer supports, and we know how tough this period can be on carers, and I think that actually plays into people's decision on VAD, so it is important that people know that carer supports are available; contact details for referral pathways and navigation for all of these services; and that this information is offered in all languages. I think the provision of additional information would help people feel a stronger sense of autonomy, agency and value, importantly, and help with discussions with loved ones.

While we currently have a VAD navigator, we do not have a navigator for people diagnosed with terminal illness. Having worked in finance, elder abuse, aged care and policy for ageing Victorians, representing both multicultural and vulnerable communities – including having the lowest literacy in the state in Broadmeadows – as well as personal experiences with caring, death, terminal illness, palliative care, disability and the medical system, I am acutely aware of how difficult many people find it to navigate services and know where help is available. I think everyone deserves help getting the information, advice and help they need to fully understand and weigh up their options. I am also particularly concerned about the lack of psychological supports that are offered to people upon receiving terminal diagnosis. I understand that within the first six to 12 months of terminal diagnosis is when people are most likely to have suicidal ideation, and they deserve to know that supports are available and that they are not alone on their journey.

I am also acutely aware of the general lack of understanding in the community of advanced care directives and each person's right to refuse life-prolonging interventions. I have seen time and time again people's wishes to die not being respected by those around them and life-prolonging treatment being administered against their wishes. Sometimes they do not have the strength to talk up when they want to be heard or even have the language. The experts also spoke of the many times that people have changed their mind on VAD when they properly understood what palliative care was available. I think it is important that people have choice, and we have spoken about that, and they need to understand those choices. I think this information would help that. I think the provision of information, in addition to the VAD navigator contact number, is actually quite a small ask, and I would appreciate the house's support on this very humble amendment.

Brad ROWSWELL: I also rise in support of the member's amendment to clause 6. I think it is entirely sensible, the amendment that she is proposing. I think the circumstances which she has outlined in relation to her amendment are absolutely true, and I believe if there is an opportunity to provide resources to those at the end of their life, with as much information as possible about what their options are and the supports and care that are available for them, then I think that is an obligation which we should agree to and that this legislation must encapsulate and embrace. So I rise in support of this amendment and commend it to the house.

Iwan WALTERS: I rise in support of the member for Broadmeadows' – as the member for Sandringham said – reasonable and moderate amendment. The member for Broadmeadows brings a significant amount of lived experience, both of the systems and structures around voluntary assisted dying and the current operation of those laws. Also, as the member for Broadmeadows she represents a community like mine in Melbourne's north, which does have very high levels of English-as-a-second-language households, very culturally diverse communities and, in part because of those characteristics, relatively low health literacy, where the provision of information is important to ensure that patients – or indeed their families; whoever it might be – have active and informed choice and indeed control over their treatments.

I have made this point in different contexts, but I feel that this amendment becomes necessary because of the inherent ambiguity in clause 6, in the context of the information that is to be provided by the secretary not being made explicit. Yes, it is in the explanatory memorandum and the minister's second-

reading speech, but I note again that it has not been made clear in the bill. I will return to this in a subsequent contribution – I want to focus on the amendments – but because of that uncertainty amid both the practitioner community and also the patients about precisely what information the secretary may deem appropriate to be shared, I think it is appropriate that the member for Broadmeadows has sought to be additionally prescriptive and very descriptive about the nature of the information that would be shared with patients who are seeking information or for whom a clinician would be sharing information. On that basis I rise in support of the member for Broadmeadows' amendments.

Chris CREWTHER: I also rise in support of the member for Broadmeadows' amendment. I agree that it is reasonable, and they are moderate amendments that come from her substantial lived experience in this area. We of course need to ensure that people are given the best information and have increased control and choice in this matter if we are to go down the path we are going down with this bill. So I do want to add my short remarks in commending the member for Broadmeadows' amendment.

Daniela DE MARTINO: I too rise in support of the member for Broadmeadows' amendment. At the end of the day holistic health care is incredibly important for all of us, and this actually takes quite a holistic approach in terms of the information to be provided. I think the explanation of palliative care; information about special personal care options; information about the psychological impacts of being diagnosed with an incurable disease, illness or medical condition that will result in death; and information about psychological support options are all incredibly important. So too is information about advanced care directives and information explaining differences between treatment options that manage symptoms and treatment options that prolong life, and the right to refuse medical treatment as well; information about informed consent, the risks of elder abuse and available support options; information about powers of attorney and the process for making a will; information about aged care options, assessments and services; information about the NDIS; information about support options for carers; and contact details and referral information for services that offer care or treatment described.

Furthermore, I commend the member for Broadmeadows for also ensuring that information is available to be given in languages other than English. I think the prescriptive nature of this, as mentioned by the member for Greenvale, is pretty important to be contained in this act. I think a lot of people, generally, do not do death terribly well in our culture. We do not speak about it until it approaches us or it is there already, and it is too late sometimes for people to truly understand and appreciate what is available for and to them. I think the member for Broadmeadows' deep consideration of this and thorough treatment of the amendment she puts forward shows the level of depth, compassion and passion that she has put into this, as well as her experience working in this area and this field prior to being a member of Parliament. I think it shows, again, a holistic approach to enhancing the act and ensuring that we provide as much information as possible to people who are in that situation – a time of great grief and challenge for them.

I completely commend this amendment to the house. It would be wonderful to see it incorporated into the act to ensure that this information is provided to people comprehensively. I commend the member for Broadmeadows on this.

James NEWBURY: I rise in opposition to the amendment. It is important to understand in this debate that the legislation was modelled on best practice from two other states in relation to this clause. I can understand why members – and I do not want to reflect – have found, especially in this clause, a place to express perhaps a broader opposition to this legislation. It does concern me that the reflections contained in amendments proposed to this clause somehow seek to undermine the capacity of non-elected individuals. I understand that there are concerns around appointments and who holds particular roles, but in seeking to amend this legislation in this way, there is a reflection being made on the secretary of the department. We have to go into these debates with a view that the public service will do their best and are always trying to do their best. Any amendment that is being moved in relation to this matter unfortunately could be seen by some as a straw man argument against broader concerns around this bill. If that is the case, I think it is easier to simply say, 'I'm seeking to amend here because

I don't support the bill' rather than saying, 'I'm seeking to move an amendment because I'm concerned about the behaviour of this particular public servant.'

Last night I voted against a proposal in a similar way. It is a difficult thing to be the only member of your side not to be voting for an amendment, but I believe very strongly that the legislation in its current form should be supported, so I will not be supporting this amendment.

Nathan LAMBERT: Just briefly, to respond to the member for Brighton's remarks, which I thought were an extraordinary characterisation in the debate we have been having, last night I rose and spoke in favour of the member for Caulfield's amendment. I made it very clear in those remarks that the intention was simply to align the bill with the explanatory memorandum and the second-reading speech, and that is a broad principle of value for all of us who rely on those summary documents to have some fidelity to the bills. For the member for Brighton to somehow claim that is speaking against the bill defies logic. Without reflecting too much on him, I think he was clutching at straws to find something to say on this topic. His remarks were inaccurate and unwarranted.

Iwan WALTERS: I similarly rise just to briefly touch upon the comments of the member for Brighton. To suggest that a concern about this particular provision in the bill is being utilised as a broader straw man is a problematic reflection on the way this debate is being conducted. I think those of us who are speaking in support of this amendment are specifically focused on this provision, and in doing so we are seeking to improve the bill.

To suggest that somehow a concern with the drafting of legislation that grants a specific power to the secretary is therefore a reflection upon either the person or the office of the secretary I find truly extraordinary. The issue that I have with that provision is that that person is not an elected member of this chamber, and the information that they may approve to be provided in the context of end-of-life care and voluntary assisted dying in Victoria is not therefore immediately subject to this Parliament. That is a fairly substantive principle that has been around for many centuries and has evolved over many centuries. As a member of this house elected by the people of Greenvale I would wish the capacity to have a democratic level of oversight of that information.

To suggest that it is a personal reflection upon a secretary, a public official who absolutely will be working to the best of their ability and in good faith, is not the point. The point is that the information is not specified in this bill and that the house does not have the capacity to scrutinise it. I suggest that is why we are debating this point: we are seeking to improve upon the bill, not in fact reflecting upon the bill as a whole.

Kathleen MATTHEWS-WARD: I am quite disturbed by the member for Brighton's insinuation that I am using this clause to undermine the bill. That is absolutely not my intention. If you have a listen to my speech, then maybe you would be free to comment. There are parts of the bill I support, and the information given to somebody –

James Newbury interjected.

Kathleen MATTHEWS-WARD: You also do not understand my community at all. You have probably never been there. Somebody in a state of terminal diagnosis is getting information in a very vulnerable state. I know a lot of older people, particularly in their 80s and 90s and in multicultural communities, who see doctors and others as very authoritative figures who they do not feel comfortable questioning. If they are handed information about VAD only, I absolutely see the risk that they could see that as a suggestion for where they should go and what they should decide. We have talked about autonomy so much in this house over the last 24 hours, and to me autonomy is only real when you are fully informed and know what your choices are. All I am asking for is extra information in this so that people understand their choices, understand they also have the right to refuse treatment and understand what an advanced care directive is – so many people do not understand that. I think it is not unreasonable to ask that extra information is provided.

Mary-Anne THOMAS: We do not support this amendment. End-of-life discussions are a normal part of health care happening every single day, and it would be completely inappropriate for an act of Parliament to seek to define the conversations that should be held between a treating health practitioner and their patient. I have full confidence in our highly qualified, highly experienced and compassionate healthcare workforce to always have the best interests of their patients at heart.

The DEPUTY SPEAKER: The house is considering the member for Broadmeadows' amendment 3 to clause 6. The question is:

> That the expression proposed to be admitted stand part of the clause.

All of those supporting the amendment should vote no.

Assembly divided on question:

Ayes (49): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Ben Carroll, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Lauren Kathage, Sonya Kilkenny, John Lister, Gary Maas, Alison Marchant, Steve McGhie, Paul Mercurio, John Mullahy, James Newbury, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (30): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Anthony Cianflone, Annabelle Cleeland, Chris Crewther, Daniela De Martino, Wayne Farnham, Sam Groth, David Hodgett, Emma Kealy, Nathan Lambert, Kathleen Matthews-Ward, Tim McCurdy, Cindy McLeish, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, Bridget Vallence, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Question agreed to.

Brad ROWSWELL: Just briefly, if I could ask the minister, I am advised, Minister, that you have indicated that no new offence is created in relation to a breach of this clause, but I am keen to get your understanding and, frankly, acknowledgement that compliance with civil law is a normal requirement for the purposes of insurance, registration and employment contracts for healthcare practitioners, so the penalty for conscientiously objecting to VAD is that potentially a healthcare professional could lose their job or their ability to earn a living.

Danny Pearson: On a point of order, Deputy Speaker, with the indulgence of the house, we have just had a division on the amendment. Could I ask if the member for Sandringham could briefly paraphrase his question to the minister? There was a bit of audible discussion in the chamber. I was having trouble hearing the member. I am not trying to drag this out, but I just want to make sure we are responsive to the member's questions.

The DEPUTY SPEAKER: We have had members making a bit of noise. If the member would like to start again, I will let it go.

Brad ROWSWELL: I am happy to on the basis that it is my first crack. I am in complete agreement with the minister that we do not want to draw this out. I am advised, Minister, that you have indicated that no new offence is created in relation to a breach of clause 6. I am inviting your acknowledgement that compliance with civil law is a normal requirement for the purposes of insurance, registration and employment contracts for healthcare professionals, so the actual impact or penalty of conscientiously objecting to VAD, in this case, is a potential loss of job and the ability to earn a wage for a healthcare professional.

Mary-Anne THOMAS: In response I might repeat what I have already said in this house. When it comes to conscientious objection, our government absolutely respects the right of healthcare providers to hold a conscientious objection. However, we agree with the Australian Medical Association's position on conscientious objection, which states that medical practitioners 'have an ethical obligation to minimise disruption to patient care and must never use a conscientious objection to intentionally impede patients' access to care'.

Brad ROWSWELL: Just a short, sharp question: was the change, as expressed in the government's amendment to clause 6, recommended by the VAD five-year review?

Mary-Anne THOMAS: I have already explained at length that the five-year review was only one of the elements that led to my consideration of the need to make changes to the Voluntary Assisted Dying Act.

Chris CREWTHER: I just want to add to some of the conversation yesterday in the general consideration in detail (CID). Why has the government left the decision about what information conscientious objectors will be required to provide to an unelected official, particularly an unelected official without parliamentary oversight?

Mary-Anne THOMAS: I have already provided answers to these questions.

Will FOWLES: I still have concerns about the rural and regional access issues that attach to much of this bill. I am interested, Minister, in how the government will ensure that this information approved by the secretary provides a clear and consistent pathway to support, particularly for people in rural and regional areas who do not have the same access to specialists under the government's scheme.

Mary-Anne THOMAS: As a regional Victorian myself, I have always had at the front of my mind how to improve access to health care for people living in rural, regional and indeed remote Victoria. As I have said a number of times, the advice that should be provided by a conscientious objector is advice on how to access the statewide navigator service and the Department of Health website, which is equally available to rural and regional Victorians.

Chris CREWTHER: I just want to add to my question from before. I know that there was some information given last night with respect to information being provided by an unelected official, but I would appreciate further information, if that can be given, about the reason why parliamentary oversight has not been given with respect to that person. I think there needs to be a further elaboration with respect to that.

Mary-Anne THOMAS: I have already responded to this question here on the floor, but also this is outlined in the bill, the explanatory memorandum, the second-reading speech and my summing-up of the second-reading debate yesterday.

Iwan WALTERS: I touched upon this in the discussion around clause 1 yesterday, but I do want to revisit appendix 6 of the *Review of the Operation of Victoria's Voluntary Assisted Dying Act 2017* and the stakeholder feedback regarding legislation. In my question yesterday I sought to get some further detail regarding the evidentiary base about how the changes to clause 6 have come about and why the minister has deemed it to be necessary for information to be provided as a threshold issue, noting again that the review appeared to broadly suggest that there is support for conscientious objection, and I know that the minister has reiterated that now. But appendix 6 of the review does point to cases of patients being pressured not to proceed with VAD by health practitioners who conscientiously object, and I understand that that is inconsistent with the act's principles. But I would be keen to get some sense of how significant a challenge this is, because from the perspective of people in my community – doctors and others – the threshold question is a concerning one, particularly because of the ambiguity about what specific information may be provided as a consequence of it not being in the bill. Given the significance of this change, is the minister able to provide some information about the scale of the challenge that this change is seeking to address?

Mary-Anne THOMAS: As I have stated a number of times already in this place, the bill that is before the house seeks to better align Victoria's laws with laws that already exist in other states and territories, and the requirement for registered health practitioners who conscientiously object to provide minimum information would align us with WA, Tasmania, Queensland and the ACT. For the member's information, the way it is expressed in this bill most closely aligns to Queensland and the ACT.

Will FOWLES: Minister, I have a concern about the narrowness, or rather the obliqueness, if you like, of this information approved by the secretary. Were there to be an LNP government or, heaven forbid, a DLP government in Victoria, would the information provided by the secretary be able to be distorted by the minister of the day to be functionally useless? And if that were the case, why not specify in legislation with greater detail what information the secretary ought to provide?

Mary-Anne THOMAS: I have already canvassed in some of my responses why I do not think it is appropriate to include website information in legislation. As I advised the house earlier, the model that we are presenting is closely aligned with what is currently working in Queensland and the ACT.

Nicole WERNER: The minister continues to refer to VAD as a form of care. Could the minister explain where in the act voluntary assisted death is defined as a form of care?

Danny Pearson: On a point of order, Deputy Speaker, it is not clear to me in relation to the question that the member is asking how this relates to clause 6. I might be missing something, but if the member can draw her point back to clause 6, I think that would be helpful for the minister.

The DEPUTY SPEAKER: Member for Warrandyte, if you could relate your question to clause 6.

Nicole WERNER: This is pertaining to the answers already received from the minister that she has referred to, so I am just seeking clarification of answers she has already provided on clause 6 and others.

Danny Pearson: On a separate point of order, Deputy Speaker, we are still on clause 6 and it is important that we stay on clause 6. The member is asking for the minister to talk about issues that go beyond clause 6, and I do not think that is in order in relation to where we find ourselves at this point in time in the debate.

The DEPUTY SPEAKER: Member for Warrandyte, I appreciate that you are relating it to responses given by the minister, but you need to relate your question to the remit of clause 6. If you can do that, then I am happy for you to ask again.

Brad Rowswell: On the point of order, Deputy Speaker, just a point of clarification, and we are all learning through this process, I contend that the member for Warrandyte's question should be considered in order. The minister is offering a response to questions that are asked specifically in relation to clause 6. If the minister uses language consistently in her responses to questions specifically in relation to clause 6, is there or is there not the opportunity to reference and seek clarity on the minister's language if the minister chooses to use the language she uses in response to questions specifically in relation to this clause?

The DEPUTY SPEAKER: On the point of order, as I was saying, I am mindful that words can be used in an answer to a question that does not necessarily open up the context of further points so that we are revisiting clause 1. I am trying to ask the member for Warrandyte if she can relate her question to clause 6, which is about conscientious objection of registered health practitioners. That would assist the house.

Nicole WERNER: I will move on to my next question, which does pertain to clause 6. I am wanting to know what training the government is offering or requiring for the huge number of registered health practitioners who will now be captured by this bill and the specific requirement

conveyed in clause 6. This is inclusive of podiatrists, optometrists, Chinese medicine practitioners and dentists.

Mary-Anne THOMAS: Let me be clear. We are talking about conscientious objectors, and conscientious objectors are only required to provide minimum information to patients who ask a question about VAD. They are absolutely not required to initiate any conversation at all.

Tim BULL: My question relates to the provision of information in clause 6. There have been concerns raised by a number of members both last night and today in relation to what the type of information provided is and whether that can be changed by the secretary at some stage in the future. We have had some divisions on that, and the votes have been quite split. Whilst they have not been successful, it has been clear that there has been a reasonably high level of support in the chamber for them. I believe there are a number of members who wish to support this legislation and believe in this legislation – I am one of those – but would like a little bit more reinforcement in that area. So my question to the minister is: given that there are some concerns raised by a large number of members in this chamber, can we get a commitment between chambers to perhaps sit down with the minister and try and find a suitable pathway forward? It might not appease all, but I think it could with a bit of discussion. I think this is how our Parliament works the best: when we work together. Can we have that discussion and get a commitment from the minister to maybe put some tweaks or some greater safeguards in place to the satisfaction of a lot more MPs in this chamber? I just ask the minister simply if she would be prepared to make that commitment.

Mary-Anne THOMAS: I appreciate the question from the member for Gippsland East. However, my responses to previous questions in relation to this hold. I do not support the amendment. I do not support the proposal as it has been articulated by the member for Gippsland East.

Tim BULL: I did not actually move an amendment. I simply asked for a commitment to discuss this further between chambers to see if we can find some common ground.

Danny Pearson: On a point of order, Deputy Speaker, the minister has been at the table for hours both last night, this morning and now today. The minister has provided a second-reading speech. The minister has provided the summing-up of the second-reading debate. The minister has responded to answers in relation to clauses. The minister has been very clear that when it comes to questions like this, you cannot put a website into a piece of legislation. The process is you have got legislation, you have got regulations and you have got statements of expectations that ministers can provide to their secretary, their office, and provide further guidelines. I think what the minister has done to date has been very clear in relation to the position of the minister in relation to these matters. The member has sought an undertaking to have a conversation between houses. Obviously when this bill is transmitted to the other place – assuming it is – there will be opportunities to explore these matters in further detail.

The DEPUTY SPEAKER: Points of order are not an opportunity to debate. I am not quite sure it was a point of order in the start. But either way, if it was, it was not. And if the minister wishes to respond to the member for Gippsland East, the minister can do that.

Mary-Anne THOMAS: I do not want the member for Gippsland East to misconstrue my statements. As I indicated yesterday, I have continued to have very productive conversations with the opposition spokesperson on health in the other place Ms Georgie Crozier. I note that the Greens spokesperson for health Sarah Mansfield from the other place is a person whom I have also had conversations with, particularly through the Leader of the Greens, and I have had the opportunity to have a conversation with the Leader of the Nationals. I will continue to have conversations, however, and I will leave it at that.

Emma Kealy: On a point of order, Deputy Speaker, consideration in detail is an opportunity for the house to seek further information regarding legislation that is before us and particularly, obviously, clause by clause, to go through that. While the minister has referred in her response to private discussions she has had, she has not put that information on the public record and made that available

to the entirety of the house, which is what consideration in detail is all about. I ask you to request that the minister review and perhaps add to her contribution to the house and make that information further available to all of us.

The DEPUTY SPEAKER: On the point of order, I cannot direct the minister or any member on the content of the debate, so there is no point of order in this case.

Iwan WALTERS: In the first question I asked to the minister I sought to really dwell on the threshold question of conscientious objection of registered health practitioners and to contextualise that in the setting of my electorate, and also of palliative care specialists with whom I have had conversations in the run-up to today's and this week's debate. The second part of the question that I would like to ask the minister does pertain to this issue that we are continuing to dwell upon, which is the specification of which information is actually to be relied upon and to be shared by practitioners with patients. The reason I am asking that is that the threshold issue is a concern for some doctors and health practitioners, but it is the uncertainty about what specifically that might be, again noting the minister's comments in the second-reading speech, noting the explanatory memorandum, but also noting that the bill itself remains unamended as a consequence of those which have been put up.

I place this contribution in the context that conscientious objection and the provision of information and the obligations on doctors in the context of abortion services in Victoria are reasonably well understood, I think, and the system functions in accordance with law. Practitioners entering into medical training have an understanding about what would be required of them should they wish to go down a gynaecological or obstetric training pathway in terms of referral to another clinician should they have a conscientious objection. Where there is concern among palliative care specialists, geriatricians and others who are working in end-of-life care is that they do not fully understand precisely the threshold at which their conscience will be engaged. I again note that the minister has given undertakings and it is included in the explanatory memorandum the type of information that will be provided. But because it is not in the bill, because it has not been in the draft legislation that has been shared with the medical community and indeed with other medical practitioners, there is that uncertainty that clinicians who are currently in the specialism have that they do not know the threshold at which their conscience will be engaged. That, in the context of the feedback I have received, is a source of acute concern and distress. It is not that people wish to impede the lawful access of Victorians to particular forms of treatment, whether that be VAD or anything else, but because they do not know exactly upon which the threshold their conscience will be engaged, that is causing concern.

In turn it causes concern for me if the implication of that means that people who are currently – as I alluded to in my second-reading speech yesterday – drawn into those specialisms out of a deep concern and empathy for the infirm, the elderly, those to whom the measures of the VAD act would be most relevant, will be obliged, as the member for Sandringham suggested, or compelled as a consequence of the interaction of this measure with the Australian Health Practitioner Regulation Agency (AHPRA) preregistration, with professional indemnity insurance and those kinds of dimensions, to leave that profession or it curtails the choice that people have upon entering it.

I note that we have something of a deficiency in palliative care specialists, and I note your comments yesterday, Minister, about the difficulty of defining those. I think we have about 1.1 palliative care specialists, according to some research, per 100,000 compared with international estimates that it should be two per 100,000. Anything that shrinks that workforce or curtails the pipeline would be a concern to me. The question I have is: is the minister able to provide assurance to those practitioners? It is similar to the contribution of the member for Gippsland East as to whether there is capacity to review this to ensure that it does not have unintended consequences for palliative care practitioners either now or into the future.

Mary-Anne THOMAS: The member has sought some clarification on when a conscientious objector's conscience would be engaged in relation to the act. The answer to that is quite simple: it is if that conscientious objector is seeing a patient who requests information on voluntary assisted dying.

Voluntary assisted dying is always patient-led – it is only at that point that that practitioner's conscience would be engaged. The requirement of the bill – protecting their conscientious objection but balancing that with the needs of the patient – is that there is the provision of information that will direct that patient to the statewide navigator service or the Department of Health website.

Assembly divided on clause:

Ayes (66): Juliana Addison, Jacinta Allan, Jade Benham, Roma Britnell, Colin Brooks, Josh Bull, Tim Bull, Martin Cameron, Ben Carroll, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Kim O'Keeffe, Danny Pearson, John Pesutto, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Bridget Vallence, Emma Vulin, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson, Jess Wilson

Noes (11): Chris Crewther, David Hodgett, Kathleen Matthews-Ward, Michael O'Brien, Richard Riordan, Brad Rowswell, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway

Clause agreed to.

Clause 7 (11:49)

The DEPUTY SPEAKER: I call on the member for Preston to move amendment 2 in his name. I advise that if his amendment is not agreed to he cannot move his amendments 3 to 5 as they are consequential. Therefore I advise him to address the principles of all those amendments when speaking to amendment 2.

Nathan LAMBERT: I move:

2. Clause 7, line 9, omit "may" and insert "must not".

I will make a case that I have already made earlier in this debate, but it has not proven especially compelling yet, so I suppose I will try and make it in slightly more detail. As I have said previously, I think that explanatory memoranda and second-reading speeches are very important documents not only for the operation of this house but for the operation of Victorian democracy. I certainly try hard to read every bill in full, but I think any of us, if we are honest, realistically admit that that is not possible. All of us rely on second-reading speeches or the explanatory memoranda in order to not only make our contributions but, quite importantly, to explain things to our constituents, who often have questions about bills that we might not anticipate. That is not only true of those of us in this chamber of course. Certainly in my time as a public servant it was true of most public servants, who did not have time to read legislation in full. It was true of my time working in non-government organisations that worked with government. I imagine it is true of all the NGOs that many of us deal with. Some of us have work experience students or parliamentary interns. As far as I can work out, many of them get ChatGPT to find the answer for them, and ChatGPT relies on explanatory memoranda and second-reading speeches. I reiterate again that I think it is an important principle that those three documents, the two conventional summary documents and the bill itself, align. Of course the summary documents are summaries, so they cannot contain all the information, but I think it is a very important principle that the information they contain is an accurate representation of the bill.

I say all that to come directly to the particular clause that we have in front of us. The summary documents all make it clear that the intention is to allow discussions about VAD to be raised by health practitioners, provided that the discussion is in the course of a discussion about end-of-life care and that the practitioner takes reasonable steps to ensure that the person knows about their treatment

options and palliative care options. The member for Broadmeadows, on the previous clause, spoke very eloquently about that. I will not repeat her points. More importantly, the minister at the table, the Minister for Health, spoke, I thought, eloquently about exactly the same point in her contributions on the previous clause.

The amendment I have moved is simply to ensure that the bill in front of us does exactly that. At the moment the bill says that practitioners may raise VAD subject to the conditions I have just set out and is silent on the circumstances in which they may not raise it. The normal way that we draft these clauses is that we say you may not raise it unless the conditions are fulfilled. That is all my relatively simple amendments 2 through 5 do. For the benefit perhaps of the member for Brighton in particular, these amendments do not seek to, through some straw person argument, vote against the entire bill. They are, I repeat, an attempt to ensure that the bill before us meets the intention of the minister and indeed the intention of all of us. I recommend these amendments to the house.

Iwan WALTERS: I rise very briefly in support of the member for Preston's amendments, similarly not out of a straw man endeavour but because I agree with that principle of consistency and accuracy. I think it does align with the points that I made in the second-reading debate yesterday about the process by which this bill has arrived here and the opportunity for further consultation, for wider consultation and for things like an exposure draft and all of the steps that were present in 2017 to ensure that legislation of such consequence for life, death and the process of dying is properly considered and properly understood and therefore the drafting of it properly reflects both intention and reality.

Chris CREWTHER: I rise in support of the member's amendments, which will change the wording of the bill to ensure that a discussion around voluntary assisted dying does not occur unless the discussion is in the course of a discussion about end-of-life care. Basically, the prohibition on practitioners initiating discussion of voluntary assisted dying was included in the original legislation to avoid the implicit practitioner recommendation of assisted suicide. If permitted to initiate discussions of voluntary assisted dying, it will almost be inevitable that many frontline doctors raising the subject will not have a good knowledge of palliative care or of the patient's condition, yet their raising the subject will be taken as an implicit recommendation by the patient. This includes people like podiatrists, dentists, physiotherapists, Chinese medicine practitioners, chiropractors, optometrists, osteopaths and others providing such advice to a patient about voluntary assisted dying, including those without training or with little training at all. I support the amendment moved by the member.

Mary-Anne THOMAS: We do not support this amendment. Fundamental to the amendments in this bill is that there should be no wrong door for patients who are receiving end-of-life care. Therefore if a person has a life-limiting disease or illness and they are receiving care, that will most likely be from a care team. What this clause seeks to do is to enable registered health practitioners who are providing end-of-life care to use their professional judgement and potentially advise that voluntary assisted dying is a lawful end-of-life care choice here in the state of Victoria. But let me be very clear: they are absolutely obligated to then refer that person to a medical practitioner or a nurse practitioner as the most appropriate person with whom to have that conversation. I want to see a health service system where registered health practitioners are able to provide relevant information to support people to make their own decisions. Let us be clear: the patient leads this journey at every step of the way.

There are two protections in relation to this. First there is that contained within the bill itself and in the act, but the second comes by virtue of the definition of 'registered health practitioner' – that is, someone who is registered with AHPRA and as a consequence has a range of obligations under the Health Practitioner Regulation National Law, and all registered health practitioners are required by their codes of conduct to work within the limits of their skills and competence.

Nathan LAMBERT: Just for clarity, the minister referred to the important principle that there should be no closed door and the important principle of patient-led care. Nothing in my amendment seeks to adjust or change either of those things, but I do recognise that the minister has made a good

point with respect to the fact that I understand that perhaps what I am seeking to do here may be done through the following clause, clause 2, though I am moving amendments because I do put to the house that that is still somewhat ambiguous.

The DEPUTY SPEAKER: Because this amendment deletes a word from the clause, the question is:

That the word proposed to be omitted stand part of the clause.

All those supporting the member for Preston's amendment should vote no.

Assembly divided on question:

Ayes (50): Juliana Addison, Jacinta Allan, Roma Britnell, Colin Brooks, Josh Bull, Ben Carroll, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Lauren Kathage, Sonya Kilkenny, John Lister, Gary Maas, Alison Marchant, Steve McGhie, Paul Mercurio, John Mullahy, James Newbury, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (28): Jade Benham, Tim Bull, Martin Cameron, Anthony Cianflone, Annabelle Cleeland, Chris Crewther, Daniela De Martino, Sam Groth, David Hodgett, Emma Kealy, Nathan Lambert, Kathleen Matthews-Ward, Tim McCurdy, Cindy McLeish, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bridget Vallence, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Question agreed to.

The DEPUTY SPEAKER: The members for Kew and Monbulk both seek to omit the word 'may' from clause 7, page 9, line 2. I will call on the member for Monbulk to move amendment 1 in her name. I advise the members for Kew and Monbulk that if the amendment is not agreed to the member for Kew cannot move her amendments 2 to 5 and 7 to 9 and the member for Monbulk cannot move her amendment 2 as they are consequential. Therefore I advise both members to address the principles of those amendments when speaking on the member for Monbulk's amendment 1.

Daniela DE MARTINO: I advise the house that I wish to withdraw my amendment and will speak to the amendment of the member for Kew as circulated this morning.

Jess WILSON: I move:

2. Clause 7, page 9, line 2, omit "**may**" and insert "**must not**".

Thank you to the member for Monbulk for her cooperation in seeking to align the two amendments that we had previously circulated. These amendments go to clause 7 and look at, in the course of initiating a discussion about end-of-life care, removing the ability for a registered health practitioner to be able to provide advice in that context. Instead, a registered health practitioner would have to ensure that they refer the person in question who has initiated the discussion about end-of-life care to a registered medical practitioner, a doctor or a nurse practitioner who is responsible for the person's medical care or any other registered medical practitioner or nurse practitioner.

Speaking to this amendment, I spoke in my speech about the concern I have around delegating authority to raise voluntary assisted dying to healthcare practitioners who do not have the same degree of medical expertise as doctors and nurse practitioners. When we are talking about health practitioners in the context of the definition within the bill, it would be a very, very broad definition to include, for example, specialists in their own right – whether it be optometrists, podiatrists, osteos or chiropractors – but not necessarily experts in end-of-life care, and the definition of a registered health practitioner who is not a medical or nurse practitioner, as I said, is incredibly broad and it does raise

concerns about the discussions taking place in potentially inappropriate settings. I believe that these conversations should only be had with medically trained professionals and very specifically with doctors and nurse practitioners, ensuring that these conversations are navigated very sensitively and in a manner that is sensitive to the person's diagnosis and appropriate to that diagnosis. For that reason I seek to work with the member for Monbulk to encourage members in this place to consider the broad drafting of the current bill and to seek to remove health practitioners' ability to provide advice about voluntary assisted dying and to limit that referral to a medical practitioner, a doctor or a nurse practitioner. I commend the amendment to the house.

Daniela DE MARTINO: I thank the member for Kew for her collaboration in combining our two amendments. Essentially we had both considered that it would be inappropriate for AHPRA-registered health practitioners – obviously with the exception of medical and nurse practitioners – to be able to initiate conversations with their clients or patients, depending on how they refer to them. I did read into *Hansard* during my speech the list of people captured by this, and I think for the purposes of those considering this, I will do so again: acupuncturists, Chinese herbal medicine practitioners, Chinese herbal dispensers, chiropractors, dentists, dental therapists, dental hygienists, dental prosthetists, oral health therapists, diagnostic radiographers, nuclear medicine technologists, radiation therapists, registered and enrolled nurses – as opposed to nurse practitioners, who have a masters degree minimum – midwives, occupational therapists, optometrists, osteopaths, paramedicine practitioners, pharmacists, physiotherapists, podiatrists and psychologists.

I have spoken with several health practitioners who practise in the field, one of whom is a lecturer in Chinese medicine as well. They have expressed their concerns with the capacity for their colleagues to be able to initiate these conversations. They get very, very little training in being able to actually have conversations. In fact they do not get training to initiate conversations about end-of-life care or death or dying. They are also not privy, in most instances – in fact the majority of instances – to actually having the diagnostic information to hand from that person's medical practitioner, which explains exactly what disease or terminal illness they may be afflicted by.

They also do not have any technical expertise in prognosis. Prognosis itself, we know, is a very inexact science, but more so for those who have no familiarity with it at all. For a health practitioner to be able to initiate the conversation with a patient puts something into the mind of the patient that they may not have wanted. But this change does not stop that patient or client who has had a good relationship with that health practitioner. I may say I have several in my life that I have more of a relationship with than my general practitioner, who I have known for years and I trust. I would like the capacity and I would like the capacity for others to be able to say to that person, 'What do you think about voluntary assisted dying?' And I would like that person to be able to say, 'I'm not an expert in that, but I really think you should speak to your medical or nurse practitioner,' and if you do not have one that you can have that conversation with, there are other medical and nurse practitioners out there that you can have that conversation with.

I think it is important we do not gag them from being able to have that conversation, which is how it stands now in the bill. That gag can make people feel shame when they raise it. We should never, ever have anything that makes a person feel shame for asking a question about a legal method they may choose to end their lives from their position of choice. This is about the power dynamics in a client–patient relationship with their practitioner. When one asks the question of someone else, they are initiating that conversation, they have asked for it and they are ready to receive the information. If they have not asked the question and someone has suggested to them, 'Have you thought about voluntary assisted dying?' – because this person may be unwell, they may have expressed they are terminal, but we do not even know what that conversation looks like – they are not in a position of power. They may receive a shock when that is put to them. And if multiple health practitioners they see have the capability to initiate this conversation, there can be a layering effect of many people putting this to them. How then does that impact them psychologically? I hope we all ponder that when we consider whether or not health practitioners, who are neither trained nor skilled to have these conversations,

should initiate them. Actually the ones I have spoken to are unwilling to initiate it but have concerns that some of their colleagues may do so and do so clumsily and result in mental injury to their client or patient for having raised it in the first instance. I think we need to consider this one incredibly carefully. Furthermore – and I will speak to it because I know we will have another 5 minutes – many have expressed their concern about mental injury to themselves as health practitioners if they go down the path of initiating this and not understanding that they may have had a shocking effect on the person receiving the information, who, once again, had not sought it from them.

Will FOWLES: I oppose this amendment from the member for Kew that was just spoken on by the member for Monbulk. I think we have gotten trapped here in the very narrow scope of what the bill proposes here. We are talking about a discussion about VAD that may be initiated by a registered health practitioner – may be initiated. I do not think we can credibly talk about injury to that health practitioner when in fact that discussion is at their option. It is not a compulsion to have that discussion, it is merely a protection should they go down that path. Should they opt in to have that discussion, they would, as a result of this amendment to the act, as a result of this section of the bill, be protected legally if they go down that path.

Additionally, it does not say that they all of a sudden assume seniority in any way as the practitioner in discussing VAD or other end-of-life treatment with the patient – far from it. They are only protected by this clause if in fact they make clear to the patient that the appropriate person for that patient to speak to is the registered medical practitioner who is responsible for the person's medical care or any other registered medical practitioner. That is medical practitioner as opposed to health practitioner – that is, doctor as opposed to osteopath. I am entirely comfortable with the bill as drafted because it is very, very narrow. It does not mandate the discussion, it says you may have the discussion. And it says you can only initiate the discussion – not that you must initiate the discussion – about voluntary assisted dying if the discussion is in the course of a discussion about end-of-life care.

Let us think about just how narrow the operation of this clause is. I have not had any conversations about end-of-life care with my osteopath, my chiropractor or my acupuncturist. That would be pretty weird. Frankly, it would be very, very weird for anyone to be having those conversations with those allied health professionals if they were not already in a position of significant distress and talking about end of life. In those circumstances, should that practitioner so choose – no compulsion, but should they so choose – they become protected to be able to talk about voluntary assisted dying, as long as they advise the person that the most appropriate person to discuss VAD with is their doctor. That is a perfectly appropriate legislative response.

We know that people have contact with various health professionals over the course of their lives, and that it might well be that that intervention comes at an appropriate time. If you are suffering acute pain because of your terminal illness, if you are seeing an acupuncturist on that basis and if you do not know anything about VAD, then simply that practitioner is allowed to say, 'VAD is a thing. Go and have a chat to your doctor about it.' What, frankly, could be more benign than that? That is a protection for a very, very low-level intervention, an intervention that is entirely sensible, that supports patient choice, that supports patient welfare and that does so in a way that is cast very narrowly and cast entirely with optionality – that is, there is no compulsion on the practitioner to even walk into the room on a VAD discussion. But if they so choose to, there is a very clear process laid out under the bill. I support the bill as it stands, and I urge members to oppose the amendment.

Kat THEOPHANOUS: I rise in support of the amendment proposed by the member for Kew, who has worked in very close collaboration with the member for Monbulk to put this forward. In essence, it gives consideration to the risks around allowing broader AHPRA-registered health practitioners to initiate conversations about voluntary assisted dying, as opposed to medical specialists and nurse practitioners, owing to the differentials in experience and setting in which those two cohorts operate.

I want to say at the outset that I am supportive of end-of-life choices and the ability of each individual to make informed decisions about voluntary assisted dying in a way that is not coercive, either overtly or cumulatively. That is a matter of autonomous choice and freedom of will, which I had the opportunity to study extensively from an existential perspective when I completed my honours in philosophy. Indeed, my final thesis was on the topic of free will. It is a principle that I hold very dear and inviolable as an element of our human condition, which is both our blessing and our burden. That is why I am a supporter of VAD as a choice in the circumstances outlined in the bill.

Inherent in that ability to make an autonomous choice about VAD must be the ability to access appropriate information on the availability of VAD, and I am sensitive to the need to expand that access. The current gag clause, as they call it, is problematic in my view. Now, the members have put forward a balanced approach which preserves in the bill the proposed expansion to enable registered medical practitioners and nurse practitioners to initiate discussions about voluntary assisted dying in the context of end-of-life care. That, to me, is appropriate and represents a significant change in the current settings. It means that when those critical conversations are being had between a patient and their medical practitioner and nurse practitioner about diagnosis, about palliative care options and about what happens next, VAD can be included proactively in those discussions.

What this amendment does is prevent this proactive initiation also being expanded to a vast list of other AHPRA-registered practitioners when they are neither trained nor experienced to have such conversations. This includes health practitioners like acupuncturists, dental hygienists, optometrists, podiatrists, pharmacists and herbal medicine dispensers. As the member for Monbulk outlined, many in the medical profession are concerned about this expansion and the risk it poses not just for patients but for potential mental injury to the practitioners themselves.

Like many in this chamber, my community is home to a large, ageing, multicultural population, many with English as a second language and many with cultural norms that elevate the opinion and authority of health practitioners. A single poorly framed or uninformed conversation could leave a person feeling that voluntary assisted dying is the recommended option, that they are a burden on society or that this is the expected pathway. Without access to diagnostic details and an understanding of disease progression or expertise in diagnosis, even well-meaning practitioners could inadvertently instil fear or despair simply through a lack of skill in these sensitive discussions. Importantly, the amendment preserves the right of these health practitioners to provide information on VAD at the patient's request and to advise that person that the most appropriate person with whom to discuss voluntary assisted dying or any treatment or palliative care options available is a registered medical practitioner or nurse practitioner.

It is incredibly important to me that strong checks and balances remain in this legislation, particularly against unintended or intended coercion. Equally, it is important to me that patients have access to the information they need to make informed choices. That balance is appropriately struck in this amendment.

Kathleen MATTHEWS-WARD: I rise to support the amendment put forward by the member for Kew, supported by the member for Monbulk and spoken so eloquently about by both and in particular by the member for Northcote. Everything you have just said is exactly how I feel, and you said it so well, particularly the understanding in multicultural communities and the different attitudes to people in authority or who they see as people in authority and how that suggestion could be potentially misinterpreted.

I will list the health practitioners this clause includes: Chinese medicine, chiropractors, dental practitioners, medical radiation practitioners, midwives, OTs, optometrists, osteopaths, physios and podiatrists, as well as others. I do not think they have the training or expertise to sensitively enough initiate discussions about voluntary assisted dying, nor do they have the context of everything else that a medical practitioner would have. In my view discussions about VAD with someone who is terminally ill should only be had by doctors, nurse practitioners and those with extensive experience

in palliative care. That is essentially why I support this amendment. Any end-of-life discussion should be held in a supportive, holistic manner, which includes the offer of psychological support. I do not think that is possible in a dentist's surgery, to be honest. I think there are often people waiting. It is not set up for that kind of discussion or advice.

I also do not think the peak bodies have been consulted on this. A number of the health practitioners I spoke to had no idea that this was coming. In the list of consultations in some of the information I read, AHPRA and others were mentioned with consultation but not peak bodies for all of these health practitioners. It also includes very junior practitioners. There are years of experience that are required to be a nurse practitioner or a doctor, but those years of experience are not the same for many junior health practitioners.

I also am quite concerned about how AHPRA will even monitor or enforce this. While the bill says it has to be in the context of an end-of-life discussion, how on earth would that be monitored? It also says all of that information about elder abuse and all of the other training that goes there. What is the mechanism to get all of that information to all of those health practitioners, all of those peak bodies and make sure they have all read it? To me, there is no appropriate process around this suggestion.

For that reason, I entirely support the member for Monbulk. I appreciate the incredible work she has done on this, the number of conversations she has had and how entirely considered she has been on this, and the member for Kew as well. I support everything they have both said, absolutely share their concerns and thank them for their deep consideration of this issue.

Mary-Anne THOMAS: I do not support the amendment. I have confidence in the model that has been operating safely in Tasmania since 2021 and from which this provision is lifted. I am confident that we have the right combination of safeguards, offences and consequences to protect patients at all times. These are contained in this bill but also apply as a consequence of a person being a registered health practitioner in Australia and therefore having a range of consequences and restrictions that apply to them within a clearly defined scope of practice which they cannot operate out of, because to do so would actually put their registration to act as a health practitioner at risk.

Nathan LAMBERT: I thought the member for Northcote and the member for Broadmeadows just spoke very well. I want to endorse their comments and then just very briefly address the comments made by the minister. I think the minister probably has a fair point that we would expect, as she made the point earlier, that the Health Practitioner Regulation National Law would deal with some of the concerns that have been raised. Obviously the bill before us goes to a great deal of trouble to separate out the roles of medical practitioners, nurse practitioners and health practitioners, and in new sections 8 and 8A we are doing the same thing. But having said that, I reiterate a similar point to my earlier point, which is that whilst I appreciate that the Health Practitioner Regulation National Law will probably act as the minister has just said it will, I think it is always best in these things to be clear, and we will be supporting the amendment on that basis.

Brad ROWSWELL: I briefly rise in support of the member for Kew's amendment. I am also thrilled that the member for Monbulk and the member for Kew have been able to reach a cooperative point on this amendment. I understand that there is a range of medical professionals that engage with a patient as part of a holistic care approach, but the reality is that some are better qualified to have conversations about quite literally matters of life and death than others. I think it is an obligation upon us as legislators to recognise that important difference. It is not to underestimate or undermine the professional nature of other health professionals, but unless there is specific training offered or undertaken by the suite of allied healthcare professionals stipulated or enabled in this bill, then I think that the amendment should be supported. I would encourage the government to consider – I am not sure they have to this point – what training they might be able to provide to a broader grouping of healthcare professionals if in fact this amendment by the member for Kew does not pass.

Chris CREWTHER: I concur with the words of the member for Sandringham and others who have spoken. I support this amendment, and I would like to thank in particular the members for Monbulk and Kew for their work in this regard. It is indeed the most marginalised and disadvantaged patients or those with low to no health literacy who are the most vulnerable and dependent on their doctors for advice and most at risk of interpreting a doctor's raising of the subject as an implicit recommendation. Where the discussion of voluntary assisted dying is initiated by a registered medical practitioner or nurse practitioner, they must take reasonable steps to ensure the person knows about the treatment and palliative care options and likely outcomes. There is nothing to ensure, though, that the practitioner has good knowledge about those options or to avoid the risk of an inexperienced practitioner giving poor or limited advice on treatment and palliative care options while suggesting the option of voluntary assisted dying instead.

To make matters worse, a registered health practitioner is anyone registered to practice a health profession under the Health Practitioner Regulation National Law. That can include podiatrists, dentists, physiotherapists, Chinese medicine practitioners, chiropractors, optometrists, osteopaths and others who may provide such advice. In particular a number of them might have little to no training in this area at all, which I believe is a risk to patients, particularly our most vulnerable and disadvantaged and particularly those who are at risk of potential elder abuse as well.

Iwan WALTERS: I rise briefly in support of the amendment effectively proposed by the members for Monbulk and Kew, and I thank them for their work on this. I think this is an amendment which improves clause 7. I would retain concerns with even an amended clause 7, and I obviously reserve my right to ask questions on that in due course to the minister, principally because of the philosophical challenge that the member for Northcote set out about agency autonomy and free will and people from my community potentially having that trammelled as a consequence of these issues being initiated by a health practitioner. I will confine those comments, however, to a subsequent part of the debate on clause 7.

In this instance the minister indicated earlier, correctly I think, that patients at the end of their life are likely to have a care team that will no doubt include a range of allied health professionals. I can entirely understand how podiatrists, optometrists, OTs et cetera could be involved in those discussions. But I do have concerns noting that even in the context of medical training, there is very limited time afforded to end-of-life care, that allied health professionals do lack the formal training in palliative medicine and potentially the experience of the complexities around ethical and medical criteria surrounding assisted suicide, euthanasia – the VAD system more broadly – and the risk that the member for Northcote articulated of no doubt well-meaning but inadvertent harm being created as a consequence of an initiated conversation in the context of a community like mine, like that of the member for Broadmeadows and others, where members of our community do have, I think, a power imbalance with health professionals; it is real. I support the amendment, but I do note that I retain concerns with the clause more broadly.

Daniela DE MARTINO: In summary, I would like to note that, although Tasmania does allow for the initiation of the conversation by health practitioners, both Queensland and WA do not allow for it. They allow only for medical practitioners and nurse practitioners to initiate the conversation, which I think is wholly reasonable. I support medical and nurse practitioners being able to raise this. I do believe that it allows the patient to have a list – an array, an understanding – of the options before them. And I think when it is raised by professionals in that regard, they are better equipped to have those conversations. They are better skilled, they are better trained for it and they have greater experience of dealing with people in end-of-life care and an understanding, as I say again, of the diagnosis and the prognosis and the medical information to hand. That is in contrast to health practitioners, which this clause seeks to amend, who do not have access to that information to hand.

Although the member for Ringwood says it is permissive with the 'may' – I do take that, member for Ringwood, and I understand that – the conversations I have had with health practitioners, some of whom train other health practitioners, is they are very, very concerned about the ability for others to

raise this. They may not have necessarily the tact to do so. They may feel that they should raise it with that person out of a position of compassion or care, but they may not have adequate skills, knowledge and tact to have a very, very delicate conversation with someone who is at their most vulnerable at that point in time when speaking about end-of-life care. That is why they have reservations and have expressed serious concerns to me about the capacity that this legislation creates. The question they asked me was: will it then become a bit of an expectation down the track that we may need to? We cannot answer that here, and we would hope that is not the case, but that speaks to some of the anxieties of health practitioners when they realise that this is something that they will be allowed to traverse. Previously no-one was allowed to initiate this, so it really is in Victoria uncharted territory.

I take the minister's point that this was lifted from Tasmania and it has been in effect there for a few years, but these are seriously held concerns and fears by health practitioners themselves, who I have done my utter best to seek out and speak with. There was something else I sought to amend, and when engaging with experienced VAD practitioners in the field I stopped my amendment because they had told me they were comfortable with that change, so I left it there.

Every conversation I have had with medical practitioners, every conversation I have had with nurse practitioners in the field and every conversation I have had with health practitioners that I have experienced as a patient and as a mother with my children – interactions with a minimum of 35 different health practitioners – I started listing them all and stopped when I got to that. Some have been marvellous. They are still health practitioners in my life. Some have been pretty good. Others have not been wonderful at all. The way they have indelicately raised matters with me or my children has had deleterious effects on us over the time as well as our engagement and how we have felt about things too. The conversations we have – the words we use, how we use them, the context in which we use them and, more importantly, that power dynamic – are key to this.

I fully support the patient being able to ask their practitioner, 'What do you think about VAD?' I fully support that health practitioner having the capability to say, 'It's legal here. Speak to your medical practitioner or your nurse practitioner. Get the information from them. I'm not qualified to have the conversation, but thank you for asking me.' What this amendment seeks to do is to just limit it to that so that when that discussion happens with those two people in the room, it is only from a point of empowerment of the patient asking the question, rather than receiving it when they may not expect it necessarily. That is my concern: that they then walk away not thinking VAD is something that they could use and that could be good for them but that they may come away feeling perhaps it is something they should use. The difference is important, and the difference can have profound consequences.

Will FOWLES: I want to thank the member for Monbulk for carefully and gently explaining her reasoning and how she arrived in concert with the member for Kew with this amendment. I think the member for Monbulk is going about this in a very mature fashion and a very thoughtful fashion, and I commend her engagement on this, because it has been better than others, who I suspect have been a bit more inclined to wreck rather than engage. I do nonetheless disagree with the member for Monbulk on the substantive issue, which is that almost every perceived ill of this bill is cured by silence on behalf of that allied health professional – they simply say nothing, and these problems, these perceived risks, do not arise. This is not a mandate to engage, it is simply permission to engage. I suspect the overwhelming majority of registered health practitioners – not medical practitioners, registered health practitioners – simply will not engage on this because they probably will not feel like it is their place or they have not got anything particularly to add. But for those that do, they are given some protection under the bill. I think that is, frankly, entirely appropriate.

One other thing I would say is I would not want readers of *Hansard* down the line to assume that because there have been a great many speakers in support of this amendment that is the way the chamber is going. For reasons that baffle me a bit, there are many, many, many members of the government who are not actually contributing anything on these amendments. I do not know why they are not standing up in defence of their minister's bill. I do not know why they are not choosing to engage more fulsomely in the debate. I wish they would. I wish they would offer a bit more vocal

support to their minister and their bill, rather than sitting there keeping schtum, because I think, as I indicated at the outset of the process, that overwhelmingly this is a good bill. It is simply a bill that can and should be improved by the amendments that I have proposed.

But again, this amendment does not, I think, address the ills that have been identified by speakers in favour of the amendment. The issues that they perceive might arise are meant to be cured simply by the registered health practitioner not playing and not entering the room, if you like. For that reason, I think the amendment should be defeated and the clause should stand as drafted by the government.

Kathleen MATTHEWS-WARD: I think I have mentioned at least once in this house during this debate the number of people I have spoken to over the last week. I absolutely took my job seriously to fully consult with as many people as I could, including experts on this. I have spoken to oncologists who have administered VAD, the head of palliative care in a large public hospital, nurses, nurse practitioners, palliative care doctors and nurses, doctors who conscientiously object, geriatricians, aged care workers, people with a neurodegenerative disease, people with terminal cancer, community leaders, older people, friends, carers and widows.

Many of them support the bill and are concerned that some of us might have been thinking of repealing VAD. They had that misperception. But they had no idea that this range of health practitioners was going to have any role in VAD or in suggesting it to people. Not one of them thought it was a good idea. They were shocked to hear this. They were shocked to hear that dentists, podiatrists and Chinese medicine people – I have listed them before, the range of health practitioners, who I absolutely, truly respect for their expertise in their roles – were part of this bill. So I support the amendments put by the members for Kew and Monbulk.

Mary-Anne THOMAS: I want to assure the member for Monbulk that the model that we have chosen here in Victoria, as she indicated, is based on Tasmania's and has a restriction, which is registered health practitioners. This is different to the model that operates in New South Wales and the ACT, which allows health workers to initiate VAD.

In relation to some of the issues raised by the member for Broadmeadows, I can assure her that health practitioners are well in support of this and that I have had the opportunity or my department has had the opportunity to consult with the Australian College of Nursing, the AMA, the Australian Nursing and Midwifery Federation, the Australian and New Zealand College of Anaesthetists, the Royal Australian College of General Practitioners and the voluntary assisted dying practitioners network of Australia and New Zealand.

The DEPUTY SPEAKER: The house is considering the member for Kew's amendment 2 to clause 7. The question is:

> That the word proposed to be omitted stand part of the clause.

Those supporting the amendment should vote no.

Assembly divided on question:

Ayes (49): Juliana Addison, Jacinta Allan, Roma Britnell, Colin Brooks, Josh Bull, Ben Carroll, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, John Lister, Gary Maas, Alison Marchant, Steve McGhie, Paul Mercurio, John Mullahy, James Newbury, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (31): Jade Benham, Tim Bull, Martin Cameron, Anthony Cianflone, Annabelle Cleeland, Chris Crewther, Daniela De Martino, Matt Fregon, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy,

Nathan Lambert, Kathleen Matthews-Ward, Tim McCurdy, Cindy McLeish, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Kat Theophanous, Bridget Vallence, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Question agreed to.

Iwan WALTERS: In the brief contribution I made in the context of the amendments being proposed by the members for Monbulk and Kew, I did flag that I retained some concerns, even if the clause was amended, about the removal of what is termed the gag clause more broadly. Contrary to some aspersions being bandied around the place, this is as a consequence of concerns about that clause specifically and the way in which it would manifest in a community like mine and like that of the member for Broadmeadows, where health literacy is low and where that power imbalance between a doctor and a patient is particularly, I think, acute. The risk, as I articulated in that contribution on the amendments, is that the initiation of these discussions in relation to either assisted suicide or euthanasia, or the broader spectrum of voluntary assisted dying as a framework, could be considered less as part of a palette of options that may be available for a patient to avail themselves of – noting again the principles of choice, control and autonomy – and more in fact as a prescription that is what a patient should avail themselves of. I know that is not the intention, but in the context whereby English proficiency may be low and where the power imbalance between a health specialist and a patient is real, I think that principal issue is a material one, and so I retain that concern.

The minister has spoken about the fact that she – without wishing to characterise her words – believes that concern is addressed. I return to the point that in 2017 this provision was an essential safeguard precisely because of the situation that I am articulating. I do not think it is an entirely abstract one. I think it is something that is real and is material, particularly in the context of communities where health literacy is low, where levels of engagement with the health system are perhaps lower, where levels of social capital are lower and, again, where a health specialist initiating a conversation could be interpreted as a prescription.

In addition to that threshold issue that I spoke about, I think the risks of clause 7 are particularly acute in the context of the amendments that just failed. So my question in the context of the capacity in the bill as it stands for allied health practitioners to initiate conversations regarding palliative medicine, euthanasia, assisted suicide – the spectrum of those end-of-life discussions – is: Minister, what is planned to improve the training and the experience that allied health practitioners have in the context of those end-of-life discussions? I note, before I finally frame my question, that you have articulated a confidence in clinicians' capacity to discharge their obligations – and I am sure that is the case – but in the absence of training, that is inevitably harder. So what plans does the government have to work with colleges to provide funding – and I want to be specific about the question – to improve the capacity of allied health practitioners to work within the context of end-of-life discussions and to be fully apprised of the different dimensions, ethical and otherwise, in that realm?

Mary-Anne THOMAS: In response, I would say this: there is no obligation on any registered health practitioner to raise voluntary assisted dying with their patients.

Nathan LAMBERT: I just want to address the remarks made earlier by the member for Brighton, where he very strongly implied that people seeking to amend a clause were therefore automatically opposing the clause or indeed opposing the whole bill. For his benefit, perhaps everyone's benefit, I remind people the entire point of consideration in detail is that people may seek to amend a clause and then may also vote in favour of it, and that is what I intend to do.

Assembly divided on clause:

Ayes (65): Juliana Addison, Jacinta Allan, Jade Benham, Roma Britnell, Colin Brooks, Josh Bull, Martin Cameron, Ben Carroll, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will

Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Kim O'Keeffe, Danny Pearson, John Pesutto, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Bridget Vallence, Emma Vulin, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson, Jess Wilson

Noes (12): Tim Bull, Chris Crewther, David Hodgett, Kathleen Matthews-Ward, Michael O'Brien, Richard Riordan, Brad Rowswell, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway

Clause agreed to.

Clause 8 (13:13)

Will Fowles: On a point of order, Deputy Speaker, if I was in court, which I am not, I might say now is an appropriate time. I am not confident that we are going to get through clause 8 and my amendments to it prior to the break, so I wonder whether now might be an appropriate time.

The DEPUTY SPEAKER: Thank you for the point of order. It is not a point of order, and we are going to push through a little bit longer. Let us kick on. The members for Ringwood, Richmond, Melbourne and Broadmeadows have all circulated amendments to clause 8. I first propose to test whether the house agrees to the member for Broadmeadows' amendment 5. If the house does not agree to the amendment, the member for Broadmeadows' amendment 5 will fail and she will not be able to move her amendment 6, because it is consequential.

Kathleen MATTHEWS-WARD: I move:

5. Clause 8, line 3, omit "(1)".

I support half of clause 8. The residency requirements I think were put in place at a time when it was necessary to stop VAD tourism coming to Victoria. I do not think they are needed anymore. In fact the only constituent who has ever come to me was a friend of mine, about a friend of hers who could not access VAD and was very, very distressed by that because of these residency requirements. I support the removal of the residency requirements.

Will Fowles: On a point of order, Deputy Speaker, I understand the member's amendment goes to the six-month eligibility for access to VAD, not to residency requirements. I wonder whether we have not skipped ahead somewhat.

Kathleen MATTHEWS-WARD: On the point of order, Deputy Speaker, if you look at the first amendment, member for Ringwood, you will see that it actually talks about number 1 because it has to be removed.

The DEPUTY SPEAKER: There is no point of order.

Kathleen MATTHEWS-WARD: So I am happy with residency. What I also very much support is the existing 12-month provision for neurodegenerative disease. I think we all know exactly how important that is. I also, for the record, seek to remove the requirement for the third specialist for prognosis for neurodegenerative disease. That is not in this clause, but that is something that I do support.

But I am concerned about opening it up to a 12-months prognosis for everyone. Accurate prognosis is very, very difficult for physicians, and we all know stories of people whose prognosis has changed

considerably – someone who was given months to live only to exceed that and, very sadly, vice versa. My uncle, who was eligible for VAD, had declined the offer to store the substance at home. He said:

> I'm awfully glad I did … because there have been times I would have taken it. I really would have. And I would have missed out on that wonderful day in December when I was told of my progress.

Due to some wonderful advancements in treatment, including immunotherapy, my uncle's prognosis changed considerably, and he was no longer within the 12 months. Prognosis is really imprecise and it is really difficult, and that gets even more so the further away death is.

As I have said earlier, I also remain particularly concerned about the lack of psychological supports that are offered to people upon receiving a terminal diagnosis. I was told that the within the first six to 12 months of terminal diagnosis is when people are most likely to have suicidal ideation. They deserve to know that supports are available and they are not alone on their journey. But it also opens the risk that access to voluntary assisted dying will not be used in the original intent of the law.

The proposed amendments are not modest. Moving from six months eligibility to 12 months is effectively doubling the current access, and in my view that goes completely against the original intent of the law, which was to give people access to voluntary assisted dying in the last few months and weeks of their life. As I have noted before, I do support people with terminal neurodegenerative disease to remain eligible regarding the current 12 months life expectancy, and I note that is not changing. Except for Queensland, no-one else has this 12-month prognosis in operation, I understand.

Increasing the timeframe to 12 months also increases my ongoing concern about elder abuse and coercion. Having worked in finance, elder abuse, aged care and policy for ageing Victorians, I have seen instances of what is called inheritance impatience, and I would hate to open the doors to more risk of coercion through this clause. There are plenty of people who are not vulnerable to elder abuse. They are empowered, they can self-advocate, they have researched all of their options and they choose VAD. My concern is not for them. My concern is for the many older people who feel unheard, unseen and unvalued. Our job as legislators is to ensure we have safeguards in place to avoid them being exploited.

Chris CREWTHER: I also support this amendment moved by the member for Broadmeadows with respect to the first amendment, removing residential requirement changes, and the second amendment, removing changes from six months to 12 months. As we know, prognoses can change, and six months to live or 12 months to live can potentially become years. Some people can live many, many years, even decades, after a prognosis. That is even less certain 12 months out as against six months out.

As I mentioned, prognoses can change, but also treatments, relief and even cures can sometimes be found within timeframes in some – although sometimes rare – circumstances. This change I believe opens up voluntary assisted dying to a range of cases where prognosis uncertainty and the risk of wrong prognosis is even greater than when a six-month prognosis is required, indeed often making prognosis a matter of conjecture. This amendment increases the risk that patients will choose voluntary assisted dying on the basis of a wrong prognosis when otherwise it would have turned out that the patient would have had potentially many years of life ahead free of pain or other distressing symptoms. In those circumstances I support the amendment from the member for Broadmeadows.

Paul MERCURIO: I just want to quickly rise and say that I do not support this amendment. It goes back to what I spoke about in my debate – it feels like it was last week, but it was only yesterday – and that is that this whole legislation is about giving people who are terminal the absolute best quality of life up until they take their last breath. We cannot change if someone is terminal, but we can assist them in having a quality of life that is, as best as possible, worthwhile. As I also said yesterday, we heard from people who applied for VAD, got VAD and upon getting it their comment was, 'Now I have my death sorted, I can now get on with living.'

I do not have a problem if this amendment is for 12 months. It gives people time to spend chasing VAD – almost we could say spending their life energy and force chasing VAD – so that they can have a quality of life. Once they have got it, they then have the time to enjoy what life they can in what way they can. This idea that people can only really get VAD a month or a couple of weeks before they die is preposterous. I think we as humans must give people – fellow humans – the absolute opportunity to have hope in their heart and to have a life that is worth living under incredibly distressful, painful, intolerable situations of being terminal. I do not support this amendment.

Iwan WALTERS: I am glad to follow the member for Hastings and his contribution. I think in some respects this clause is the most difficult to deal with. There is nothing I disagree with in the member for Hastings's characterisation of the intent of either the existing assisted suicide and euthanasia framework or indeed his characterisation of the intent of the change to move from six months to 12 months.

The part of his contribution with which I disagree relates to that point around defining what is terminal and what is not. The alleviation of suffering we agree upon. The desire to ensure that everybody, irrespective of their circumstances, is able to live and indeed die in dignity and without pain I think is a uniform thing. Words matter and it is important to get them right, so I am going to try and be really precise; forgive me if I correct myself. But the reason I have misgivings about this change is because the prognostication for death is extremely difficult in even the most clinically experienced medical hands. I have talked with a number of senior clinicians in the context of preparing for this debate. They have talked about the way in which a prognostic assessment of anything shorter than a few weeks, even in the most expert of hands, can in effect be a bit of a guess.

None of that has any bearing on the reality of what the member for Hastings and others are talking about in terms of the real suffering. I do not want this to be an abstraction, but I do note that there is an evidentiary base borne out by research that puts – and the member for Broadmeadows has talked about this – perhaps the false positive and the false certainty of diagnosis at a reasonably high level. I am not going to commit to a number, because I think it is a contested one and I am not an expert in this space, I have merely spoken to experts in this space. Suffice to say I am concerned that by increasing this across the board for all conditions from six months to 12 months necessarily amplifies that risk and that uncertainty and in doing so increases the risk of creating a circumstance whereby people prematurely end their lives on the basis of incorrect information.

I also sought in my second-reading speech at this point, in the context of this increase from six months to 12 months, to talk a little bit about something that I have been grappling with in my own mind, which is, as I perceive it, something of a philosophical and conceptual inconsistency. I do so, I hope you understand, with the intent of deep sensitivity. Mine is not a family untouched by the ravages of suicide and the impact that has. As a state we reflect those ravages and as a society we reflect those ravages by seeking to limit and reduce the number of people who take their own lives as a consequence of mental distress and other circumstances in parts of their life. We are committed to a welfare-oriented model that in effect diminishes people's autonomy in the act of committing suicide in other stages of life. But in our framework of end-of-life care we accept that it is about the alleviation of intolerable suffering. I want to make this very clear – I think there was some confusion yesterday – that conceptually and societally we have a different approach and that in the context of end-of-life care, assisted suicide and euthanasia, the outcome may be the same but the intent and the process is different. This bill recognises that personal autonomy and choice is important, so therefore that supersedes the welfare dimension of seeking to prohibit death in all circumstances. All I wish to reflect upon is that the longer the horizon between anticipated death and the time at which death would happen irrespective of intervention, the greater that tension between those two policy approaches becomes. I do not have a question for the minister, but I just seek to explain my concern.

Mary-Anne THOMAS: In response to the member for Greenvale, who noted in his contribution that words matter, words do matter. We do not have an assisted suicide framework. We do not have a euthanasia framework. We have a voluntary assisted dying framework here in the state of Victoria that

seeks to give dignity and compassion to people who are seeking choice at their end of life. This is not about whether to die but how, where and with whom. And I would ask respectfully that the member for Greenvale, in his contributions, reflect on the hurt that his words are causing to some in this chamber and consider how he discusses this for the remainder of the debate.

Sitting suspended 1:30 pm until 2:02 pm.

Business interrupted under standing orders.

The SPEAKER: I acknowledge in the gallery former MLC Neil Lucas.

Questions without notice and ministers statements

Government performance

Brad BATTIN (Berwick – Leader of the Opposition) (14:02): My question is to the Premier. Former Labor leader Bill Shorten has said:

> … I also worry about Victoria … I think morale is down and we've got to try and lift it.

When asked about how the Premier is doing, he said:

> She's doing the job. Yeah, she's okay.

If even former Labor leaders are worried about Victoria and think the Premier is just doing okay –

Members interjecting.

The SPEAKER: Order! I know everyone has had very little sleep, but this is not a good start to question time. Members will be removed without warning. From the start, Leader of the Opposition.

Brad BATTIN: Former Labor leader Bill Shorten has said:

> … I also worry about Victoria … I think morale is down and we've got to try and lift it.

When asked how the Premier is doing, he said:

> She's doing the job. Yeah, she's okay.

If even former Labor leaders are worried about Victoria and think the Premier is doing just okay, why should Victorians have any confidence in this government?

Members interjecting.

The SPEAKER: The member for Narre Warren North can leave the chamber for half an hour.

Member for Narre Warren North withdrew from chamber.

Jacinta ALLAN (Bendigo East – Premier) (14:04): I do genuinely thank the Leader of the Opposition for this question, because it gives me the opportunity to say directly to the Victorian community that there could be no greater difference between what I and my government are focused on compared to the Leader of the Opposition. And I will tell the Leader of the Opposition what I am focused on. I am not focused on what someone from Canberra is saying about Victoria; I am focused on what matters most to Victorians.

I will provide a snapshot on just this week that demonstrates how my government is focused on what matters most to Victorians. We are focused on building more homes for more Victorians. I will not anticipate debate, but we have introduced the biggest overhaul to our out-of-date planning system for decades so we can get more homes built more quickly. The data shows that Victoria is leading the nation when it comes to building more homes. But we need to build more, and that is why, by being focused on what matters to Victorians, we are using every lever to build more homes.

Look at the announcement I made this morning with the Minister for Industrial Relations. We are bringing legislation to this place to restrict the use of non-disclosure agreements, and we are doing this

because one in three workers report that they have been subject to sexual harassment in the workplace in the last five years. That matters to me, and we have got to continue to do the work to stamp out harassment. That is why we are introducing legislation to restrict non-disclosure agreements, because they create a culture of silence, and we cannot have that when it comes to changing the culture in workplaces.

Look at the work that is going on in both houses, work that is driven by the policy agenda of our government to get better, fairer outcomes for Indigenous Victorians by bringing about the nation's first treaty. And of course in this place I am proud to stand with the Minister for Health and other colleagues by giving fairer, more compassionate access to more terminally ill Victorians who are wanting to have choice at the end of their life. I am proud to be working with the Minister for Transport Infrastructure as we operationalise two giant, important projects for our city and state: the Metro Tunnel and the West Gate Tunnel. What do they have in common? They were opposed by the Liberals. I thank the Leader of the Opposition for the Dorothy Dixer.

Brad BATTIN (Berwick – Leader of the Opposition) (14:08): Committee for Melbourne chief executive Scott Veenker has said safety and amenity are critical to restoring investment confidence, and I quote:

> High-profile incidents, regular protests and perceptions of increased anti-social behaviour all influence how people feel about coming into the city.

Does the Premier accept that it is the government's weakening of bail laws, 60 new or increased taxes and relentless economic mismanagement which have caused so many to worry in Victoria?

Mary-Anne Thomas: On a point of order, Speaker, I am asking that you rule the supplementary question out of order on the basis that it does not have any connection with the first question. The first question that was directed to the Premier was referencing the words of a vice-chancellor residing in Canberra. The second question had nothing to do with the first.

James Newbury: On the point of order, Speaker, respectfully, the Premier did not even go to the vice-chancellor's comments and provided a very, very broad answer, and therefore the question clearly had a link to that answer.

The SPEAKER: The first question referred to confidence in the government; the second question referred to worry in Victoria. I will allow the question.

Jacinta ALLAN (Bendigo East – Premier) (14:10): In responding to the Leader of the Opposition's question and by being focused on what Victorians want us in this place to be focused on, we are continuing to work hard to grow the economy. We are seeing that with the employment data showing that we are creating more jobs than any other state. I have mentioned already how we are building more homes than any other state, but we are not going to rest there. We are going to continue to pull every single lever to build more homes for more Victorians. We have more business investment than any other state as well, and we have more people choosing to live here in Victoria than any other state. Also I listed the work that we are doing in understanding that Victorians want us to continue to have investment in jobs and investment in projects, whether it is the Footscray Hospital or the big transport projects that we are investing in. That is what I am focused on. We will continue to work hard, and our government will work hard for Victorians every day.

Ministers statements: health system

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:11): I rise to update the house on Labor's commitment to the health of all Victorians. Victorians know that when it comes to their health they can only trust Labor. That is because year on year we have increased the funding to our health services. This year alone we are investing more than $31 billion into our health service system. We are building and we have opened new and upgraded hospitals right across the state, as the Premier said, in Footscray, Frankston,

Werribee, Sunbury, Phillip Island, Cranbourne, Craigieburn, Ballarat, Geelong, Bendigo and Warrnambool, to name only a few. We have also grown our healthcare workforce by more than 50 per cent. That is over 40,000 more nurses and almost 8000 more doctors in our health service system, and of course we have increased our on-road ambulance workforce by almost 50 per cent. We will always back our healthcare workers and give them the support that they need.

Victorians know that when it comes to health they cannot trust those on the other side. We have increased funding by more than $11.1 billion this year alone, while those opposite have a $10.8 billion budget black hole. What the Liberal members need to do is explain to Victorians which of the 40,000 extra nurses they are going to sack in order to fill their black hole. They need to explain to Victorians –

Roma Britnell: Speaker, on a point of order on misleading the house, Warrnambool has had a 30 per cent cut to its funding to its health service.

The SPEAKER: That is not a point of order.

Mary-Anne THOMAS: The question that Victorians are asking is: what workers are going to be cut from our healthcare system in order to fill the $10.8 billion black hole that the member for Kew has identified?

James Newbury: On a point of order, Speaker, ministers statements are not an opportunity to sledge the opposition.

Mary-Anne THOMAS: On the point of order, Speaker, they are an opportunity to compare and contrast, which is what I am seeking to do.

The SPEAKER: Minister, I ask you to come back to your ministers statement.

Mary-Anne THOMAS: Thank you very much, Speaker, but one thing is very clear and Victorians know that when it comes to their health they can only trust Jacinta Allan and the Victorian Labor government to deliver what our community needs.

The SPEAKER: Minister for Health, I ask you to remember to call members by their correct titles.

Community safety

James NEWBURY (Brighton) (14:14): My question is to the Premier. On Tuesday night Pat, a 76-year-old grandmother in Brighton East, and her daughter were confronted by two masked men armed with a knife, who broke into their home in the middle of the night. The Premier said that she will continue to listen to victims of crime. Well, Pat had a message for the Premier: do something and do it quick. Why isn't the Premier listening to Pat and doing something to stop Victoria's surge in crime?

Jacinta ALLAN (Bendigo East – Premier) (14:15): In acknowledging the member for Brighton's question, can I also acknowledge what would have been an incredibly traumatic and difficult experience for Pat and her daughter that was referred to in the question. I think we have also noted from some of the media reporting Pat's incredible bravery in that situation, but that does not set aside the fact that it would have been a very traumatic experience for Pat and her family. It is from listening to the experience of victims of crime like Pat and like Tenille and Mark, who I met with alongside the member for Hawthorn yesterday afternoon, and other victims of crime that, in response to the question about acting, we have acted. We have, through strengthening the bail laws, which has seen an increase in the number of people on remand. It has also, as a consequence, led to the government needing to create extra capacity, particularly in our youth justice corrections facility, and open up additional beds at the Malmsbury Youth Justice Centre. Also in terms of acting, whether it is electronic monitoring for young offenders or the work that we have done to strengthen police powers, that is seeing more and more dangerous weapons off the streets. Something like 20,000 dangerous weapons have been taken off the streets.

James Newbury: On a point of order, Speaker, on relevance, Pat's message was that the Premier needs to do something now because what the Premier may have done has not worked. I would ask the Premier to come back to that question.

The SPEAKER: There is no point of order.

Jacinta ALLAN: In terms of the work that Victoria Police is doing to get more of these dangerous weapons off the street, that has been supported by the actions that we have taken to expand Victoria Police's stop-and-search powers. In combination with the ban on machetes, more than 20,000 of these dangerous weapons have been seized by Victoria Police.

In terms of the further work that is being undertaken, I want to acknowledge the work that the chief commissioner has been undertaking. It was two weeks ago that the chief commissioner outlined his new-look Victoria Police, the transformational work he is leading through Victoria Police. He has acknowledged that to drive down the offending rate that is causing concern in the community Victoria Police need to change the way that they police and get more police out on the streets to both respond to crime and also prevent crime.

Also I do acknowledge that we need to continue to work in this area, because it is not just causing concern for victims of crime like Pat, Tenille, Mark and others. We do need to recognise that this brazen, violent offending is not just causing concern, it is causing harm. We need to address these matters in terms of looking at both the consequences for this sort of behaviour and the root causes of this behaviour to address more and more young people getting away from this behaviour.

James NEWBURY (Brighton) (14:18): Police have confirmed that no arrests have been made following the Brighton East incident. It is just one of the thousands of offences in Bayside that remain unsolved, which are up from 2683 to 3467 in just one year, a 29 per cent increase. Why are so many crimes in Melbourne's suburbs going unsolved under this Premier's watch?

Jacinta ALLAN (Bendigo East – Premier) (14:19): I remind the Shadow Attorney-General that it is not the role of any politician to reach into an investigation into a criminal matter that is being undertaken by Victoria Police. This should not even be a question that is contemplated, particularly by someone who is the Shadow Attorney-General. He would do well to be counselled by the former Shadow Attorney-General on these matters.

James Newbury: On a point of order, Speaker, on relevance, the Premier should not be reflecting on the fact that police are swamped. She should be dealing with the question that was put to her. That was the question: police are swamped, and they cannot deal with it.

The SPEAKER: That is not a point of order.

Jacinta ALLAN: It was a pretty poor attempt by the Shadow Attorney-General to try and reframe his question through that point of order. The chief commissioner has said this very clearly in terms of the resources that they have. He has acknowledged through the transformational work he is leading that they do need to drive down offence rates. They do need to change. Victoria Police are changing the way they police, and we will continue to support the work of Victoria Police, not undermine it like those opposite continue to repeatedly do.

Ministers statements: economy

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (14:20): I rise to update the house on the work underway to grow Victoria's economy. There is good reason for Victorians to be positive about their economic future. Victoria is a great place to live, a fantastic place to work and a great place to invest. Over the last decade we have led the nation in economic and business investment growth. We have created more than 890,000 jobs since 2014, and job growth is expected to continue to grow. We are investing in crucial infrastructure, innovative ideas

and the frontline services Victorians depend upon. While we are investing, the growing $10.8 billion budget black hole from those opposite can only mean one thing: cuts to front services.

Members interjecting.

The SPEAKER: The member for Brighton will apologise to the house.

James Newbury: I apologise. On a point of order, a ministers statement, as you ruled on the previous ministers statement, is not an opportunity for the government to sledge, and that is exactly what they are doing with their template answers today.

Sam Groth interjected.

The SPEAKER: The member for Nepean can leave the chamber for half an hour.

Member for Nepean withdrew from chamber.

The SPEAKER: I remind members of the correct way to raise points of order. I ask the minister to come back to his ministers statement.

Danny PEARSON: The reality is that up to 18,000 nurses, 9000 teachers and 4500 police officers would need to be sacked just to fill the black hole they have made so far. Our government must invest in infrastructure that sets us up –

James Newbury: On a point of order, Speaker, the minister just defied your ruling.

Mary-Anne Thomas: On the point of order, Speaker, I am not aware that you made a ruling. The minister on his feet is taking the opportunity to compare and contrast the fortunes of Victoria under an Allan Labor government compared to what awaits them with a $10.8 billion black hole under the Liberals.

The SPEAKER: Leader of the House, could you be succinct in your points of order, please. I remind the minister that it is not appropriate to attack the opposition in his ministers statement.

Danny PEARSON: Our government must invest in infrastructure that sets us up for success, like the Metro Tunnel or the Suburban Rail Loop. A budget that does not add up, like those opposite are planning, leaves zero headroom to invest in the infrastructure we will need as the nation's fastest growing state.

James Newbury: On a point of order, Speaker, the minister has defied your ruling now for a second time.

The SPEAKER: I cannot direct the minister how to do his ministers statement, but I do remind the minister to come back to the statement, please.

Danny PEARSON: What I have got to say is it must have been a very bad day in the opposition rooms yesterday – unable to get their story straight, with the Leader of the Opposition and the Shadow Treasurer contradicting each other.

Members interjecting.

The SPEAKER: Order! Member for Kew, this is your last warning.

James Newbury: On a point of order, Speaker, may I seek your guidance. You have now three times made a ruling. I appreciate that you cannot direct the minister how to deliver a ministers statement, but if the minister is refusing to adhere to your guidance and your rulings, frankly, how does the chamber have any confidence in what the ministers say in their ministers statements?

The SPEAKER: I direct the minister accordingly. The minister to come back to his ministers statement.

Cindy McLeish: Speaker, on a further point of order, I would ask you to remind the minister that when he has the call he must give way when a point of order is taken. We have had three times where not only has he defied your orders but he did not make way and sit down. He continued to speak. This is a ruling from the Chair from Minister Brooks.

The SPEAKER: If you have concerns about appropriate behaviour in the chamber, I would invite you to come and speak to me after question time.

Danny PEARSON: I think it is important to compare and contrast the two. The unemployment rate here in Victoria at the moment is 4.7 per cent. Those opposite, when they were in power, were at 6.7. You are a bunch of 6.7s. It was 6.7 when they were last in power. We know that the Leader of the Opposition has overruled the new Shadow Treasurer in the last few weeks. Is that why the member for Brighton is calling himself the Shadow Treasurer still?

James Newbury: On a point of order, Speaker, this is an abuse of the chamber, and I think it is only reasonable for the minister to be sat down.

The SPEAKER: It is not a point of order.

Danny PEARSON: Unlike those opposite, we will never cut nurses, teachers, police officers or child protection workers. We will always support our front line. The Allan Labor government invests in workers, transport and jobs, and we are driving the economy. Our strong economic plan is protecting our future.

Community safety

John PESUTTO (Hawthorn) (14:26): My question is to the Premier. Last night there was another terrifying home invasion. Two men armed with hammers and a baseball bat broke into Josh and Amy's Camberwell home while they were inside with their family. They stole their car, despite Josh bravely confronting them. Amy and Josh are watching. With criminal incidents in Boroondara rising by nearly 31 per cent over the last year, has the Premier been advised that Camberwell is safe?

Jacinta ALLAN (Bendigo East – Premier) (14:27): In acknowledging the member for Hawthorn's question, can I also acknowledge, as he has done, the deeply traumatic experience that Josh and Amy experienced with the criminal incident in their home overnight in Camberwell. As I said in answer to an earlier question, it is not just about hearing and listening to the experiences of victims of crime, like that of Josh and Amy and others that I referred to earlier, but also about understanding that more needs to be done to address this repeat pattern of brazen, violent offending – offending that is increasingly being undertaken by children – and building on the work that we have already done around strengthening the bail laws, which has seen an increase in the number of people on remand, and the work that is being done to give police additional powers.

In relation to the part of the question that the member for Hawthorn raised in terms of community safety, I take my advice from Victoria Police on those matters. This is where I refer to the hard work that Victoria Police is doing to respond to these incidents, and it is why the Chief Commissioner of Police has also acknowledged that there is more that needs to be done in terms of the work that Victoria Police is undertaking in getting more police out on the streets both to address incidents of crime when they occur but also to look at how crime can be prevented by that stronger on-the-ground presence via Victoria Police. I again refer to those comments from the chief commissioner himself, where he has said publicly that to drive down the offending rate that does concern us all so much, alongside the work that I acknowledged is the responsibility of the government – to provide Victoria Police with the resources they need, the powers they need and looking at what more can be done to address those root causes of crime, whether it is work on family violence or making sure we are doing more to keep kids connected to their families, to their communities, to their school environments, to TAFE – we also must support the work that Victoria Police is undertaking to get more police on the streets, to respond to and prevent crime and to keep the community safe.

John PESUTTO (Hawthorn) (14:29): Unsolved crimes in Boroondara have climbed to 66 per cent, a 42 per cent increase on the previous year. With two-thirds of crime in areas like Boroondara going unsolved, does the Premier now accept that her government has lost control of law and order in Victoria?

Jacinta ALLAN (Bendigo East – Premier) (14:30): I will reject the conflation between those two points. As I said earlier in response to the question from the Shadow Attorney-General, there is a huge amount of work that is undertaken by Victoria Police in investigating criminal matters, and we should not presume, as politicians, to cut across the work of Victoria Police or assume why they are doing the work they are doing. We should not be undermining the work of Victoria Police in any way.

James Newbury: On a point of order, Speaker, the Premier is debating the question. Police are swamped because there is a crime crisis.

The SPEAKER: The Premier was not debating the question.

Jacinta ALLAN: I have said on a number of occasions, despite that it is very clear I think that the opposition has a very different view on this matter, that we respect the operational independence of Victoria Police. Indeed we respect the law that requires the operational independence of Victoria Police. What we do is resource Victoria Police, not cut Victoria Police. We give them the powers and the tools they need and support them in their work.

Ministers statements: Victoria's Big Build

Gabrielle WILLIAMS (Dandenong – Minister for Transport Infrastructure, Minister for Public and Active Transport) (14:31): We have been given many opportunities in this place and outside of it to demonstrate our commitment to building for the future. This year the Allan Labor government will open the Metro Tunnel and the West Gate Tunnel. We have now removed 87 level crossings, including making the entire Cranbourne–Pakenham to Sunbury corridor boom gate free. You only get to switch on big projects if you commit to investing in them in the first place. But the Big Build is not just about delivering more than 180 rail and road projects for the future, it is growing Victoria's economy by supporting more than 50,000 direct and indirect jobs and by improving productivity. We invest in jobs, in the local manufacturing pipeline and in more opportunities for Victorians. We make it easier for Victorians to get to work, to get to education and to get to leisure opportunities as well. So when those opposite promise to rip $10.8 billion out of the budget, they are promising –

James Newbury: On a point of order, Speaker, this is now the third ministerial template where a minister has used a ministers statement to sledge the opposition in the same template way.

The SPEAKER: I ask the minister to be very careful about not attacking the opposition in her ministers statement.

Gabrielle WILLIAMS: It is by way of contrasting the investment of this government and the economic benefits it has delivered and, of course, the jobs as part of that that it has delivered and the infrastructure that will serve generations to come. Cutting $10.8 billion means cutting opportunities for apprentices.

James Newbury: On a point of order, Speaker, I seek your guidance. I think now we would be at about seven or eight attempts that you have given to advise ministers not to behave in this way. Clearly they are defying your ruling. If rulings are to mean anything in this place, I would ask: how do we deal with this behaviour?

The SPEAKER: The member for Brighton is aware that I do not make the standing orders; I uphold the standing orders. The minister is being advised to come back to her ministers statement. I cannot control what the minister says in her ministers statement.

Gabrielle WILLIAMS: Cutting $10.8 billion means cutting investment in vital active transport connections that get kids to school safer.

Members interjecting.

The SPEAKER: Order! The member for Point Cook can leave the chamber for half an hour.

Member for Point Cook withdrew from chamber.

James Newbury: On a point of order, Speaker, not only is it within your power, but there have been numerous instances where ministers have defied a Speaker's rulings and the Speaker has sat the minister down. I would say to you that today this is egregious behaviour from this government in terms of their sledging.

Ben Carroll: On the point of order, Speaker, it is very clear in *Rulings from the Chair*, page 160, that a minister is allowed to countenance a range of policy positions. That is what the minister is doing.

The SPEAKER: Indeed the minister is able to countenance many policy positions. I do remind the minister to come back to her ministers statement without attacking the opposition.

Gabrielle WILLIAMS: Thank you, Speaker, for that guidance. The Allan Labor government is very busy, among many other projects, investing in, planning for and building projects like the Melton line upgrade, the Sunshine superhub and airport rail. We are doing this to be able to ensure that we are catering for the needs of Victorians for generations to come. When those opposite tell Victorians very clearly that they are the party of cuts, we need to remember: when people tell you who they are, believe them. Labor builds; Liberals cut.

Youth crime

Martin CAMERON (Morwell) (14:36): My question is to the Attorney-General. Cat from Churchill was hospitalised when her car was rammed by three youths in a stolen vehicle in Morwell recently. The families whose car was stolen from Yarram and later involved in Cat's accident say they feel violated. Does the Attorney-General accept that we have a youth crime crisis in regional Victoria?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:36): I thank the member for his question, and I want to express my sympathy and extend my thoughts to Catherine, his constituent, who was caught up in this terrible crime and terrible accident. As we have said, we are seeing some pretty violent, brazen crimes at the moment, and increasingly these crimes are being committed by children. There is no place for crime in this state. There is no place for hate in this state. Everyone has the right to live free from harm and free from hate, intimidation and discrimination. We are seeing events that are disturbing and quite horrific, and as I said, they are increasingly being committed by children. Unlike those opposite, we on this side are unified in our approach. The Premier, the Deputy Premier and the entire government are focused on preventing crime.

James Newbury: On a point of order, Speaker, the Attorney is required to be factual, and no-one with a straight face could say the Premier and the Deputy Premier are in line on crime.

The SPEAKER: I again remind the member for Brighton that a point of order is not an opportunity to make a statement to the house.

Sonya KILKENNY: I think the member for Brighton is just reflecting the division over on the other side. We on this side of the house are fully focused on preventing crime, keeping Victorians safe, listening to the voices of victims and ensuring there are consequences for those who break the law.

James Newbury: On a point of order, Speaker, on relevance, the question specifically asked whether the Attorney accepted that we have a youth crime crisis in regional Victoria. We are halfway through the answer, and the Attorney has not directly dealt with that specific question.

Mary-Anne Thomas: On the point of order, Speaker, there is no point of order. If the Manager of Opposition Business was listening to the response by the Attorney-General, he would have noted that the Attorney-General directed her answer to the question raised by the member for Morwell at the beginning of her answer.

The SPEAKER: I remind members once again that I cannot tell the minister or the Attorney how to answer the question. I do believe she was being relevant, though.

Sonya KILKENNY: As I was saying, we on this side of the house are fully focused on driving down crime, crime prevention, ensuring we listen to the voices of victims, ensuring that we are keeping Victorians safe and making sure that there are consequences for those who do the wrong thing and break the law. As the Premier said, yesterday we met with Mark and Tenille, two victims who were present in the gallery, and I want to thank them for generously giving up their time to talk to us so personally about their experiences – experiences involving children who had entered their home overnight, children who had evoked fear in their family – and we committed to them to continue to strengthen our laws, to make sure there are consequences for those who break the law. But at the same time –

James Newbury: On a point of order, Speaker, if I can direct you to Speaker Andrianopoulos's ruling of 23 November 1999, though a minister may be relevant, the Speaker can direct the minister to actually answer the substance of the question. The minister has not addressed the actual substance of the question.

The SPEAKER: I do not uphold the point of order.

Sonya KILKENNY: As I was saying, it is important as a justice system that we deliver those consequences, particularly when we are seeing more children involved in violent crime. It is equally as important that we are driving down crime, that we are tackling the root causes of crime – delivering services, education, jobs and ensuring there is hope for some of these children and some of these communities. That is the work that we will continue to do.

Martin CAMERON (Morwell) (14:41): While Cat was still in hospital receiving treatment, she was alerted to a public post on Instagram. One of the youths who just hours earlier allegedly hit her in the stolen car had posted and boasted about his exploits. He had been arrested and already released on bail. Why do Labor's weak bail laws continue to fail Victorians?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:42): I thank the member for his supplementary question. First of all, the only way that this child has been charged with a post-and-boast law is because we brought in those laws just earlier this year. It is now a crime to post and boast in this state.

James Newbury: On a point of order, Speaker, the Attorney is required to be factual. There has been no charge for post and boast.

The SPEAKER: The Attorney, I assume, is being factual.

Sonya KILKENNY: I thank the member for also raising the matter of bail. As the member knows and the house knows, earlier this year we introduced two very significant tranches of bail reform – very significant reforms that are having a very meaningful impact. We know they are having an impact. We see it in the numbers – a 46 per cent increase in the number of children on remand.

James Newbury: On a point of order, Speaker, the Attorney is debating the question. This question was specifically around Labor's catch-and-release bail policy.

The SPEAKER: I do not uphold the point of order.

Sonya KILKENNY: With a 100 per cent increase in the number of bail refusals by courts since we introduced our bail reform and a 100 per cent increase in the number of bail revocation applications, these bail reforms are making a difference.

Ministers statements: Emergency Services and Volunteers Fund

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (14:44): I update the house on how the Allan Labor government is backing our

emergency services with our Emergency Services and Volunteers Fund, making sure our emergency services have the funding they need to help keep Victorians safe. We know that floods, fires and storms are increasing in frequency and intensity, and as a government we are providing the equipment and supports needed to meet this challenge.

I recently joined the Natte Yallock CFA and the community to celebrate their brand new station and their new ultraheavy tanker, and as the member for Ripon noted, these volunteers are extremely happy with their new digs and truck. Meanwhile, down in the member for Frankston's patch, VICSES have just received their brand new next generation heavy rescue truck, and this month two new fire trucks have been delivered to South Melbourne and to Windsor FRV stations.

These are some of the important investments that help keep our community safe, but, as we know, some of these are at risk. There are those who want to take an axe to this funding, cutting over $7 billion from our frontline emergency services. That means cancelling our pipeline of new trucks and equipment for our SES and CFA volunteers and our career firefighters. This means our emergency services and the communities they protect will be on their own. And why? All to fund the new Shadow Treasurer's $10 billion budget black hole. It is a fact: you cannot rip –

James Newbury: On a point of order, Speaker, this is now the fourth minister who has abused this house in the way they use their ministers statements with their clear templates today. I would ask you to provide broader guidance to the government on the way they are using ministers statements inappropriately.

The SPEAKER: The member for Brighton is always welcome to come and speak to me about these matters after question time. I ask the minister to come back to her ministers statement without attacking the opposition.

Vicki WARD: The point I was making is that it is a fact that you cannot rip money, including $10 billion, out of Victoria without taking vital supports away from Victorians. This commitment to slashing funding can only mean one thing: sacking firies, sacking ambos, sacking nurses, sacking cops and sacking teachers to pay for a budget black hole. Let us be clear: Labor will always back our emergency services.

Danny O'Brien: On a point of order, Speaker, the minister is clearly defying the ruling you just made. I ask you to bring her back to talking about government policy.

The SPEAKER: I did not hear the minister refer to the opposition.

Vicki WARD: I am glad the opposition are now actually owning this cut.

Community safety

Brad BATTIN (Berwick – Leader of the Opposition) (14:48): My question is to the Premier. Recently the Premier has claimed the CBD is safe despite violent protests and daylight stabbings. Over the weekend families were left terrified after a teenager was stabbed with a machete outside the NRL Harmony Cup event in Broadmeadows. Does the Premier consider Broadmeadows to be safe too?

Jacinta ALLAN (Bendigo East – Premier) (14:48): In answering the Leader of the Opposition's question, I want to pay tribute to the hardworking member for Broadmeadows, who is not only the local member of Parliament but someone who has had a lifelong connection to the Broadmeadows community, who is working hard on behalf of the Broadmeadows community and who represents her community in a way that she is proud of that community and does not talk down the strong community of Broadmeadows. I say it in this context because it was the member for Broadmeadows who, out of concern for her community and the incidents that have occurred in her community, has been in constant contact and representations with me and the Minister for Police, working with us in terms of responding to these serious, brazen, violent offences that we see are increasingly being committed by children and that need a strong response from Victoria Police getting more police out on the streets, as

the chief commissioner is doing, strengthening the powers of Victoria Police to seize these dangerous weapons. That is why we have the machete ban in place – a machete ban that has continued to be undermined by those opposite, but a machete ban that is working, because thousands of these dangerous weapons are being taken off the street.

James Newbury: On a point of order, Speaker, the Premier is debating the question.

The SPEAKER: The Premier to come back to the question.

Jacinta ALLAN: I was answering the question directly. I appreciate the Shadow Attorney-General is more interested in his points of order; I am interested in working with the member for Broadmeadows in supporting her community. It is why, in terms of responding to these challenges of crime, we support the chief commissioner in getting more police on the streets. We have given the police additional powers in stop-and-search powers, in electronic monitoring and in the tougher bail laws that the Attorney spoke of earlier.

What we are also doing in the community of Broadmeadows is keeping the TAFE open, making it free and helping more young people to get an education opportunity. I am sure the education minister could list the large number of investments that we have made in schools in the Broadmeadows community. I was with the member for Broadmeadows only a couple of weeks ago –

Members interjecting.

The SPEAKER: The member for Gippsland East will leave the chamber for half an hour.

Member for Gippsland East withdrew from chamber.

Danny O'Brien: On a point of order, Speaker, on relevance, the question was very clear: does the Premier consider Broadmeadows safe?

The SPEAKER: I cannot direct the Premier how to answer the question. She is being relevant to the question.

Jacinta ALLAN: As I was saying, I was with the member for Broadmeadows just a few weeks ago. We were in the local community. We were at the Glenroy Community Hub. We were in local small businesses. We were talking to members of the local community. And do you know what I saw in Broadmeadows that day and every single day? A strong, proud community. It is a community that is protected by Victoria Police. It is a strong and safe community, and it is one that we will continue to work hard and invest in every single day.

Members interjecting.

The SPEAKER: The member for Warrandyte can leave the chamber for half an hour.

Member for Warrandyte withdrew from chamber.

Brad BATTIN (Berwick – Leader of the Opposition) (14:51): Is Victoria now at a point where police are needed just to keep families safe at NRL Harmony games?

Jacinta ALLAN (Bendigo East – Premier) (14:52): This is why we are supporting the work of the chief commissioner in giving Victoria Police the resources they need and the powers they need. For example, with bringing in the machete ban, that is what we have done, and with stronger knife search powers, that is what we have done. Also we are supporting the work, the operational changes, that the chief commissioner is making to get more police out on the streets, because the chief commissioner has acknowledged that to both respond to crime and prevent crime there does need to be a new way that Victoria Police operates to respond to these offences. We need new responses to these brazen, violent offences that are increasingly being caused by children. That is exactly what Victoria Police is doing: recognising that getting police on the streets is about driving down those offence rates. That is why we will continue to support the work of Victoria Police.

Ministers statements: government achievements

Jacinta ALLAN (Bendigo East – Premier) (14:53): It was Sunday morning – I think I referenced this yesterday – when with the Minister for Transport Infrastructure, the Minister for Roads and Road Safety and the members for Tarneit, Laverton, Point Cook and Werribee I stood on the brand new Wurundjeri Way. As we looked across at the panoramic views of our vibrant CBD, we were thinking about how families will get home safer and sooner. It also reminded me of when I was at the Metro Tunnel, whether it was the State Library or Town Hall, looking at these beautiful new stations and the long platforms, thinking about how millions of Victorians will be able to save time in their day with these big, new, vital transport connections that get people to where they want to go. We see this difference for Victoria being made at any one of the new schools or TAFE campuses or indeed hospitals, like the beautiful Footscray Hospital, which will open next year. These are investments in infrastructure that are about delivering critical services that will support families across the state.

But we know that there are others who have a smaller, narrower vision for our great state of Victoria – those who do not want to see these investments in these vital projects that not only create jobs during the construction but are about delivering more and stronger services in hospitals and schools, in train services, in public transport or in supporting people with those connections to where they want to go. We have seen that where we have built and invested in nine new hospitals. Some of us are reminded of the time when hospitals were being closed and nurses were being sacked. There are the TAFEs that are being opened and free TAFE, as opposed to those that had padlocks. And of course there is the record support for schools. We have a vision for Victoria that is investing in the future of our state. Those opposite are all about cuts and closures.

Constituency questions

Lowan electorate

Emma KEALY (Lowan) (14:56): (1349) My question is to the Minister for Water. Farmers in the south-west who have endured prolonged drought tell me they are frustrated by lengthy and complex planning and permit processes when trying to build on-farm dams. While controls around surface water are important, farmers need to be able to improve their drought resilience and capture rainfall when it comes. What work is being done to streamline and fast-track planning approvals for the construction of on-farm dams in the south-west to improve water security?

Box Hill electorate

Paul HAMER (Box Hill) (14:56): (1350) My question is to the Minister for Transport Infrastructure, and I ask: when will the new Heyington Avenue pedestrian bridge be open? The Heyington Avenue bridge is a really important link in our community. It links the communities of Mont Albert North to the community of Doncaster. There is a primary school in Doncaster which a lot of students from Mont Albert North attend. There is also Koonung Secondary College – a lot of students from Doncaster cross the bridge to get to that school and to access parks and the Koonung Creek Trail. It is a really important link. I was privileged to go out with the minister and visit the site a few weeks ago and see that there has been tremendous progress on this bridge, and I am really hoping to see it open very soon. I look forward to the minister's response.

Evelyn electorate

Bridget VALLENCE (Evelyn) (14:57): (1351) Maroondah Hospital is the closest major public hospital for people who live in my community of the Evelyn electorate. It is why it is vital that this hospital is upgraded to ensure that it is fit for purpose to provide the health care that my community needs and deserves and has been promised by this government but not yet delivered. Patients, families and frontline health workers are feeling the strain every day, and the need for an upgrade is becoming increasingly critical. My question is to the Minister for Health Infrastructure. When will capital funding be allocated for works to commence the rebuild and expansion of Maroondah Hospital in Ringwood as promised? Because at this stage it is just another one of Labor's broken promises. As we

know, this Labor government promised to upgrade the Maroondah Hospital at two elections. They promised a new emergency department at the 2018 election, then a full redevelopment and expansion of the hospital at the 2022 election, and they have so far failed to deliver or build any upgrades. It is no longer acceptable for the government to hide behind the never-ending planning phase. Our community needs certainty and a timeline of when the government will rebuild Maroondah Hospital in Ringwood.

Ripon electorate

Martha HAYLETT (Ripon) (14:58): (1352) My question is for the Minister for Roads and Road Safety. Minister, when will works as part of the Victorian government's major road maintenance blitz begin across Ripon? Roads continue to be a big issue across my electorate, with constituents eager to see more fulsome upgrades on our state and local roads. The road maintenance blitz will rebuild, repair and resurface many of our roads, backed by the largest single-year investment in road maintenance in our state's history. The Western Highway and the Calder Highway will be targeted as part of this blitz, to give drivers smoother journeys. Thank you to the work crews who will be out there in the elements doing this much-needed work. I cannot wait to see it.

Sandringham electorate

Brad ROWSWELL (Sandringham) (14:59): (1353) My question is to the Premier. The suburb of Highett in my electorate is a thriving community, yet it continues to be left behind. As Highett's population continues to grow, it is my view that it is essential that the right infrastructure and community facilities are delivered to meet the needs of a growing population of local families and residents. The community recognises that Highett is being left behind and has come together to make their voices heard through the establishment of the Highett Progress Association, whose annual general meeting is occurring shortly. Some of the key issues include the development of the former CSIRO land, the failure to act on removing the Highett and Wickham Road level crossings, the ripping up of critical green spaces – Sir William Fry Reserve and the gas and fuel land. Therefore I ask the Premier: will your government properly consult finally with the Highett community to ensure that locals get the infrastructure they urgently need in the time that they need it?

Narre Warren South electorate

Gary MAAS (Narre Warren South) (15:00): (1354) My constituency question is for the Minister for Education. It concerns the recent announcement regarding new limits for digital devices in government primary schools. Minister, how will this change benefit families and students in my electorate of Narre Warren South? Social media can be a great way to learn, play and connect, but to young minds sometimes the social costs can outweigh the education benefits. I was pleased to hear the minister's recent announcement about removing the requirement for parents to provide digital devices for primary school students, along with the introduction of screen time limits for this age group. Our kids need time to be kids, and students need time to focus on their studies. I look forward to sharing the minister's response with my community.

Brunswick electorate

Tim READ (Brunswick) (15:01): (1355) My constituency question is for the Minister for Public and Active Transport. One of my constituents is concerned that Victoria's threatened ban of e-bikes on trains could hinder their ability to get to their club softball games in Melbourne's outer suburbs. They calculate that under the government's proposed ban their current commute – an easy combination of a safe, reputable Liv e-bike and train – would turn into either a cumbersome three-hour return trip of trains, trams and buses or a car-share rental costing up to $150 a week and adding a car to the road that was not there before. Given the government's own evidence shows any fire risk stems almost entirely from noncompliant imported e-bikes and home conversion kits, does the government plan to take a balanced approach to this problem, as the New South Wales government has done? Otherwise my constituent may have to quit her softball club.

Laverton electorate

Sarah CONNOLLY (Laverton) (15:02): (1356) My question is for the Minister for Energy and Resources. It has been nearly two months now since the latest round of our government's power saving bonus. Just like the previous rounds, this has proved so popular with folks right across my electorate. People are applying, and they are applying in droves. For those who are eligible for the program, including pensioners and folks on a healthcare card or veterans affairs cardholders, $100 makes a huge difference and is a relief when it comes to paying bills. All you need to do is grab a copy of your most recent electricity bill, your concession card, and your licence or Medicare card and enter your details online. I am pleased to say that over the last couple of weeks my office and I have been out and about right across my electorate helping so many people apply for the $100 power saving bonus, including listening to and assisting our incredible seniors groups. My question for the minister is this: how many applications for this round of the power saving bonus have been received from addresses in the Laverton electorate?

Rowville electorate

Kim WELLS (Rowville) (15:03): (1357) My question is to the Minister for Police. Minister, when will you and your government act to put a stop to the endless and now often senseless continuing protests and demonstrations each week, which are not only further destroying Melbourne's once long-term reputation as the world's most livable city but sending many CBD businesses broke, placing our brave and dedicated police in the line of fire every week and creating constant fear in the hearts and minds of many of the people who live in the Rowville electorate? Rowville electorate residents are angry and have had an absolute gutful of the protests and what they are seeing, with Melbourne becoming the protest capital of Australia and the protest capital of the world. They are saying enough is enough and are sick and tired of excuses. They are demanding serious action to end the protests and demonstrations to restore civil peace and harmony to the Melbourne streets.

Sunbury electorate

Josh BULL (Sunbury) (15:04): (1358) My question is to the Minister for Planning. Minister, what are the benefits of the Sunbury arts and cultural precinct as part of the Jacksons Hill master plan? It was terrific to have the Attorney-General, the Minister for Planning, in Sunbury last Friday night for what was a really significant and important event opening up Artrise, the brand new arts and cultural precinct, which is part of, or created by, the Jacksons Hill master plan. This site of course has operated in many different ways for many different decades. To have the Minister for Planning, the terrific Hume City Council mayor Jarrod Bell and many members of the community there with the minister was a really significant and important occasion. I want to thank everyone who has done some terrific work on this project. I look forward to the minister's response.

Emma Kealy: On a point of order, Speaker, I want to bring your attention to question 1232, asked on 13 August to the Minister for Environment, which has not yet been responded to, and question number 1141, asked on 16 May to the Treasurer, which also has not been responded to. I note you have been very proactive in attempting to get a response, but I ask you to attempt again to seek that the ministers attend to those matters.

Sam Groth: On a point of order, Speaker, I have an unanswered question to the Treasurer in regard to the house that collapsed at McCrae. The family is still waiting to have a waiver of their land tax bill.

The SPEAKER: What is the number of your question?

Sam Groth: Constituency question 1282.

The SPEAKER: Thank you. That is all you need to say in your point of order.

Bridget Vallence: Speaker, I too have a point of order – yet another point of order on unanswered questions, which I would really appreciate responses to for my constituents. Questions to the Treasurer

that are unanswered are questions on notice 2421, 2512, 2777, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861 and 2862. Also, questions overdue and unanswered by the Minister for Government Services are questions on notice 2763, 2764, 2765 and 2776. Overdue and unanswered by the Minister for Police is adjournment matter 1215. I would appreciate responses for my constituents, please.

Bills

Voluntary Assisted Dying Amendment Bill 2025

Consideration in detail

Debate resumed.

Clause 8 further considered (15:08)

And Kathleen Matthews-Ward's amendment:

5. Clause 8, line 3, omit "(1)".

Amendment defeated.

The DEPUTY SPEAKER: As the house has not agreed to the amendment, the member for Broadmeadows will not be able to move amendment 6 as it is consequential. Before calling the member for Ringwood to move amendment 8 in his name, I advise that if his amendment is not agreed to he cannot move amendments 9, 11, 13 to 15, 17 to 19 and 67 as they are consequential.

Will FOWLES: I move:

8. Clause 8, line 10, omit "and" and insert 'and".'.

These amendments go to the eligibility requirement around Victorian residency. I begin by saying that if there was one rule within the government's bill that was the most arbitrary, the most redundant, the silliest and the most bureaucratic, it would be this rule. We now have a situation with VAD in some form or another on foot in every state and territory. The NT is coming; it is under active consideration. But every other state and territory has a voluntary assisted dying scheme. I appreciate, and I likely would have supported back in 2017, the need to have what is effectively an anti-VAD-tourism clause. But that need has totally disappeared.

I want to bring the house's and the minister's attention to one particular case in Victoria, which concerns a man who had difficulty demonstrating he was ordinarily resident in Victoria. This is the case of *NTJ v NTJ*. It is known as BTR's case. It involved a man referred to as BTR, who was born in Victoria and for the last 14 years of his life had been living in a caravan parked on a property owned by friends of his in Victoria – 14 years. He travelled regularly interstate on fishing trips, spending long periods away, particularly in Queensland during the colder months. He was in Queensland when he was diagnosed with incurable cancer and immediately returned to Victoria to be close to friends and family. Less than three weeks after returning to Victoria he made a request for VAD. BTR's doctor, Dr NTJ, initially determined BTR had been ordinarily resident in Victoria for at least 12 months and assessed him as eligible for VAD. Over the next three weeks Safer Care Victoria, the government department responsible for administering the VAD legislation, made four requests for further information concerning BTR's residence. Despite becoming an inpatient in hospital during that period, BTR, in support of his application, provided copies of his drivers licence, passport, medical letters and records, Centrelink income statement and various vehicle and vessel registration certificates as evidence of his Victorian address. He made a statutory declaration concerning his residence. The VAD navigator at the hospital where he was an inpatient made a statement, and the hospital responded to a list of questions from Safer Care Victoria, but these were insufficient to satisfy Safer Care Victoria's request for further information. So eventually Dr NTJ had to make application to VCAT for determination of the issue. Her Honour Justice Quigley concluded that despite his frequent absences for extended periods BTR was ordinarily resident in Victoria and was therefore eligible for VAD.

What an absolutely farcical process. We are now asking these same people who put BTR through that ridiculous and unnecessary process to be the arbiters of compassionate exemption for the residency requirement. There is no need for a residency requirement, and that is what my amendments do. They get this residency requirement out of this act. There is simply no need for it. It is absolutely reprehensible that Safer Care Victoria was hounding a dying man for more information – reprehensible and disgusting conduct from Safer Care Victoria. So why would we trust that agency with any responsibility for patients in this system? Why would we afford them that opportunity when the rule itself is completely redundant? It is completely redundant because there is VAD on foot in every jurisdiction in Australia – yes, except the Northern Territory, population 200,000-odd. I query how many of them would have a terminal illness at any one time and query whether any of them would bother coming to Victoria unless they actually had a substantial connection to the state, given the relative proximity of WA, Queensland and South Australia.

The fact that a doctor had to actually make an application to VCAT on behalf of their patient rather than doctoring is reprehensible. We simply should be allowing doctors to care for their patients and use their medical expertise for medical matters, not having to use it for legal matters. This rule is completely redundant. The amendment I propose is simple and straightforward and easy to understand, and I urge members to adopt the amendment as I have tabled it.

Mary-Anne THOMAS: I do not support this amendment, and I will not apologise for the safeguards that exist within the scheme. Given not all Australian jurisdictions have legislated VAD schemes, the safeguard, as it is proposed, aligns Victoria with Queensland and New South Wales.

Will FOWLES: The minister has alluded to the fact that not all Australian jurisdictions have VAD schemes. Let us be very clear: one Australian jurisdiction does not have a VAD scheme, and it is the Northern Territory, with the smallest population of any state or territory in the nation – 200,000-odd people. They have it coming. We know that in all likelihood they will have a VAD scheme legislated within the next 12 months. If the intention is to come back and amend at that time, then it would be great if the minister could indicate that to the chamber. But my suspicion is it is not the intention to come back and make that amendment at that time. We are accepting surely that this redundant rule creates this onerous process for people who are in fact Victorian or have a substantial connection to family and friends in Victoria and ought to be able to access the scheme here.

Quite separate from Safer Care Victoria's disgusting conduct in relation to BTR's case, if we look to the issue of what it is that we are trying to stop happening here, we are talking about VAD tourism. The pool of potential tourists, if you like, is vanishingly small. It is residents of Darwin and Palmerston essentially. It is a tiny, tiny, tiny population that we are talking about who clearly, if they are going to exit the Northern Territory to access VAD, are far more likely to be accessing it in WA, South Australia or Queensland anyway given the relative proximity of those jurisdictions. It is a nonsense to say simply because the Northern Territory has not legislated VAD, we should continue to have this arbitrary rule, putting yet another block, yet another arbitrary bureaucratic hurdle, in the way of families and patients at their most difficult time.

It is probably a reflexive response of all ministers that they think their bureaucracies, their departments, their agencies, conduct themselves well and honourably and efficiently and effectively all the time. But I think we know the lived experience looks a little bit different to that, and no more so than in BTR's case, because in BTR's case you have a person who had to go back four separate times, who provided all of the residency details, and still Safer Care Victoria said no and took him to VCAT. Ultimately it was concluded that despite his frequent absences for extended periods, BTR was ordinarily a resident of Victoria and therefore was eligible for VAD.

In addition to that I say that we ought to be facilitating, as compassionate legislators, people who do live interstate for whatever reason – for work, for other reasons – who want to come home to Victoria if that is where their family are. If they choose to live in Victoria for the last period of their life, we should allow them to do that. We should not have a residency requirement that stands in the way of

them accessing the VAD scheme simply because, for example, they have been on a two-year work posting to, I will come back to, Darwin and Palmerston or simply because they have been working in Perth or Brisbane or Sydney. We should not close the door to that or force them through this totally arbitrary compassionate exemption process when we know that the compassionate exemption decision-makers are the very ones who are most uncompassionately putting people like BTR through the absolute mill and treating them appallingly in trying to enforce the rules as they were.

It is absolutely insane that the government is not supporting this amendment. This amendment is a very straightforward amendment. It offers no risk to the scheme. It offers no risk of likely behaviour change. All it does is deny families and patients access to the care they need at an incredibly vulnerable time in their life. It is a very, very simple change and it is an important change. To that end, I ask the minister: if the secretary takes several weeks to determine a compassionate exemption, what does that do for the patient and their family while they are waiting?

Mary-Anne THOMAS: I have already responded to the amendment.

The DEPUTY SPEAKER: Because the amendment deletes a word from the clause, the question is:

That the word proposed to be omitted stand part of the clause.

All those supporting the amendment from the member from Ringwood should vote no.

Assembly divided on question:

Ayes (71): Juliana Addison, Jacinta Allan, Brad Battin, Jade Benham, Roma Britnell, Colin Brooks, Josh Bull, Tim Bull, Martin Cameron, Ben Carroll, Anthony Cianflone, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Chris Crewther, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Eden Foster, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, David Hodgett, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, Danny Pearson, Pauline Richards, Tim Richardson, Richard Riordan, Brad Rowswell, Michaela Settle, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Bridget Vallence, Peter Walsh, Iwan Walters, Vicki Ward, Kim Wells, Nicole Werner, Dylan Wight, Belinda Wilson, Jess Wilson

Noes (5): Gabrielle de Vietri, Will Fowles, Tim Read, Ellen Sandell, Rachel Westaway

Question agreed to.

The DEPUTY SPEAKER: As the house has not agreed to the amendment, the member for Ringwood will not be able to move amendments 9, 11, 13 to 15, 17 to 19 and 67 as they are consequential.

Nathan LAMBERT: I advise the house that I am circulating amendments in substitution, following some discussions with colleagues.

The DEPUTY SPEAKER: The member for Ringwood's amendment 10 and the member for Melbourne's amendment 11 and the member for Richmond's amendment 1 all seek to omit the same words. I will call the member for Melbourne, as a member from the largest party, to move her amendment 11, and I advise the members for Melbourne, Ringwood and Richmond to refer to all of their amendments when speaking to the principles of this amendment. I also advise that if this amendment is not agreed to the member for Richmond cannot move her amendments 2 to 5, 7 to 9 and 11 to 13 as they are consequential.

Ellen SANDELL: I move:

11. Clause 8, lines 26 to 28, omit all words and expressions on these lines and insert –

"(2) Section 9(1)(d)(iii) of the Principal Act is **repealed**.".

This amendment deals with my proposal to remove the 12-month prognosis timeframe. I want to talk a little bit about why we are proposing this. I will speak briefly, because I know we are in a bit of a time crunch. This amendment would remove the eligibility criteria that requires that death is expected to occur within a very specific, time-based prognosis.

Let us be clear: all other eligibility requirements would remain, including that the illness is incurable, advanced, progressive, will cause death and is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable. We believe that these criteria constitute sufficient safeguards that would remain. But the thing is that time-based prognoses – that is a doctor saying, 'Yes, you will die within 12 months' – within VAD schemes are clinically and legally challenging.

As I said in my speech, we are fortunate to have two medical doctors on the team as MPs with the Greens, and they have talked to us about how difficult it is in clinical practice to give a 12-month, time-based prognosis consistently. Estimates of prognosis are just that – estimates. Even really experienced clinicians have difficulty providing certain timeframes to death beyond, say, days or weeks, and when they do that, it is not actually intended to be a legal test.

Those kinds of prognoses, when a doctor might say 'Look, you've got days' or 'You've got weeks' or 'You've got months' are generally provided to patients to allow them to plan the remainder of their lives and to inform treatment decisions, but not as a legal test. By creating a law that references a specific timeframe, some clinicians might err on the side of caution and wait until they are more certain that death is approaching, for fear of breaching the law. For many people, that might be too late. I think we have seen cases of VAD where that has happened too late. People entering VAD at very advanced stages of their illness has been noted by the Voluntary Assisted Dying Review Board to be a particular issue in Victoria, with many people likely dying before they are able to get through the process in order to access VAD because of this specific barrier.

I know we have talked a lot about other jurisdictions. The ACT has removed this 12-month period and said instead it is a slightly more subjective prognosis. So it is not the specific 12 months, but as I said, you still have to have a condition that is causing suffering and that is incurable, advanced, progressive and will cause death within roughly that timeline – it is just not the specific 12 months. But it is not just the ACT that is talking about this. The NT's Legal and Constitutional Affairs Committee has recommended the same for any VAD laws that that jurisdiction introduces. What I think may happen is that other states will follow suit based on what is actually practical for clinicians, and then Victoria will be left behind again. That is the reason why I am moving this amendment, and I hope that others in this place will support it.

Tim READ: I might just say a couple of quick words to follow on from the member for Melbourne, which is that doctors and researchers have very accurate information on the percentage of people who will be alive at a certain time – often five years or 12 months – but not how long those people will live. Time-based prognoses are just an extrapolation based on the 12-month survival probability or the five-year survival probability. That is why an estimate of 'You've got six months to live' or 'You've got nine months to live' is always an estimate.

Gabrielle DE VIETRI: I understand that if the member for Melbourne's amendment fails then my amendment will not be heard, so in this moment I will be commenting on the amendment that I circulated earlier. My amendment 1 enables the Secretary of the Department of Health to grant an exception in exceptional circumstances and on compassionate grounds in relation to the 12-month prognosis timeframe. The government's amendment to change that prognosis window to 12 months is a positive move, but there are still some conditions where there is inherent uncertainty about the timeframes to death but all other criteria are met. This amendment enables a person who meets all the

eligibility criteria but the 12-month prognosis to apply to the secretary for an exemption. The secretary would then be required to seek certain information in order to inform a decision, including the relevant parts of the person's medical record, and to seek expert advice.

This is a process that is already in place in Tasmania – it is a very similar process – so this amendment reflects that process that already exists there. It does differ from the Tasmanian process in some ways, the main one being that the voluntary assisted dying review board in Tasmania has more power. Our review board does not have those powers, and so the exemption pathway that has already been created by the government for residency and interpreter exemptions already exists. It is appropriate in this instance for that pathway to also be the pathway in this amendment, and it mirrors that pathway that already exists. We believe that creating such an exemption would also allow some data and experience to be gained about the number and nature of such applications, which in turn could inform future amendments to the laws with respect to eligibility criteria.

Will FOWLES: In my first 5-minute crack at this I just want to ask the minister a couple of questions regarding 12-month prognoses. Does the minister accept that having a fixed 12-month timeframe may unfairly exclude people with slowly progressive diseases? Secondly, why was a compassionate exemption not considered for this, as it is, for example, for residency?

Mary-Anne THOMAS: Firstly, I might just respond and let the house know that I do not support the amendment. It is my belief that the 12-month period will allow people to begin the VAD process at a time that suits their condition and level of suffering without forcing them to wait until the final months or weeks. This change will bring Victoria more in line with Queensland. I am satisfied that it is a step in the right direction. Indeed this was the original proposal in the bill that came before this place in 2017. Therefore I do not accept the amendment.

Iwan WALTERS: Very briefly, in case there is not the opportunity to register this in a formal vote, I am opposed, like the minister, to the various amendments proposed by the Greens party to entirely sever the connection between eligibility and expected time of death. I am conscious of the ambiguities that the member for Brunswick talked about in the context of those diagnostic challenges, but I think the risks of removing timeframes are incredibly problematic. It is why I remain concerned about the proposal to increase the time limit from six months to 12 months in the first instance. I am also concerned that the conceptual justification for not moving further is quite difficult and that the pressure will remain to continue to push that time horizon out. I will be opposing this if it comes to a vote, and I want to register that in case it does not.

Kathleen MATTHEWS-WARD: As I have said before, I understand the comfort people feel in having the option available when they have had a terminal diagnosis and the fear of losing capacity before they are eligible to actually sign up for that capacity. I still have concerns about it going from six months to 12 months, which I have spoken about. I do think we are making some changes to this bill that actually improve access at the end, and the experts I have spoken to have said that is actually where a lot of the delays are. People want it often like an epidural. Maybe they want it later. The changes we are making from nine to five days and getting rid of that administrative form that changes from self-administration to practitioner administration reduce delays. I think this is the slippery slope. We know prognosis is inexact. As I have said before, my uncle had a prognosis, was eligible for VAD and is now no longer within 12 months of dying. That sort of thing happens all the time. Are we all not in some ways terminal? We are all going to die one day. Our job is to work out what the balance is. What is the balance here? Are we giving access to suicide drugs or are we giving access to end-of-life choices, which is the original intent of the bill? I do not support this amendment.

Will FOWLES: I now rise to offer up more substantive support for the member for Melbourne's amendment as proposed. I do make the procedural point that I followed very closely in 2017 this debate, even though I was not a member of the Parliament, and I followed very closely in particular Mr Jennings, a former member in the other place, and his approach to this. His approach was one of genuine and direct engagement with everyone who was asking questions during the committee stage.

I think it is unfortunate that the minister in this chamber and in this place is taking the approach of not answering questions, not engaging fulsomely and not actually defending the substance of the bill but actually simply evading those –

Luba Grigorovitch: On a point of order, Deputy Speaker, I would ask that that be withdrawn. That is completely unfair. The minister has been grilled for many, many hours now.

The DEPUTY SPEAKER: That is not a point of order.

Will FOWLES: As I was saying, the minister is evading these questions. I asked a very straightforward question just before. She has chosen not to answer it. She has given expressions that express the joy which she feels when she does not answer those questions across the chamber, and that is the approach that she has taken. I think it is unfortunate. I think she has an opportunity to defend the substance of her bill, the opportunity to engage fulsomely across the chamber, and her refusal to –

Nathan Lambert: On a point of order, Deputy Speaker, I understand that we are here to debate the amendments and the clauses as per the consideration in detail. We are not here to wax lyrical about someone's opinions about the minister.

The DEPUTY SPEAKER: I cannot direct members on what to say. The member is debating on behalf of his amendments. The member to continue with the time he has got.

Will FOWLES: As I say, it is just a procedural point about the way in which this consideration in detail is being conducted. I think it is pretty unsatisfactory and unfortunate, the way in which the minister is engaging on it.

But in relation to these amendments, I think it is really, really important that we give people the certainty and the optionality around voluntary assisted dying without being arbitrarily constrained by a clinical timeframe that we know to be uncertain. It is really, really difficult to plot these things with absolute certainty. The other thing it does is: if the medical prognosis is, say, 13 months on any of a number of conditions, you can experience for whatever reason – by means of a fall or by means of just simple bad misfortune – a sudden deterioration in your symptoms and find yourself, because of all of the bureaucratic inefficiencies and difficulties that have been highlighted, in a position where you are no longer able to get through the very many difficult steps to access the voluntary assisted dying scheme. That is a bad outcome. It runs counter to the stated policy purpose, and it simply does not support patient choice at end of life.

I think the six-month timeframe was obviously a deal done last time around. Twelve months has, I think, some degree of logic to it perhaps. Clinically, I am told that it is actually largely to do with the way insurers operate in the US, this 12-month timeframe. The ability to access palliative care under the American insurance system is actually driven by a 12-month rule. It is going to be arbitrary wherever we drop the line. So what I say and what I think – without parsing the words of the member for Melbourne and what others say – is that the arbitrary timeline ought to be removed to allow the clinical assessment to proceed on a clinical basis and to not have to have this arbitrary statutory timeframe. If we are going to be putting patients through a scenario, as was the case in NTJ's case, where agencies are arbitrarily putting people through process after process after process, whether the minister's department is teeing off with doctors in VCAT instead of allowing people to care for their patients, then all the more reason to create a circumstance where you do not crack open that entire pit of potential litigation and difficulty.

The further thing – and, interestingly, it was the question the minister evaded – was why it is that a compassionate exemption was not considered to this. Apparently we can do compassionate exemptions for stupid residency requirements, but we cannot do compassionate exemptions for this very, very clinically important area where you might consider a compassionate exemption. So that is why I think the member for Richmond's foreshadowed amendments are very important and warrant a discussion too. If you were ever going to do a compassionate exemption, it is for this. That is the

model that operates in Tasmania. Only three, I think, compassionate exemptions have been allowed, and that is the model that the minister should have adopted and should have been bringing into this place. I would perhaps invite her again to address why the Tasmanian model was not adopted.

Ellen SANDELL: I just wanted to clarify something about these amendments in response in particular to the member for Broadmeadows. I understand this is a really emotional topic and an emotional debate when we are talking about life and death and the end of life. To the member for Broadmeadows, I respect the positions that you have brought to this chamber. But I did want to clarify, because the member for Broadmeadows talked about, 'We are all going to die, and where do we draw the line?' It is a really important question.

In order to access the VAD scheme the line is being drawn at being able to find a clinician who is willing to sign something that says that you are likely to die within 12 months even though that is often quite a difficult thing to say with any certainty. What we are proposing, simply, is to instead say that the disease must be incurable, advanced and progressive, will cause death and is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable. We are not just saying that you can access these drugs at any point in your life; you need to meet these criteria of having a terminal illness. All we are saying is that an arbitrary 12-month prognosis is something that is a significant barrier to people accessing the scheme. The Voluntary Assisted Dying board has said it is a barrier in Victoria.

I just want to also clarify something about the interaction between my amendment and the amendment from the member for Richmond. My amendment is seeking to omit some words and to then insert words that remove the 12-month prognosis. If that fails, if that is not acceptable to the house, the member for Richmond will seek to insert words that are a bit of a step down. This says we understand if the house does not want to remove the 12-month prognosis. How about instead we have a compassionate exemption scheme? This would be where you cannot find a doctor that says it is a 12-month prognosis exactly but you do meet these other criteria and there is a compassionate reason. Perhaps the doctor cannot say you are going to die within the 12 months but it is going to be shortly after that, and you meet all these other criteria of intolerable suffering and a terminal illness. You can then can apply to the secretary for a compassionate exemption to be able to access VAD.

It does exist already in Tasmania. As the member for Ringwood has said, there have only been three times it has been used, so it is used on rare occasions. But can you imagine if you are or one of your loved ones is one of those three people and they want to access this scheme and they cannot. In Tasmania the process is appealing to a board. Rather than creating a new board, under our legislation the secretary has those kind of powers so we would propose, just for convenience sake to fit with the existing legislation, that you could apply to the secretary for that exemption.

If you do not agree with my amendment but you do agree with a step-down amendment by the member for Richmond, you would vote for my amendment but then seek to insert the words that the member for Richmond is proposing.

Danny PEARSON: I, like the minister, do not support the amendment moved by the member for Melbourne for the reasons the minister has previously outlined. I just want to make one observation while I have the chance. We have been at this process now for a number of hours yesterday, last night, into the wee hours of this morning, this morning and this afternoon. The minister has sought to reassure this house at every opportunity in relation to the questions that have been asked of her. I appreciate and understand that sometimes people do not like the answers, and I appreciate and understand that there is a lot of content to cover here, but for members to come into this place and suggest that the Minister for Health is being disingenuous, that she is not engaging in this process fairly and she is not treating members with due regard and respect, I find deeply offensive.

I do not know how long I am going to be here for. I think I am going to be here for a while yet, and that is fine. My job here is to support the minister at the table, the Minister for Health, to get this

legislation through. But I just would ask if we could just have a modicum of respect and recognise the fact that we have got different views, recognise we are all coming at this from a different lived experience and we all want to make a point, and I reckon that is totally fine. But if we can give the minister the respect that she is entitled to when she is doing the equivalent of running a marathon, I think that we all would welcome that. I would certainly welcome it.

Kathleen MATTHEWS-WARD: Just briefly, the intent of the original bill that the Parliament supported in 2017 was that people had access to voluntary assisted dying within weeks and months of their expected death. There have been arguments. I still have concerns about going from six months to 12 months, particularly, as I have said before, because of my uncle who had a prognosis and it was incorrect. There has also been plenty of examples of incorrect prognosis, and it is harder and harder to get that right the further you are out. If you are at 12 months, the prognosis is more unclear than at six months, and it is even more unclear at 24 months. Our job as legislators is to get a balance. At this point in time the Parliament has decided that 12 months is that balance. I think this is absolutely too far, and I do not think the Victorian community would support it.

The DEPUTY SPEAKER: Because this amendment deletes words from the clause, the question is:

> That the words proposed to be omitted stand part of the clause.

All those supporting the amendment from the member for Melbourne should vote no.

Assembly divided on question:

Ayes (75): Juliana Addison, Jacinta Allan, Brad Battin, Jade Benham, Roma Britnell, Colin Brooks, Tim Bull, Josh Bull, Martin Cameron, Ben Carroll, Anthony Cianflone, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Chris Crewther, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Wayne Farnham, Eden Foster, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, David Hodgett, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, Danny Pearson, John Pesutto, Pauline Richards, Tim Richardson, Richard Riordan, Brad Rowswell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Bridget Vallence, Peter Walsh, Iwan Walters, Vicki Ward, Kim Wells, Nicole Werner, Rachel Westaway, Dylan Wight, Jess Wilson, Belinda Wilson

Noes (4): Gabrielle de Vietri, Will Fowles, Tim Read, Ellen Sandell

Question agreed to.

Business interrupted under sessional orders.

Matters of public importance

Youth crime

The SPEAKER (16:06): I have accepted a statement from the member for Warrandyte proposing the following matter of public importance for discussion:

> That this house notes that the youth crime crisis across Victoria highlights the need for stronger laws, better policy and greater investment to make communities safe again and calls on the government to:
>
> (a) strengthen Victoria's justice system to ensure real consequences for repeat and violent offenders;
>
> (b) acknowledge that the government's failures have contributed to rising youth crime and reoffending; and
>
> (c) invest in prevention, early intervention and rehabilitation programs that tackle the root causes of offending and create a pathway out of crime.

Nicole WERNER (Warrandyte) (16:07): This is the first matter of public importance that I have brought to the house, and I could think of nothing more important than the safety of our community. I look forward to making this contribution with great gusto. Nothing matters more to Victorians than feeling safe in their homes, safe in their streets and safe raising their children, but right now across our state people do not feel safe, and with good reason. For that reason I rise in this matter of public importance to note:

> That this house notes that the youth crime crisis across Victoria highlights the need for stronger laws, better policy and greater investment to make communities safe again and calls on the government to:
>
> (a) strengthen Victoria's justice system to ensure real consequences for repeat and violent offenders;
>
> (b) acknowledge that the government's failures have contributed to rising youth crime and reoffending; and
>
> (c) invest in prevention, early intervention and rehabilitation programs that tackle the root causes of offending and create a pathway out of crime.

There is no doubt on this side of the house that there is a crime crisis that is gripping our state. Our offices are inundated with calls every single day. I do not know about members on that side of the house in some of the areas that they represent, but I know that my office is contacted all the time, every single day, about crime issues that are pervading our streets and pervading our communities. We know that every single day Victorians are waking up to another crime that they hear about, another machete attack, another attack with a knife, another attack – I read the other day – with a screwdriver. They are hearing of these shocking crimes that are taking place across our state, and the latest official figures are staggering. I was so concerned and I was so aggrieved to hear the member for Morwell raise his question about a lady from his electorate named Cat, who was rammed by three youths in a stolen vehicle, only to find out on social media hours later, after one of the alleged offenders had been arrested, had already been posting and boasting about it and had been let out on bail.

The latest official figures are staggering when we look at them. It is so clear that youth offences are on the rise, with more than 25,000 youth offences committed this year, meaning if you look at that, that is one every 20 minutes in our state. The truth is that in our state it is less than 1 per cent of the population – 5400 repeat offenders – who are responsible for 40 per cent of the crime that happens here in Victoria. These repeat offenders have been charged 10 times or more, and within that group, 1100 of them are repeat offenders aged 10 to 17. They are repeat offenders that are let in and out of bail in this catch-and-release policy that the government has upheld to let these youth offenders out. So there is this same group of youth offenders, aged 10 to 17, 1100 of them, that have been arrested at least 7000 times in the past year – 7000 times, 1100 kids. These are kids aged 10 to 17 that keep being let out on bail, that have criminal offences against their names of ramming people in their cars with stolen vehicles, of machete attacks, of gang violence. These are the youths that are being let out on our streets under this government's watch. And this same cohort are responsible for more than 60 per cent of home invasions, almost half of the aggravated burglaries, as well as at least one in five thefts of cars.

Every single day young people as young as 10 years old are being drawn deeper into a life of offending and reoffending. Families are being confronted, threatened and attacked in their own homes, in their own driveways. And this is not isolated offending; this is a pattern of violence, of theft and of fear spreading through our community. Over the last decade aggravated burglaries have risen 218 per cent. Car theft has nearly doubled. These are not fluctuations, these are failures – failures of policy, failures of prevention and failures of resourcing. It is a failure and an indictment of the Allan Labor government.

While the Premier insists that her tough new bail laws are working and that they are putting community safety first, Victorians know the truth because they are the ones paying the price. They know the truth is that crime under Labor has meant that there is an offence committed every 50 seconds, that there is a break-in with a weapon – an aggravated burglary – that happens every single hour in our state. A car is stolen every 17 minutes in our state. I have heard from people who are paying for private security where they are grouping together with their neighbours, where they are crowdfunding together to get

private security to patrol their neighbourhood, patrol their streets, so that they can feel safe in their own homes at night – not even at night but during the day. This is what it has come to in Victoria. Victorians know the truth, and they are the ones that are suffering under the Allan Labor government's failure to do anything about crime.

Why is it that we have this crime crisis? It is so clear to us on this side of the house. It is so clear that it is because Labor weakened the bail laws to make it easier for people to get out on bail after committing an offence. We also know it is because they cut crime prevention funding by 46 per cent in the 2024–25 budget. We also know that there is a 2000 police shortage – that is the gap in the policemen that are not out working because of the reduction of support to police. We can also see that what has led to this is that the judges' handbook – the manual that teaches judges and magistrates how to apply bail laws – in practice encourages judges and magistrates that:

> … a child … should be released on bail, with conditions, whenever possible.

So if you are releasing these 1100 offenders with 7000 offences to them, 7000 charges – these catch-and-release criminals – you are releasing them wherever possible, is it any wonder there is a crime crisis in our state and any wonder we are all getting calls to our offices day in, day out about the fear and the panic and the terror that our communities are feeling because of the machete attacks, because of the home invasions, because of the carjackings and because of the crime?

On top of all of that, just this week there was this backflip from the Allan Labor government. They closed Malmsbury Youth Justice Centre only two years ago, but they have now reopened it, saying, 'Oh, my bad. Let's reopen it again at the taxpayers' expense.' What has happened here with Malmsbury? Let me just break it down.

In 2020 the Labor government spent $32 million of taxpayers money to upgrade the youth justice centre. Then in 2023 they closed the centre, with the Minister for Youth Justice boasting about how they did not need it anymore. And then in 2025 a complete about-face – a complete backflip – from a desperate and panicked government, and now they need to reopen it because they are not doing enough on youth crime. Well, there you have it. And now what is the cost of that to taxpayers? $145.8 million to fix up and reopen this same Malmsbury Youth Justice Centre that you already spent $32 million on to refurbish, renovate and get ready, only to close. Now you are spending another $145 million to reopen the same centre that would have been cheaper to have kept running. Do you know how many beds are in this youth justice centre in Malmsbury for $145.8 million that they are going to spend to fix it up, to get it ready to release, to use to house people that are on remand? Thirty beds. Thirty beds that they have spent $32 million on, plus $145 million – I cannot make sense of it. Reopening Malmsbury is an admission of failure from a panicked and desperate Labor government. This is a youth justice centre that they chose to shut down that they are now forced to reopen because they weakened bail laws, they cut the budget for crime prevention and they let youth crime get out of control in this state. This is chaos and waste at its worst from the Allan Labor government.

The other day, speaking of the calls that we are getting to our offices, I received a call from a local mum in Doncaster East. She was in total distress. Her teenage son, who is in year 10 at a local high school, was simply catching the bus home one afternoon after stopping at the shops with his friends. It was broad daylight, 4 o'clock, after school, when he was cornered by a gang and thrown to the ground, and then one of them pulled out a knife and slashed at him. He raised his arm to protect himself and the blade cut deeply into his wrist, severing the tendons that control his thumb and fingers. The knife also struck his thigh and cut through his schoolbag. He was bleeding heavily when his attackers fled, leaving him lying on the pavement to bleed out. His mum has asked, calling me in desperation and in fear, 'Nicole, can you raise it in Parliament? Can you please tell Victorians what is happening in our state, what is happening in our suburbs, what is happening to our children?' What happened to this boy was that a good Samaritan stopped and drove him to the nearest police station, where thankfully he was able to be transferred for emergency surgery to the Royal Melbourne. What is chilling about this crime is that it was not a midnight attack in a dark alley. It was 4 o'clock in the

afternoon, metres from a busy shopping strip in Doncaster East. The alleged offenders were around 17 years old. Police believe they were part of a group involved in local robberies deliberately targeting schoolchildren. This young man is now home and recovering, but his life has been changed. His mother has told me that she still wakes up in the night to check that he is breathing, terrified that he might not recover fully.

That is the reality of Victoria's youth crime crisis – ordinary kids doing ordinary things now being cornered and attacked on their way home from school to be stabbed to bleed out on our streets. And yet time and time again we see the same pattern: repeat offenders out on bail carrying knives, given community service or good behaviour bonds instead of real consequences. Nothing is more apparent to me and nothing is more evident of this catch-and-release policy than the example of the 15-year-old boy who was facing five armed robbery charges, car theft and threats to kill who was then granted bail to travel to Europe for a family holiday. That is the state of justice here in Victoria – that while victims of violent crime are still recovering from trauma, a teenager is accused of armed hold-ups and then gets to board a plane for a European holiday. When 15-year-olds accused of armed robbery can walk free to go to a holiday in Europe it tells every youth gang member and every child in the criminal justice system that the system will always give them another chance. It tells victims that their justice comes second to convenience, and it tells police, 'Well, your hard work isn't really paying off.'

I have youth justice workers telling me that there are children, there are teenagers, who get in and out of jail, who are charged, bailed and charged again, only to commit a crime again, and they boast about it – 'I'm going to do this again because I know I'm going to get away with it.' There are children, there are teenagers, now boasting about being addicted to stabbing – addicted to stabbing. These are the criminals that are being let out on our streets again and again because of this failed Allan Labor government.

That is why we are here today proposing solutions. Here on this side of the house we have solutions to the crime crisis. We have talked time and again about 'break bail, face jail'. If you break bail, then you have to face jail. There need to be consequences for these repeat offenders. We need to have justice for victims, and we need Victorians to feel safe, as they deserve to feel. We have Jack's law, which is a policy to get knives off our streets. Our message on that is clear: to give police the wanding powers that they want. It has proved so effective in Queensland, taking 1200 weapons off their streets and resulting in over 3200 arrests. And that is not all: on this side of the house we also believe in early intervention. Whilst on that side of the house they are cutting crime prevention by 46 per cent, we believe that there is rehabilitation that is possible. We have seen the transformational stories of cognitive behaviour therapy, of rehabilitating young people, of getting them off our streets, of having these crime prevention measures that actually divert them from a life of crime. I speak to the community all the time, and we know the stories of youth workers that have had these opportunities to get their lives right, to get out of a life of crime because someone believed in them. We believe in the young people in our state. We believe that they are the future. We believe that they are worth investing in. We believe that they are worth rehabilitating. We believe in the early intervention. We believe that they are who we need to invest in. We stand here on the side of young people, on the side of Victorians and on the side of victims because Victoria deserves better than the Allan Labor government.

Michaela SETTLE (Eureka) (16:22): That was quite a performance, and I think that it really does show the difference of these two sides of the house. No Victorian should feel unsafe and every victim deserves justice and support, but our response to crime must be grounded in facts and in what works, not in fear, distraction or recycled culture war talking points that divide communities and make us all feel less safe. Today's matter of public importance (MPI) from the member for Warrandyte asserts a youth crime crisis and then demands that we repeat the same failed punitive scripts. It is an argument that is built on cherrypicked numbers, social media spin and the very scare campaigns that have been condemned by experts and frankly rejected by Victorians time and time again.

Before we get into this policy, we must clear up some factually false claims spread on the member's social media. Let us clear up some factually false claims that this member and many senior members of those on the other side continue to assert falsely. The opposition has repeatedly asserted that the government spent $325,000 per bin, a number concocted by dividing the total amnesty program budget by the number of bins – this is in the very important machete reform work. Of course many independent fact checkers have found this claim is false, that the bins themselves cost about $2400. The false figures were pushed in posts and in videos by senior Liberals, including the member for Warrandyte, and they have been called out again and again by independent fact finders and by local media alike. Why I bring this up is that if we are going to be serious about safety, we have got to be serious about accuracy and we have got to come up with some ideas. I note that on the MPI put forward, the contribution from the member for Warrandyte seemed to go nowhere apart from point (b), which was to condemn the Allan Labor government.

It was 1 minute and 23 seconds before there was even a suggestion of what those on the other side might do about this issue, and that 1 minute and 23 seconds seemed to be a lot about what they believed they could do. There was not one word of policy to help young people. There was not one word of policy to change the crime statistics in this state. This government, on the other hand, has put through some really important bills, and I might add that they are often not supported by those on the other side.

The machete bins that the member for Warrandyte likes to mock on social media have in fact been very successful. In the last fortnight we have had a thousand machetes surrendered. Since the start of the amnesty over 6400 knives have been surrendered by members of the public and over 3400 by major retailers. That is nearly 10,000 dangerous weapons taken off the streets in the last two months. Those on the other side can continue to believe endlessly in solving crime, but they have not been in government for a long time so perhaps they have forgotten that government is about making legislation and taking action, not just believing in things.

The Crime Statistics Agency, independent of government, publishes the official records. In the year to June 2025 Victoria did experience a post-pandemic rise in total incidents, driven predominantly by property crime and a small cohort of repeat offenders. Youth offending is a real concern, but it is also important to remember that it remains a minority share of offending overall. Tragically the biggest issue in our state remains family violence, and those on the other side do not seem to have any policies or discussions on those victims of crime. Instead they continue to focus on this youth crisis. When I was doing my masters degree we did an essay on the idea of moral panic, and I can only say that sums up the attitude on the other side. Instead of dealing with crime as the incredibly important issue that it is in our state and coming up with legislation, they just want to come up with slogans that they can shout again and again. At the moment it is 'youth crime crisis' and 'I believe, I believe'. But those of us on this side of the house know how this ends.

We cannot talk about youth crime policy in Victoria without acknowledging the very, very real damage that those on the other side did with their African gangs rhetoric back in 2018. Senior Liberals claimed Victorians were too scared to go out to restaurants at night because of African gangs. We have to remember what that did: it stigmatised communities, it fuelled that moral panic and it was condemned by experts and community leaders. Even the Liberals' own internal review concluded that this tactic backfired. We owe it to our African Australian communities to say plainly that demonising a whole community is wrong. It makes policing harder and it makes communities less safe. We now have the African gangs replaced by the 'youth crime crisis', despite the fact that it is a smaller proportion of the offending in the state.

But all I can say is that for those on the other side policy is conflated with slogans. We have just had in the previous contribution an endless list of slogans performed for social media, with no suggestions on how those on the other side would help Victorians to feel safe in their homes. They like to say that this is all down to the Allan Labor government, but that is because they choose to cherry-pick and ignore what goes on across Australia and across the world. There are some really deep cultural issues

happening, and they would be well minded to consider those rather than just considering the numbers in their internal party room wars. Things like cost-of-living pressures, social dislocation and technology-enabled offending have contributed to an increase in crime across the world, but that does not fit the trope of those on the other side.

Part (c) of the MPI is about investing in early prevention and rehabilitation programs, but all we heard was 'I believe, I believe, I believe'. I did not hear one word of how they were going to do that or what they were going to invest in. We know, because the Shadow Treasurer has made it very clear in the media, that they are going to rip a $5 million to $10 million hole in the budget with all of their slogans about cutting taxes. But what they are not telling Victorians is what they are going to cut. I would like to know how they intend to reduce crime – not one word of it. Oh, I beg your pardon. There was one, which was a knife policy. It did not seem to have anything to do with rehabilitating youth, but they do believe in it. They believe in it, which is good.

On our side of the house, that is one of the driving forces. I think we know and understand that crime is often driven by social inequity, by social division, and we are very keen to make sure that we bring all Victorians along with us. The youth crime prevention program has been a big part of that response; we have invested over $40 million since 2016. What I think is really interesting to note is that an evaluation of that program in 2022 found that the incidence of offending dropped by 29 per cent after going through the program, so it really is something that works. But we have to ask: what does not work? I can tell you what does not work: slogans and stunts. We went through the African gang crisis, and nothing changed from their rhetoric – nothing except social division and more pain for communities that were feeling marginalised.

I think that when we are looking at what works in crime prevention, we can certainly look to many of the policies that this government has put through, like the machete amnesty and the bail laws. There was an interesting contradiction in the presentation from the member for Warrandyte. I could not quite understand what was going on with the Malmsbury conversation. On one hand she was upset that we had closed it, and now that our bail laws are seeing more people go to remand we have reopened it. But somehow the reopening seemed to be being put forward as some sort of suggestion of failure of policy, when needing more beds must point to the success of that policy. It really just goes to show that rhetoric is all that those on the other side have. There is no real suggestion of how we are going to fix this. They just want to have another slogan. I am sorry, young people of Victoria, but this time you are it with the youth crime crisis.

I do not want to undervalue the crime issues that we have. I am very proud of this government for acting so decisively and comprehensively. I am a regional MP. We hear the stories of shopkeepers and families with break-ins and cars happening. I must say that it is not the river of phone calls that the member for Warrandyte seems to be getting. Personally I would suggest that her constituents call the police rather than the member for Warrandyte when there is an incident, but certainly I do not want to undervalue the trauma that all of these people involved in those crimes go through.

I am very confident of all that we have done on this side and in this space, but I think what distresses me most in this debate is that our public deserve a higher standard of debate. They deserve more than just Instagram algorithms and slogans. When the opposition circulate figures and a neutral fact checker labels them 'way off', that actually corrodes trust. We saw today in question time that they felt the need to talk down our police and the numbers; they were just attacking police about unsolved crimes. Whether or not they understand the way that government and agencies like police work, where we resource them and give them the resources that they need and then they make those decisions, they are clearly attacking the police, and really they will stop at nothing to attack someone for a good slogan. Let us all remember that the last time they were in they cut 450 police jobs and they slashed $130 million from the Victorian police budget. So I think people that are worrying about police resourcing can look to some facts. There are facts out there – do not go to the Instagram post of someone from the other side. In fact go and have a look at the figures and you will see that this government has invested in the police very heavily, unlike those on the other side. And of course when

they come to deal with their $5 billion to $10 billion budget hole that their Shadow Treasurer was happy to talk about in the media, the slashing of taxes that would create a $5 billion to $10 billion hole, is it going to be the police that get cut? Is it going to be the youth crime prevention programs that get cut? I have grave concerns that they will.

This house needs to reject this MPI not because youth crime is not serious but because Victorians deserve better. They deserve better than emotion that is built on misinformation and a history of divisive scare campaigns that have already failed this state. Let us get on with the hard, proven work that actually makes communities safer. Let us not just perform for the cameras loudly, shouting slogans about how they believe in stopping crime with no answers on the table. They have given us nothing except a gaping great hole in the budget, which can only be dealt with through cutting important frontline services like our hardworking police. We will always support them.

Jade BENHAM (Mildura) (16:37): On the conclusion to the member for Eureka's contribution on this MPI, which I am more than happy to support the member for Warrandyte on, I will tell you what Victorians deserve: Victorians deserve a government that is actually concerned and accountable when it comes to community safety, because right now all it is concerned about is looking back and sledging the opposition. There was nothing constructive in that contribution then that took accountability for the youth crime crisis in this state and/or offered any solutions. We have offered up solutions time and time again: 'break bail, face jail'; Jack's law, which removes machetes and knives and gives police back their powers to scan for knives and weapons; and our $100 million safer communities plan as well will invest in prevention programs – and that is just the beginning.

And this is not just a metro problem. This is a very, very real problem in my electorate of Mildura and in fact right across regional Victoria, as the member for Morwell spoke about during question time this afternoon. It is not just an abstract debate about slogans, although the Labor government are the masters at slogans with very little substance behind them. It is very real. It is lived every day by community members in my electorate, in the member for Morwell's electorate, in the member for Ovens Valley's electorate, and it is the same faces. We know, particularly in Mildura, and I speak to our local constabulary every week, that it is the same faces appearing before the courts time and time and time again – kids as young as 10. I spoke in the last sitting of Parliament about a young boy who is 11, who had stolen a car and driven it at 140 k's an hour. These are kids, and we know – particularly our police – who they are, and they are sick of seeing the same faces over and over again. In fact police are exhausted. They are simply exhausted. Victims are frightened, community members are frightened, morale is frighteningly low and it is faltering even further because they feel unsupported by a system that is meant to protect them.

This is not just perception, this is data. Compared with this time last year, offences committed by young people aged 10 to 17 are up 14 per cent. That is one every 21 minutes in this state. Among those aged 10 to 14 offences have jumped 12 per cent. Among 15- to 17-year-olds they are up 15 per cent. When you compare those numbers to a decade ago, the picture is even more damning. Youth offending is up 40 per cent overall – 10- to 14-year-olds up 47 per cent and 15- to 17-year-olds up 37 per cent. That is not just a blip on the radar. This is the trajectory that youth crime is on now because we have a government that refuses to take accountability or acknowledge that there is even a problem.

The Premier said herself that the Melbourne CBD is safe. In the very early hours of the morning last Friday – I often leave my apartment in the dark – I was walking up Little Bourke Street. I had seen the member for Warrandyte's Instagram with the news story about a stabbing in Little Bourke Street; this was two weeks after that incident. I was walking up Little Bourke Street and I was followed all the way up to Parliament. I did not get a great look, but I would imagine it was a teenager that was walking past me and doubled back and turned around and followed me all the way up here before disappearing into Parliament station.

I say this often. I look like I would be hard work for someone to attack, and I probably would be hard work. That has never happened to me before. I now carry a personal alarm for good reason. I am 6 feet

tall, and I do not look like I would be easy to take down. For me to be scared to walk two blocks between here and Little Bourke Street and start carrying a personal alarm and for the Premier to sit there and say that the CBD is safe, how incredibly patronising to the people of Melbourne and Victoria.

You cannot fix a system that is broken without first acknowledging that there is a problem, and this is fuelled by a government that has weakened deterrence against crime. They have softened the bail laws even though the slogan that they use here is the 'toughest bail laws in Australia' – what rot – and they have left regional areas without the services that we need and without police resources. We know the police in Mildura do an extraordinary job. Our superintendent, John O'Connor, is soon to retire – shout-out to John, he is a magnificent man. He does incredible work and it will be sad to see him go. They do extraordinary work under enormous pressure, and they know many of these kids by name.

In fact the last time I raised a question in question time I had police members stop me in the street, police members that I do not know, particularly when they are dressed in their civvies. But they stopped me in the street to tell me more stories. One I found incredibly alarming was the story of an 11- or 12-year-old boy who is a repeat offender. He committed an aggravated burglary on a elderly woman's home, stole a phone whilst he was there and went through the photos on this phone. It is a small town – 56,000 people, but it is a small town. He knew who her grandkids were. This boy ran into this elderly woman at the supermarket and started taunting her that he knew who her grandkids were and they better watch their back. He started taunting her that he knew her family, to the point where this poor elderly woman had to take out an intervention order. We know half the time they are not worth the paper they are written on anyway, particularly for youth offenders. Tell me once again how accountability is being taken by this government when we have things like that happening, not just in Victoria but in Mildura. It is absolutely disgusting.

Here are some more examples. The *Sunraysia Daily* have done a huge amount of reporting on this, and Allan Murphy. I talk about crime in this place every week, and there are articles written by Murph every week in the *Sunraysia Daily*. There was a story about groups of youths going store to store in Langtree Mall – we know that happens – and Mildura Central engaging in shoplifting sprees. Another article describes a man who joined a group of young boys after they stole a car in Mildura – that man should be a role model to these kids. Traders in Mildura's CBD have voiced that youth crime has gone to the next level, and local business owners are reporting repeated thefts, intimidation and a sense that the system is not backing them. Yet we are told time and time again that the system does back them and they have the toughest bail laws, which is absolutely ridiculous. This is government failure in one of the fundamental things a government is supposed to do – look after the safety of its people. They have failed, and they continue to because they simply will not take accountability.

The people of Mildura are proud and resilient, and we are compassionate. I have no doubt that the weakened bail laws and the crime policies of the Allan Labor government have been whipped up with some sort of utopian ideology and compassion. But I tell you what, when there are no consequences for compassion, it turns into chaos, and it has turned into a crisis.

So what will the Nationals and Liberals do? As I said at the beginning, 'break bail, face jail' – common sense. We believe in giving kids a chance, but there have to be real consequences for the chaos that is being caused. We will introduce Jack's law of course, which will give powers to police to scan for knives and for weapons on the street, which will remove those knives and weapons – instead of a bin costing $13 million that those offenders will obviously go and put their machetes in! Again, what a joke. Our $100 million safer communities plan invests in prevention programs unlike the ones that are apparently there now. Coppers tell me all the time that when you lift the veil on those things, there is nothing there. It is time for a fresh start, Victoria; it really is time – a fresh start with less waste, lower taxes, less crime. It is time to get on with it.

Dylan WIGHT (Tarneit) (16:47): I rise this afternoon to make a contribution on this matter of public importance. I began the debate in my office, and I listened to the member for Warrandyte's contribution. It was a hard watch, and the reason it was a hard watch – I know we are all a bit tired in

here today, but I literally had to pinch myself to make sure I was not dreaming, just to make sure it was not a case of deja vu. If you are going to steal your friend's homework, if you are going to put your name on your friend's homework, at least change a few little words here and there. I literally made a contribution on this matter of public importance a month or a month and a half ago – the exact same one. She has just rehashed it and put her own name to it.

And just like the matter of public importance that I made a contribution on that five or six weeks ago, this has absolutely no detail. It has no policy. It is just politics. No policy, just politics, because that is what those on the other side are all about. When it comes to crime in this state, when it comes to policing in this state, when it comes to anything with respect to the justice system, they are all about politics. It is so light on in detail – I just had some notes here – I was looking for the rest of it. I was waiting for it to provide some sort of solution, which they all say they have, but no, it is just a carbon copy of what we spoke about in this place during the last session when we had a matter of public importance. Those opposite talk a big game about crime, talk a big game about the justice system, talk a big game about what they will be able to do, but they have no solutions, they have no plan and they have no policy.

The member for Eureka touched on it. This is the same party that not that long ago hashed up and drummed up the big debate about African gangs, and we know how that went for them. We know how it went for them to demonise a cross-section of our community for about 12 months leading into an election. It was one of the more despicable things that I have seen in my time observing politics. They continue to show that they have no plan and no solutions when it comes to this area.

We have been, as a government, pulling every lever available to us to make sure that we are keeping Victorians safe. We introduced new bail laws to make sure that magistrates, when they are hearing bail cases, have to, by law, put community safety at the forefront of every decision that they make. We cannot make the decisions for them – it is a pretty fundamental pillar of our democracy that we have a separation of powers – but what we can do is introduce bail laws to make sure when they are making those decisions that community safety is at the heart of every decision that they are making. And we know that it is working – we know that component, that lever that we have pulled, is working – because we know that more and more offenders, particularly more young offenders, are on remand. That is why we are reopening Malmsbury. Listening to the member for Warrandyte's contribution, that was one of the more bizarre parts of it: 'You should be doing everything that you possibly can to make sure that these young offenders are remanded' and then she gave us a chip and had a go at us for reopening Malmsbury.

James Newbury interjected.

Dylan WIGHT: Yes, you did. The reason that we are reopening Malmsbury is because there are more young offenders on remand, so we need the extra space. It was a bizarre part of the member for Warrandyte's contribution.

We have passed our machete ban as well. We know that there has been an amnesty, which I believe has now finished. We know that there are machete bins and drop-off points for people to drop off these dangerous, dangerous weapons around our communities at different police stations. I implore anybody in the community – not just my community but right across Victoria – that still has a machete to use one of those bins and to drop that dangerous weapon in that bin without any fear of consequence. Go there, drop the weapon off and get it off the street. We also worked with commercial outlets and providers of these weapons to make sure that we got them off the shelves, and what this has resulted in is almost 20,000 of these dangerous, dangerous weapons off Victorian streets. That is a direct result of the levers pulled by this government to keep the Victorian community safe, because keeping Victorians safe is first and foremost at the heart of everything that this government does every single day.

We have also made record investments in Victoria Police. In just my community alone, we see the Werribee police station, the largest police station outside of the CBD. We see the Werribee Law Courts as well, an enormous investment into Victoria's justice department. We see 3600 new police on the beat. We know that we cannot just arrest our way out of this, we know that we cannot just police our way out of this, but the added investment in Victoria Police has been absolutely enormous under this government. I will just make a quick point to the member for Mildura, who is no longer in the chamber but who made the contribution before me, that Mildura has the most police per capita of anywhere in the state. The investment that we have made into Victoria Police has been unparalleled and has been a record investment.

I spoke at the start of my contribution about the fact that those opposite have no plan. This is just about politics for them and it always has been – it always has been and it always will be. But all we can do is go by their track record; that is really all we can do. We can look at their track record in this space when they have had the rare opportunity to govern in this state, particularly since 1982.

When they were last in government, between 2010 and 2014, the opposition slashed $130 million out of Victoria Police. And I note that they are not interjecting. What that meant is that cost Victoria 450 frontline police. Between 2010 and 2014 there were 450 less police on the beat. They can talk a big game all they want, but all we need to do is look at their track record in this area to know what they will do again. We know that they will have to do it again, because modelling shows that they have an $11 billion budget black hole. On the one hand they are saying that they are going to fix every issue in the justice system and every issue in Victoria, which costs money, whilst also having an $11 billion budget black hole. So either come clean and say that you are just lying – sorry, you are telling mistruths – you have no plan, you have no solution, or just come out and tell us what you are going to cut to try and achieve what you are trying to achieve. That was the previous iteration of a Liberal government.

I do not want to go back too far, but I had a quick google and a quick read of an article from 2012. It was entitled 'Jeff revisited: it was the best of times, the worst of times', and it went on to detail the enormous cuts in the public service, including to Victoria Police, during the time of the Kennett government. That saw police stations, particularly in regional Victoria, close, and that saw less police on the beat during that term of government. They can talk all they want about how that was so long ago. Jeff Kennett is your hero. Jeff Kennett –

The SPEAKER: Order! Member for Tarneit, please do not reflect on the Chair.

Dylan WIGHT: Of course, Speaker. Those opposite are all about politics when it comes to the justice system. They have no cogent plan and they have no solution; it is just about politics. I would hope the next time we have an MPI it is not a carbon copy again.

The SPEAKER: I acknowledge the former member and minister the Honourable Hugh Delahunty in the gallery.

David SOUTHWICK (Caulfield) (16:57): There is no question that every single Victorian understands that we have a crime crisis here in Victoria – except for the Premier. You cannot fix a problem unless you admit that you have a problem. This is a government with a leader that has her head so far buried in the sand that she believes that everything is all going hunky-dory, everything is fine, Victoria is safe, Melbourne is safe, everything is going fine. The Premier is also saying that we are doing a wonderful thing taking these dangerous machetes off the streets. Well, we know that is not true. The government had invested, or wasted, $13 million in these machete bins, only to see law-abiding citizens handing their machetes in. What have we just seen in the last few weeks? Three attacks in four days in Broadmeadows. We saw a terrible machete attack at the train station in Broadmeadows. We then saw another one at the Harmony Cup NRL football game. We saw kids running through the game waving machetes while families were there. This was all about harmony; it was all meant to be about celebrating peace and togetherness. I tell you what, there is none of that happening on our streets

in Victoria, because we have a government that is lawless, that is providing no consequences, and Victorians do not feel safe.

But if that was not bad enough, the last crime that happened in Broadmeadows – three in four days – was one in the shopping centre. The irony of this is we had a machete attack, with two groups, or gangs, waving and fighting with machete swords off doing their business, while at the same time across the road there was a machete bin. So you have got the machete bin at the police station and literally across the road you have got a machete fight happening with these gangs. What does that say? It says that these youth gangs are not listening because the government is not acting. The government says we have the toughest bail laws in the land. We do not have the toughest bail laws of anywhere. The government has gone big and tough, except when it comes to young people. We know that from our very own bail book, which suggests we have got to ensure that we get young people back on the street as soon as possible.

We know that the government is putting a big bracket around youth and it says, 'Off you go, do as you please.' And that is what has been happening: bail after bail after bail. Youth offenders are literally laughing at the government and the laws here in Victoria. That is what young offenders are doing. We saw that happen at Luna Park, which is literally meant to be the house of fun. You have got the big smiling face. Well, outside the big smiling face were a couple of gangs; off they were, fighting with machetes, stabbing one another with machetes – kids. And what happened after that? Two brothers were involved in that attack, one of whom had two other alleged attacks with machetes. Third time – what ever happened to 'Third strike and you're out'? Well, this one has had three, and he is certainly out – on the streets again. That is where he is: not locked up, out on the streets. It is catch and release. And, you know what, these crooks are laughing at the government, they are laughing at the laws, and that is why they are reoffending. They have got social media and off they go, posting away, saying, 'Look at this weak government. Look at this weak Premier that allows us to do as we please.' That is why we are the way we are.

I thought I had seen it all until these young offenders created swap cards – like footy swap cards – promoting how many times they have stabbed one another. I have never seen anything like it – only in Victoria. Instead of having AFL swap cards with your favourite footballer, you have got swap cards with your favourite crook that has stabbed people on the streets. As we heard from the member for Warrandyte earlier, you have got young people saying that they actually get excited about stabbing people. They are addicted to stabbing people. Hasn't this government failed when that happens?

And what has happened on the other side? Well, the government said back in 2020, 'You know what, we'll stick $32 million into Malmsbury youth detention centre,' and then a few years later, in 2023, 'We'll close it because we want to put everyone out on the streets. Off you go, off you go.' They probably handed them a machete on the way out. And then what happens? They wake up and they see all this and say, 'What are we going to do with them?' Because the police stations are full, you cannot put them there, so what do we need to do? We need to spend $140 million to reopen Malmsbury.

Tim Richardson interjected.

David SOUTHWICK: We said, member for Mordialloc, never close it. And, you know what, if you close something and you let it sit there for a couple of years, it is always going to cost a lot of money to reopen it, and that is the waste of this government – $200 billion worth of debt, over $1 million an hour in waste just to be able to pay for it. If you want to look at why we are all paying for it, have a look at the reopening of Malmsbury. It should have never closed. Those young offenders should have never been put on the streets, risking the safety of every Victorian.

And the government says it is wonderful – we have now got the new commissioner that is going to reorganise the police. Well, they have had 10 years to do that. Do you trust this useless, weak government to fix the problem that they made? They broke the system. They have allowed this to happen. They have allowed Victorians to look over their shoulders because they do not feel safe. What

an embarrassment. As the member for Brighton said, in his own electorate an elderly woman had to stand up in the middle of the night and fight off crooks in her home. What a disgrace when this is happening in people's homes. Your home should be a sanctuary. It is not here in Victoria. You do not feel safe in your home. And I know, as the member of Warrandyte alluded to before, about people paying for security, because they are doing it right through Caulfield – $300 a month to have security patrol the streets every night because people are breaking in and they get arrested and they get let out, and when can the police catch them? They are 2000 police short under this government.

Do not let them lie to you, because this government have actually hired less police than back in 2022. There were 500 police promised in 2022, and that has not happened. In fact, we are 2000 police short now, so we do not have enough police to do the job. At the same time, $50 million was cut from the police budget, and then police, on top of not having enough people to do the work, were told to mow their own lawns because they have cut the budget. I went out to Ringwood and mowed some lawns, and I have been out to a lot of other stations. And, you know what, when the Premier says you are safe in Melbourne's CBD, the Premier is wrong. When the Premier says you are safe in Victoria, the Premier is wrong. In the Premier's own seat of Bendigo, which I visited, I met with Shane. In the middle of the night 12 months ago he was on his way home from work, minding his own business, and he was assaulted by four young offenders, kicked to the ground, kicked, punched and hit. That person, Shane, is still suffering from that. He is an electrician who cannot work. He has lost movement in his hand, and his other hand was torn off in terms of some parts from the bone. He was kicked and punched to the nth degree. He met with the Premier, and the Premier said it was all going to be fixed over 12 months ago. He is a victim of crime, and he is still waiting. He is still waiting, in the Premier's own seat. Where did it happen? Six hundred metres from the Premier's own office. Wake up, Premier, wake up! The Premier has failed. And what has the Premier done?

Tim Richardson interjected.

David SOUTHWICK: Supported him? The guy is still waiting, member for Mordialloc, because your Premier has done nothing. She has failed. She is not fit for government. The Premier is not fit for government. The Premier should resign today because we are all unsafe on the streets. The Premier is not fit for the job. This government is not fit to govern. The government has failed at its first job – to keep Victorians safe. The first job is to keep Victorians safe. And you know, member for Mordialloc, they have failed. I have been to Shepparton, I have been to Bendigo, I have been to Ballarat and I have been to Wodonga – and 10-year-olds in Wodonga hospital are threatening doctors. There was a 10-year-old that jumped the fence, and when the doctor said, 'What are you doing here? Get out of here,' he pulled a machete and said, 'You get out of here.' That is Victoria. Welcome to Victoria – the lawless state with a weak government and a Premier that has allowed this to happen under her watch. She should resign.

Nina TAYLOR (Albert Park) (17:08): I did hear a lot of commentary there, but I did not hear any solutions – zero solutions. Anyway, I am just making a bit of a passing comment there. With regard to police numbers, let us look at that issue. The Allan Labor government has made a record investment of $4.5 billion in Victoria Police, including funding for more than 3600 additional police. What does that look like? We have delivered the single biggest uplift in police numbers in the state's history, but we know that many industries across the country are facing workforce shortages, and policing is not immune to these pressures. That is why our government has provided funding for Victoria Police to continue our major recruitment campaign. That is it – solutions, unlike those opposite, where there are a lot of theatrics et cetera, but I have not heard any solutions.

Our major recruitment campaign Made for More includes an additional $4 million invested in this year's budget. Also, there are changes to entry requirements for the academy that are helping to attract more people to the force while still maintaining the high standards of integrity and professionalism the community expects. Recruitment is a top priority for Victoria Police and for this government, and we will always back Victoria Police with the resources they need.

I will reflect that locally I am very excited – and I know that the local police at South Melbourne police station are too. Currently it is a heritage-listed building, a lovely old building, but it is certainly not meeting the contemporary needs of police. So I am very pleased to see that the $53 million investment of our government is seeing a fantastic new, fit-for-purpose, contemporary police station that is currently well underway in South Melbourne. This is a real investment, and it is also going to be really helpful for the police, other than providing the specific tools that they need of course, because it is much more accessible to the various roadways around there. It is just a far more pragmatic outcome for them. So, contrary to allegations that we are not doing anything, a $53 million investment in the South Melbourne police station, I would suggest, is certainly a significant investment – and such investment is happening all around the state.

Of course crime is a very complex issue – no-one is resiling from that. I thought that I would reflect on a number of the aspects of behaviour that we would deem inappropriate in Victoria, and I am going to zone in on education. We know that the safety of students and staff in our schools is our absolute priority. We know overwhelmingly Victorian schools are safe. However, in those cases where someone does go too far, we are also giving the schools the powers they need to keep the community safe. Earlier this year we announced new powers for school principals, giving them the ability to suspend or expel students for behaviour that occurs outside of school, including online, if it poses a significant danger to the safety and wellbeing of our students or staff.

Just the other week we handed down our review of the school community safety order scheme. This is another Labor initiative which gives schools the power to crack down on harmful, aggressive or threatening behaviour – another tool to keep our schools safe. I do not wish to cast aspersions on parents. Overwhelmingly the majority of parents on our school councils et cetera communicate in a wonderful way, and we know that our school principals do everything they can to build those really positive relationships with their school communities. But for the very small percentage of those who are not respecting boundaries when it comes to our school principals, we are putting further mechanisms in place. It has been a pleasure to be part of recent consultation on that issue. I will say there is an Engage Vic survey right now, and we encourage parents, principals and staff alike to contribute to it, because this will only help in terms of enhancing community safety in our state.

I also do want to reflect on an issue that has been raised with me about crime against retail workers, or I should say antisocial and completely inappropriate behaviour. Retail workers should be able to feel safe in their workplaces. They should be able to turn up each and every day and not fear intimidation and aggressive behaviour. But we know that there are reported unacceptable and violent incidents and threatening behaviour, including abuse referencing race or cultural background – completely unacceptable. That is why we shortly will introduce tougher laws to protect retail workers and other customer-facing workers in hospitality, fast-food and passenger transport settings. To back in this very important work, these reforms are being informed directly by employers, police, unions and industry through the worker protection consultation group – members include Victoria Police, the Office of Public Prosecutions, the Australian Retailers Association, the pharmacy guild, the SDA, the Rail, Tram and Bus Union, the United Workers Union and the Transport Workers' Union. You can see this is very constructive, specific and targeted work to improve the safety of our retail workers in their workplaces.

Another specific issue we have unfortunately is women's safety. This is not exclusive to Victoria. It is a worldwide problem, but today we are zoning in on matters in Victoria. We know that the scourge of family violence is insidious. We have an unequivocal commitment to stamping out this scourge on our community. We will be introducing a package of reforms later this year that will work to change the laws around protecting women, children and members of the LGBTIQA+ community from intimate partner violence. When we are looking at discussions about prevention and we are thinking about the causes of crime as well as the solutions to crime, we know that matters that happen in those early years that people are exposed to can have drastic and dramatic ramifications and unfortunately lead to repetitious behaviour later in life that perpetuates higher rates of incarceration, which is

counterproductive for our community. Those reforms include extending the length of family violence intervention orders to two years rather than 12 months, fixing service rules so offenders cannot slip through the cracks, making sure orders can apply to violence that happens outside Victoria and requiring police and courts to consider context so we stop misidentifying victims as aggressors.

I know from when I was Parliamentary Secretary for Justice that sometimes when a victim of domestic violence is in the throes of a very stressful situation that extreme stress can cause them to manifest behaviour in terms of being very upset that could give a false impression of what the actual scenario is about, and therefore that victim is not necessarily getting the support they need. So we are putting mechanisms in place so we can better identify who is the actual victim in the situation and making sure that they are not further damaged by a very unfair situation that can lead to them being misidentified. We are also keeping kids protected when they turn 18 and strengthening stalking laws, as recommended by the Victorian Law Reform Commission. This is also another very disturbing behaviour, I am sure, and it is not only impacting women. It can impact so many people. Even MPs have overheard situations of this kind of incredibly disgraceful but also intimidating and frightening behaviour. It is good that there is really good work going on to strengthen those stalking laws, because it is very important when we are looking at crime as a whole and not trying to just speak one or two lines over and over and over again without solutions.

I think something that is also important to note is that the opposition slashed $130 million from Victoria Police when they were last in government, cuts that made our streets less safe and our frontline officers pay the price. They also cut 450 police jobs – 450 frontline officers gone – because the opposition thought the budget savings mattered more than community safety. And when the government brought forward the tough bail bill to put community safety first, the Liberals voted against it. So they talk about law and order, but when push comes to shove, who is delivering? You can say the words, but you have got to back them in, right? I think that is very important. If we are going to transact the matter of community safety in an honest and open way, then we would call on them to back in those reforms. And I would say the same of the anti-vilification reforms. Again, they did not vote with us on those very important protections against hate in our state. So I would hope that in future they might reconsider their approach instead of just talking. It is perfectly fine to raise issues, but actually back in the solutions, back in the reforms and maybe come up with some solutions as well.

Rachel WESTAWAY (Prahran) (17:18): It was very interesting listening to the member for Albert Park telling us what we should be doing, but, guess what, the government is the government who makes the decisions, so it is no good looking backwards; let us look forwards. I am rising today to speak on the critical matter of public importance submitted by the member for Warrandyte, and at the outset I wholeheartedly agree with the member for Warrandyte on the urgent need to address the youth crime crisis engulfing Victoria. This is not merely a matter of debate, it is a crisis that demands immediate attention.

The member for Eureka dismissed our concerns, claiming that we rely on news and statistics to talk about crime. Well, yes, we rely on news and statistics to talk about crime because we are talking to our constituents on a daily basis and we are feeling it deeply. And enough is enough: we need to fix this state. Unfortunately under the Labor government we have witnessed a catastrophic erosion of law and order. Daily headlines are telling us the story. Car thefts, home invasions, antisocial behaviour, machete attacks – they have all become the norm rather than the exception.

The most recent Crime Statistics Agency Victoria data – maybe the member for Albert Park might like to listen to this, because this is factual – was released just last month for the year ending 30 June 2025, and it paints an alarming picture. The number of recorded offences increased by 15.7 per cent to 638,640 offences, the highest recorded figure since the agency began reporting in 2004–05. Criminal incidents surged by 18.3 per cent to 483,583 incidents. This means that across Victoria a crime is now occurring every 49 seconds.

But the statistics that should shake this government to its core relate to young people. Bail applications to the Magistrates' Court increased by 18.4 per cent in the last 12 months, driven by increased bail refusals and revocations, and most disturbingly, unsentenced receptions to youth justice increased by 35 per cent in the last 12 months. Thirty-five per cent – this is a damning indictment of a government in denial about the seriousness of this crime crisis. Whilst the government has finally changed the bail laws, the fundamental issue remains unaddressed. I see no initiatives that go to the root cause of youth offending, nor do I see anything that is addressing the crisis we face right now. The member for Eureka and the member for Albert Park in their speeches said, 'Well, what are we doing about it?' What are 'we' doing about it? You are the government.

When it comes to government services, nothing highlights the failures of the Allan Labor government more in Prahran than the persistent problems of crime, homelessness, mental health conditions and drug use. The latest statistics reveal that Port Phillip, which covers a significant proportion of my electorate, recorded 10,974.4 incidents per 100,000 residents, representing a 19.1 per cent increase. Port Phillip now has the fourth-highest criminal incident rate in the entire state. Across Stonnington, Melbourne and Port Phillip criminal offences have increased by more than 18 per cent, with crime rates per 100,000 residents up over 20 per cent. Property and deception offences have surged by 21.2 per cent statewide, with theft from motor vehicles alone increasing by more than 28 per cent. I saw some social media recently from a local real estate agent who filmed his car, which had been broken into on his street in my electorate. The windows were smashed and the baby seats were snapped at the brackets that actually tie them in and make them safe, but nothing was stolen. I just wonder what is happening in our state. It needs to be addressed.

Local police in my area are at their absolute wits' end. We desperately need investment. Prahran police station is still in need of an upgrade to a modern, fit-for-purpose facility, but the community is still waiting. It is great to hear the member for Albert Park talk about her police station. Well, why is Albert Park being looked after and my electorate is being left alone? Prahran police are 20 officers short and simply do not have the numbers to maintain a presence in key areas across the electorate to deter antisocial behaviour and to respond when crime occurs. Week after week we hear about aggravated burglaries, home invasions, car thefts, arson attacks, stabbings and firebombings, and investment in our police station and police resources is desperately needed. Since being elected the member of Prahran in February I have repeatedly asked the Allan Labor government for more police, more CCTV and more drug and mental health treatment facilities in our area to combat this really difficult situation to deal with crime and antisocial behaviour. So far these requests have not been met, and there is no indication of when they will be.

Similarly, I have been advocating for our desperately underfunded and undercoordinated welfare groups. All Victorians have the right to expect key service responsibilities from government. The police community youth club on Inkerman Street – that is PCYC – brings young people together through programs and deep connections, through mentoring and by providing a safe, home-like environment for young people where they feel like they can belong and escape whatever might be happening at home. It is at risk of closing, losing $30,000 a month. This facility has provided basketball courts to St Kilda Primary School students and serves as a vital community hub. We cannot allow it to close. St Kilda Primary School still does not have a school hall for assemblies or for sport, years after the previous one was demolished. This is a basic responsibility of government, not a luxury, and the failure to deliver it just is not good enough. Organisations like St Martins Youth Arts Centre run outreach programs to the Horace Petty estate in my electorate, the public housing estate which houses many children who are at risk and on the lowest socio-economic spectrum in our society. This organisation works with children under the age of 15 who desperately need structured support programs. They work with 10 children, and they require two staff members for 10 children. That is a ratio that demonstrates the high-level needs of these vulnerable young people, yet they run a program on a shoestring budget with minimal government support. These are programs for our young people, arts programs, that can actually give them a purpose, give them structure and help them escape from some of the issues that they face daily that children just should not have to deal with.

Sport and arts programs are not luxuries – they are unifying. They are healthy ways for young people to find focus, purpose and belonging. When we strip these away we should not be surprised when some young people go off the rails. Providing hope is essential. The most recent Australian Bureau of Statistics data shows Victoria's unemployment rates worsened by 0.2 percentage points to 4.6 per cent. For a 16th consecutive month Victoria has held the highest or equal highest unemployment rate in the nation. This 16-month streak is the longest in almost 50 years of ABS collecting comparable monthly labour force data. This has a direct impact on my electorate of Prahran, where cost-of-living pressures bite and unemployment rates remain an ongoing concern. How are young people ever going to aspire to their own home when it is near impossible to even rent? My own daughter, a university student, talks about people of her age, 19 years old, struggling for months to secure a rental property. When 45 per cent of the cost of a build is made up of taxes imposed by this Allan Labor government, how on earth can anyone enter into the property market in their 20s or 30s? Cost-of-living pressures have been exacerbated by Labor's taxes and charges, including an expanded and increased congestion levy, which has a direct impact across Prahran. Since Labor took office, they have introduced or increased at least 61 new taxes, fees and charges. Overall, tax revenue has been increased by 183 per cent since Labor was elected, while workers' incomes have only risen by 38.5 per cent.

Young people need hope. The young people in my electorate want housing. They want to know that there is a future. They want to know that they have jobs when they finish school. They want to be able to have something to look forward to. If they do not, then we have a community, a group of young people, that are at risk, that do not have anything to look forward to, and then there are other options, like to go into a life of crime. In my view and from the coalition's perspective, we have policies that we will put in place to ensure young people are directed in the right area, that there are support services for them and that we get rid of this crime crisis.

Tim RICHARDSON (Mordialloc) (17:28): It is important to rise and speak on the matter of public importance raised by the member for Warrandyte. I have been in the chamber for about an hour and a half listening to those contributions, and I want to go through a couple on that side, the first one being the lead speaker, who normally gets 15 minutes, and to only cover half of a dot point of the matter of public importance shows that it was more about the attempts to try to find the best line for your grabs rather than the actual intent of lowering crime over time. Let us call it for what it is. And to have literally four coalition members in the chamber for the lead speaker's contribution was extraordinary. This was the first shadow minister opportunity, and there was no-one in this place. We have seen the coalition true to form in this space, where sloganeering is not really believed. There was the great reference from the member for Eureka, who said that their crime narrative was a direct causation for how terribly they did in the 2018 election. It was a direct correlation to a rhetoric. Tony Barry, as their oracle strategist over that side, has talked about this rhetoric and this narrative being put forward.

And what was then the contribution of the shadow in this space? The member for Caulfield was one of the most unhinged things I have seen, where he went so red in the face I was concerned that he needed a water. The member for Bulleen was at the table, and I thought 'Get him a drink. Let's have just a cessation or a break.' He described it as lawless, and this is someone who thinks they are a serious cabinet minister contender for government. The readiness for government task that the member for Bulleen has got is these people might be in control of departments down the track, where they say such unhinged things like the state is lawless to the 18,500 Victoria Police officers in our state. It is not credible, it does not stack up, it is not fit for government. Of all the rhetoric on that side, not one of them has got to the depth of the challenges and the stats that we find in youth justice. So let us go through it, because not one of those opposite has bothered to talk about the situation or circumstances that youth offenders find themselves in.

Let us go right back. We know that education and early childhood policy are some of the biggest statewide primary prevention mechanisms. Those opposite slash, cut and burn education – state or federal, it is in their DNA. They think it should be a smaller government. The member for Kew's first speech is an eloquent display of small government – no intervention and no protection from the state

on services. Education is a key factor. Guess what, the majority of youth justice offenders have been subjected to family violence and abuse or debilitated by mental ill health. When we talk about point 3, the member for Warrandyte did not even cover it as the lead speaker. In 15 minutes – 900 seconds – not one second of that contribution of a shadow minister in this portfolio area was dedicated to the root causes of eradicating these outrageous behaviours.

We understand people come with trauma, but you cannot outsource your trauma onto others and inflict grief on other Victorians. The Victorian Labor government and our policies will always front up to caring and supporting the most vulnerable. But if you subject others to that impact then, guess what, you will face the consequences. We see that with a 46 per cent increase in youth remand. We see the overall remand number up by 26 per cent. So the narrative that the member for Caulfield came in with does not stack up. In a doorstop setting when you are surrounded by media or when you are doing a debate, if you carry yourself like that you are not fit to be a minister of the Crown in Victoria. It was an outrageous reflection and narration around our state and on Victoria Police. Put the Ryobi mower down and maybe go and work on policy. Get the whipper snipper off, get the gardening gloves off, stop the showboating and do something and work on it This government has done, year after year, reform and changes here.

Then there was the notion of the ask for more youth justice capacity and the opening of more youth justice capacity, and then the attack on the opening of the youth justice capacity. No Victorian can find their way through the mental load of trying to figure out whether the Liberal Party is a credible opposition, because their policy change is based on where the wind goes, who is backgrounding on who, who gets a stinging attack and maybe if the *Herald Sun* writes about it and they read the paper at 7 am. That is where their policy might go, because there is no coherent narrative here. The Leader of the Opposition has a one wood. It is to rock up to crime scenes, sometimes with the person literally still under the towel, to narrate what might have happened. That is the one wood for the Leader of the Opposition. There is no crime prevention frame to it. There is nothing narrated. There was a phantom number put out there in an environment when the former Shadow Treasurer, now Attorney-General, had so many holes in his costings that we now know that $10.8 billion is the floor to the cuts. How can you say you are going to put money into crime prevention when you have got to find nearly $11 billion in savings?

We know that those opposite cut and Victorians pay. Those opposite will cut services. They will strip back police. They will cut funding like never before. If you do not believe us, read the first speech of the member for Kew, the Shadow Treasurer: 'We believe in small government. We don't believe government creates any jobs.' I mean, David Limbrick in the other place – the Libertarian – was blushing. He was thinking, 'Hang on a sec, have I got a star recruit from Kew?' This is small government: 'Get out of the way. Don't do anything. Don't do anything ever again.' I bet now, knowing the polling and the demographics of the electorate and looking a bit deeper in, that first speech is regretted. It is regretted, but it is an opportunity for the member for Kew to come out and say, 'No, we will not cut police in the savings of $10.8 billion. We will not slash our corrections facilities and outsource our education programs to the private sector, rather than investing in schools and education.' At the moment it does not stack up. Everyone can point to a problem and narrate a problem; the harder thing in government is to come up with solutions.

The narration around the Premier is outrageous. The Premier is a compassionate, empathetic and thoughtful leader. The stunt yesterday was something that we have seen before – but rarely – around the narration of people impacted by crime. Well, guess what, the Premier fronts up and meets them with compassion and care and empathy, because those are her values and that is who she is as the longest serving minister and as the Premier of our state.

Those are the values of our Premier: care and compassion. She knows that consequence is absolutely undeniable. People have to front up to their accountability, but tackling the root causes of crime to lower it over time means dealing with things like the prevention of family violence. Kids subjected to abuse who then inflict their trauma on others, kids who have been impacted by family violence, kids

that carry poor attitudes towards others in the community – how do we erode that away? The narration of the member for Warrandyte and the member for Caulfield about this had no description of how we prevent that. How do we stop that? What is the early intervention? They narrated it almost like a boundary commentator of what has happened. Nine News and others do that; that is the news frame. You have got to govern. People have got to put forward policies and solutions, so what does that look like? Early intervention looks like dealing with trauma and dealing with the mental health and wellbeing impacts on these kids who do not have a protective structure around them, but holding them accountable – holding to the fact that when they do offend they are remanded. They are facing that consequence. That is the reality of it.

As the police commissioner has stated, Victoria Police are restructuring to deal with this directly. This wave is coming of response and impact, and it will have consequences for those that have used violence and traumatised other Victorians. We acknowledge that harm. There is never an excuse for that level of unaccountability, because those people on remand are still facing their circumstances before the courts. On recent statistics a third of the prison population, which is around 6000, is unsentenced. That is the description of the increase right there of holding those offenders on remand. They still have to face their time in court. They still have to face sentencing. It is an important frame here. But the notion that suddenly a coalition thought bubble will create a utopian scenario where people will not commit crime does not have any basis in reality and credibility. The real hard work is to understand how we find those kids where they are at and deal with their accountability. There is never an excuse for violence being used in a youth justice frame or in a prevention of family violence frame.

Guess what, if people want to improve their lives and be supported in the future, they have no better champion than this government. If kids want to get on a better trajectory to stop using violence and be backed in through education, through TAFE and through learning, then there is no better government than the Allan Labor government to support that into the future. Those are the things that I was hoping the members for Warrandyte and Caulfield might narrate. They never got to dot point 3, because it is all about sloganeering and it is Liberals first, Victorians second.

Martin CAMERON (Morwell) (17:38): I rise to support the member for Warrandyte on the matter of public importance. I do note that we are here to talk about this:

> That this house notes that the youth crime crisis across Victoria highlights the need for stronger laws –

I 100 per cent agree with that –

> better policy and greater investment to make communities safe again and calls on the government to:
>
> (a) strengthen Victoria's justice system to ensure real consequences for repeat and violent offenders;
>
> (b) acknowledge that the government's failures have contributed to rising youth crime and reoffending; and
>
> (c) invest in prevention, early intervention and rehabilitation programs that tackle the root causes of offending and create a pathway out of crime.

We talk about youth crime, and we acknowledge that it is children as young as 10, 11, 12, 13, 14 that are in that big bubble of this crime wave that is happening in Victoria at the moment. We sometimes try not to make excuses but we see that we do not want to go too hard because these children are so young. But these are well-organised criminal gangs that have no concerns about committing crimes. We are talking about crimes of walking into supermarkets and stealing stuff off the shelves and going into small businesses and stealing profits and materials when mums and dads have worked so hard to be able to keep their businesses open.

Then we talk about these same offenders, and they are getting arrested and held sort of accountable – 'Don't do that again' – but they are then back out on the streets. This is at 10, 11, 12, 13, 14 years of age, so the cycle is there and the cycle has started. The member for Mordialloc relayed how these children are coming from some horrendous backgrounds, and I agree with him – it is a cycle that needs to be broken, and I take that on board. But these children as they move through, they are doing worse

crimes. All of a sudden they are breaking into a tradie's car on the street or a tradie's car that is parked in the driveway and stealing his tools just for the hell of it – just because they know they are virtually untouchable. Then they are moving into breaking into a house and stealing the car keys or taking mum and dad's car and causing grief. And they are driving that car. They do not care if the speed limit is 60. They think they can do 160 in a street around a town, or they can do over 200 kilometres an hour on a highway. They are now driving a lethal weapon that is going to cause damage. Then they move on because they get caught, they go through the court system and again they are back out on the street. This time they now progress up to violent attacks against people in my community where they will bash with whatever they have – if it is a bat – or they will stab someone. They do not care. It is unfortunate that we are not breaking that cycle, and they move all the way through.

I spoke today of a young mum from Churchill that was hit by a stolen car. The perpetrator was arrested and was back out on the street posting and boasting about the day that he had had while she was still in hospital. That is where we are at, but it gets worse. I have members in my community that have paid the ultimate price, and you might think, 'Well, what's the ultimate price?' It is the price of their son being killed – stabbed to death. I had one a couple of weeks ago, a young Aboriginal kid who was targeted, stabbed to death on the street. I sat with his mother, and she relayed, 'This goes on. What can I do?' And I sat with this mother – goodness me, I cannot believe how strong she is – and talked with her about the options of what we do about youth crime, because it has now changed from crime from adults to youth crime that is causing us the grief. These are children that do not want to go to school. How we break that cycle I will come to shortly with a couple of programs that are in the Latrobe Valley.

Dr Ash Gordon was another one stabbed multiple times. I have spent a lot of time with his family. He was a doctor, someone that actually looks after the health of our community. Kids broke in and stole some of his property, so he was trying to get it back from these youth offenders. They murdered him – stood there and stabbed him multiple times. This is what we are dealing with. We can talk and come up with facts and figures, but this is the cold, hard truth: we are dealing with a fraternity of people who are criminals. It is hard to call 12-year-olds hardened criminals, but that is what they are – 12-, 14-, 16-, 17-year-olds. This is what they are. We need to change our philosophy about how we tackle it. We cannot just let them go back out on the streets. The police are doing their job. They know who they are. A crime will happen, and the police will know who to go and talk to.

We have issues in the Latrobe Valley where at the moment we are getting a criminal element being sent down to the Latrobe Valley to live in rooming houses. The police actually do not know who these new criminal elements are. It is cheaper rent when they come out of prison to actually house them down in Morwell. That is the issue that we have. We have got a huge problem at the moment with the structure of the justice system, and it puts the pressure on our police. I stand with our police officers in the Latrobe Valley. They do what they can.

The government came up with free travel on the trains and buses in regional Victoria. I tell you what, there are not going to be a lot of people on the trains and buses down in the Latrobe Valley, because that is one of the thoroughfares for these criminals to travel on. I have pleaded with the Minister for Police to give us some more PSOs that we can stick on the trains. We need to stamp it out. An example of how it could work: we had the court case with the mushroom lady. Do you know what happened? They wanted to make sure, because the world's media was going to be in Morwell at the courthouse, so they stopped and searched people in the CBD, and within 40 minutes it was finished – done until the end of the court case – because uniformed officers, whether they be police or PSOs, make a visible presence. That is their test case. It really, really does work. With public drunkenness, the government took away police powers to move people on if they are drinking on the street, so we have got this element that congregate.

We have a youth program called Mountain Track Youth. It is a great organisation in Jumbuck; it is run by Laura Myer. They take disadvantaged youth and get them out of that cycle. These are the programs that we need to look at together, because at the moment I do not want the next person that

comes through my door that has been attacked by criminals to have lost their child, and that is what we are getting to. It is time to put up now.

Sarah CONNOLLY (Laverton) (17:48): I too rise to speak on this matter of public importance this afternoon raised by the member for Warrandyte. In doing so I feel like I have said time and time again that this is not a new matter of public importance, and I stand here again as a very proud western suburbs MP to speak on another ridiculous MPI that is brought before this house for no other purpose than for the member for Warrandyte, queen of TikTok, to go and do another video talking about crime here in Melbourne. I mean, if this person was the poster MP for Victoria, it would be an absolute travesty.

I have had many, many conversations for a very long time with folks in Melbourne's west, with perpetrators of crime, with victims of crime and everyone and everything in between, and I am going to start my contribution by saying Victoria has amazing young people. Our young people are incredible Victorians. They make a tremendous contribution to this state, and most of them, the majority, grow up and do amazing things here in Victoria and indeed right across our country. They are people – children, young people, kids, whatever you want to call them – that we should feel proud of, and I think starting my contribution on a positive and thanking young kids for being amazing in growing up and in their contribution to Victoria is a really important way to start.

I am starting that way because I am going to read something out, and I do not usually do this. It comes from the member for Warrandyte's Instagram page. It was published on 11 October, and if you will indulge me, I would love to read it out. It has got a lovely photo of her and a very smiley, happy-looking Leader of the Opposition. She says:

> I'm honoured to join Shadow Cabinet in @bradbattinmp's team.
>
> I'm thrilled to have been appointed as the:
>
> Shadow Minister for Youth Justice,
>
> Shadow Minister for Youth & Future Leaders –

wrap your head around that one –

> Shadow Minister for Children.
>
> These are all areas I'm extremely passionate about.
>
> I'm looking forward to taking the fight to the Allan Labor Government in an even greater capacity.

I am assuming she means greater than her TikTok and Instagram accounts. The irony is not lost on me, and I do not think it is lost on folks on this side of the house. I am reading this out because we have had this new shadow minister from the opposition stand here – it is not the first time that she has stood here and carried on like this – and talk down young people in Victoria. We have serious challenges with young people – with youth and with children – not just here in Victoria but across the country and across the globe. You do not need to be a researcher on this. You do not need to be a shadow minister to understand this, and you do not need to be a government minister to know this.

There are serious challenges facing young people, but what we need is serious people to rise to the challenge of tackling crime here in this state, most importantly. We hear many terrible stories from those opposite of appalling crimes that are committed upon them that they bring to this house. I have them in my own electorate, but they bring them here to play politics. With such a serious, serious challenge facing young people, facing Victorians, facing Australians and facing people across the globe, what do we do with young people? If you are out on the hustings and you are talking to people about crime, they want to tell you they are tired of it, and they are right. They are tired of it, but they also want to know how to prevent it in the first place.

Someone who brings an MPI to this place on the very issue of youth justice and crime here in this state, a person who is a Shadow Minister for Youth and Future Leaders and a Shadow Minister for Children, failed to mention one single thing she would do in government to improve the lives of young

people here. In fact I am not sure that the member for Warrandyte actually knows why kids are committing these crimes, and these are conversations I have on a very regular basis with my community. They want to know why young people are doing this. And you know how I found out why young people in the western suburbs are getting involved in the types of behaviour that we absolutely do not want them to be doing? I go and speak to the cops, and I have been to the three big cop shops in Melbourne's west – that is, Werribee police station, Wyndham North police station and Sunshine police station. Every cop who is working tirelessly to turn these kids around says to me, when I ask what is the problem with these kids, that there are two things. The first is the unbridled use of, yes, iPhones and social media. It is the normalisation of violence, of knives, of machetes and of God knows what else they are looking at on social media. It is the way they talk to each other on social media. It is not normal. The federal government have put a ban on social media – I think it is for 16-year-olds and under. That is one of the key reasons why. It may not be talked about a lot, but that will be beneficial to kids here in Victoria.

The second reason – which the member for Warrandyte has never stood in this place and talked about, and as the Shadow Minister for Children, she should start doing her research – why we have a problem with youth is because of domestic violence. It is men in the home of the family, with children watching, beating up and bashing mothers and wives and girlfriends and partners. That is the combination, the two key reasons, why kids in Melbourne's west are committing these crimes.

Both of those things are not going to be solved by just locking up kids and throwing away the key. It is not going to be solved by ridiculous cheap TikTok videos by the member for Warrandyte to incite fear in the local community. That is not how you address these issues. I would say to the Leader of the Opposition that he is going to have his hands full with that one. She needs to do a whole lot of reading, get off social media and spend more time getting out and speaking to the services that deal with kids like this every single day. In fact I would invite the member for Warrandyte to head on over to the western suburbs, because we have heaps of these programs and they have been funded by Labor. They were set up by Labor, and they have been funded and continue to be funded. I would encourage her to thank the tireless workers who every day turn up to deal with kids who have the most appalling backgrounds and have committed the most appalling crimes. I would encourage the member for Warrandyte to do the work so when she stands in here and she brings to this house a matter of public importance, she can at least stand here and talk on it and create her TikTok videos with some kind of level of credibility, because that is what the member for Warrandyte lacks. God help this state if the member for Warrandyte ever ends up in government as the minister for youth justice, youth and future leaders and the minister for children.

This matter of public importance is nothing other than politicking what is a very serious issue. There are very serious challenges facing young people here in Victoria, and we need very serious people, desperate to be in government, who when they eventually get there will take the action needed to ensure that young kids and young people have a better future and become those future leaders that seem to be so important as part of her title. This is a ridiculous matter of public importance.

Chris CREWTHER (Mornington) (17:58): Firstly, I would like to acknowledge the member for Warrandyte on this matter of public importance, noting that the youth crime crisis across Victoria highlights the need for stronger laws, better policy and greater investment to make communities safe again and calling on the government to ensure real consequences for offenders, acknowledge their failures so we can actually get solutions and invest in proper prevention, rehabilitation and early intervention.

I want to open with a story. Picture this: a quiet suburban evening in Cobblebank in Melbourne's west. Two boys, one just 12 and the other 15, are walking home from a local basketball game. Out of nowhere they are ambushed by a group of up to eight masked youths wielding machetes and long knives. In moments the unthinkable happens. The boys are chased down and brutally hacked to death in the street. This is not the script of a horror film; it happened here in Victoria last month. A senior detective described it as one of the most horrific crimes in a substantial and growing list of crimes of

this nature. The children who were murdered were not gang members, just innocent kids in the wrong place. Now two families, friends and a community are shattered. As the father of one victim lamented, their community had buried four children in the past month from similar violence.

This is not an isolated incident. Earlier this year midday shoppers at Northland shopping centre in Melbourne experienced a nightmare of their own. A brawl broke out between rival youth gangs in the food court, some armed with knives and a machete. Panic spread as hundreds of people ran for the exits in fear. One man in his 20s was slashed and taken to hospital with serious injuries. Three others were treated for anxiety attacks amid the chaos. Imagine being with your children at the local mall and suddenly seeing a gang member wave a machete and everyone screaming and fleeing for safety. These are scenes we never thought we would see in our community, yet they are happening right here again and again in Victoria.

And Victorians are feeling it. Parents are afraid. Young people are afraid. Elderly residents fear break-ins. Small businesses face brazen robberies. Our community is on edge, and with good reason. These stories are not just media hype. The hard data backs up what we all sense and know – that youth crime in Victoria has exploded in recent years. Crimes committed by children aged 10 to 17 have risen to their highest levels in 15 years. According to stats from February, in 12 months the number of recorded youth offender incidents jumped by 17 per cent, reaching around 23,800 incidents – a huge spike compared with a few years ago. Youth crime is now at a decade high, and Victoria Police leadership is also fed up. Frontline officers are frustrated at seeing the same young criminals reoffending with impunity. It is telling that Victoria has just notched up its highest number of total arrests on record. Police made 75,900 arrests in the year to March 2025. That is 208 arrests every day on average.

And yet with the community reeling from this crime wave, the government's first instinct was to downplay or deny the problem. The Attorney-General at the time, in 2023, declared, 'I do not want a discussion about a youth crime crisis that does not exist,' before saying that youth crime was just about perception. The government seems more concerned about managing optics than confronting reality.

We do need action, therefore, in this space. We need proactive solutions. Managing crime, as with manners, behaviour, civility and everything else, is really just like parenting. With parenting you need both a carrot and a stick. You need to give your kids positive things to do and a purpose and direction, whether that is in sport, community, crafts, schooling, education or other things. With your kids you also need consequences and discipline for bad behaviour, both to stop and prevent such behaviour. Yet we have had insufficient consequences here in Victoria, and we have had a lack of crime prevention investment. What we therefore need are actual consequences for offenders. That does not necessarily need to mean jail, but there need to be consequences. Talking to local CFA commanders, they mentioned that in the past youth were required to go and volunteer at their local CFA, which meant that they had a consequence, but they also developed positive relationships and positive thrills. Or they might go up and clean graffiti for 80 hours or do many other things that are actual consequences. We also need investment in prevention, like with the Icelandic prevention model which I have proposed in the past, which I will mention soon.

On consequences more generally, the first is with respect to bail. In Victoria this Labor government increasingly kept reducing our bail laws and weakening our bail laws. We kept calling that out, and we put many bills to Parliament, which were blocked by this Labor government, to try and restrengthen our bail laws. They were not listening to us. But with the increase in crime rates and people getting bail again and again and again, they finally did start to listen when the community was in an uproar, and they worked to restrengthen some of the bail laws that they had weakened in the past. But this goes nowhere near the level that they need to actually get to to ensure that people who commit, say, 300 offences or commit crimes again and again do not just keep getting bail.

So what will we do in the coalition? We will have a policy around 'break bail, face jail'. If a youth offender on bail commits a further offence or breaches their bail conditions, they will be swiftly

returned to custody. No more slaps on the wrist for breaching bail. The message will be clear that bail is a privilege which must be respected, not a free pass.

On machetes as well, we kept on saying that this was a major issue and we brought bills to Parliament, which were again blocked by Labor. We tried to reclassify machetes as prohibited weapons five times from late 2023. Labor kept on voting it down, but eventually, with the massive community pressure as well, they too took action in that area, but much more slowly than they should have and, as we have seen with the rollout, not very effectively and with a very high cost associated with it as well.

We need to do more in this space though as well. We have said that we will introduce Jack's law in Victoria, so police and PSOs will have the power to use handheld metal-detecting wands in any public place – train stations, shopping centres, music festivals, you name it – without needing special preapproval for designated areas. We also need to have proper move-on laws. This Labor government weakened these laws. We would do the opposite. We would restore and enhance police move-on powers, allowing officers to break up groups of youths loitering with intent to cause trouble and ensure prevention before trouble starts. On drunk laws as well, at the moment we cannot arrest people for their own safety or the safety of those people around them, even if it does not lead to court or convictions. That was something that police were able to do in the past, and police are spending so many resources now because of the lack of these powers. We also need to invest, as I mentioned, in alternative consequence pathways – not just jail, but also many things like helping your local CFA or cleaning up graffiti and so much more – because there need to be actual consequences for offences.

On prevention – this is a key element – we do need the carrot approach as well. I have mentioned in the past that we in Victoria have had a situation where this government keeps on reducing funding for crime prevention programs. I have talked about programs that could be effective here in Victoria. One is the Icelandic prevention model. In the 1990s Iceland had one of the highest levels of youth crime, substance abuse, anti-social behaviour and so much more. Twenty years later they have one of the lowest levels in the world. Planet Youth have been working with countries around the world to roll out this model. This is something that I have proposed that we should consider here in Victoria, because this is a program that has been shown to work, and we should roll it out. We will also do other things like the Restart program. We will have a Victorian-first residential responsibility and discipline program for serious repeat youth offenders aged 12 to 17. We will also invest in our Youthstart program to coordinate these efforts statewide. We envisage establishing youth justice hubs in high-needs areas. Ultimately we need a vision that ensures both consequences – the stick and the carrot, the positive things – in Victoria so we can stop this youth crime crisis.

Bills

Voluntary Assisted Dying Amendment Bill 2025

Consideration in detail

Debate resumed.

Clause 8 further considered (18:09)

Iwan WALTERS: In regard to clause 8, which has been partially canvassed in previous amendments, particularly touching on the increase in the time horizon from six months to 12 months, and I suppose noting that this recommendation was not present in the review – and in asking this question of the minister I am mindful of her previous comments that participation in VAD is entirely a patient-driven thing, so it might be difficult to quantify these things locally – I would be interested to know: on the basis of comparison with like jurisdictions, when the time horizon moves from six months to 12 months, has the department undertaken any modelling that might point to the estimated increase in the incidence of access to VAD? As a related point, has the department undertaken any modelling around what that might mean for funding requirements in the hospital, hospice or palliative care systems more broadly?

Mary-Anne THOMAS: With regard to jurisdictional comparisons, updating the prognosis requirement to 12 months for all VAD applicants would see Victoria align with Queensland, who have reported a positive experience of this. I do want to make the point that extending the prognosis from six months to 12 months does not mean that there are any more people eligible for voluntary assisted dying. People are eligible for voluntary assisted dying because they are living with a life-limiting illness that is causing them pain and suffering. There are a range of other eligibility criteria, and I go back to the point that you made in relation to my description of this as always being patient led. It does not follow that with the extension to 12 months there will be more people accessing voluntary assisted dying.

Will FOWLES: On clause 8, I am just interested to know whether a compassionate exemption was considered for the prognosis rule or not.

Mary-Anne THOMAS: At all times during the development of these amendments, we have looked at the experience of other states and tried to better align Victoria's laws with those other states, but I do not apologise for maintaining 68 safeguards in the act.

Clauses 8 and 9 agreed to.

Clause 10 (18:13)

Nathan LAMBERT: I move:

5A. Clause 10, line 21, omit "one year" and insert "3 years".

I do not want to speak on behalf of the member for Monbulk, but she and I have discussed our respective amendments, and I suspect she will certainly be supporting the amendment I am putting forward here over the one that she had initially put forward. I will address it briefly.

As we know, this clause deals with arrangements for the coordinating medical practitioner and the consulting medical practitioner. There are two clauses, one that relates to expertise and experience in the specific condition, and I will not foreshadow. I understand the Greens may have an amendment to that. We are dealing here with the second one, the general requirement for a certain amount of years experience. There is that minor change regarding fellowship versus specialist registration, about which there is no disagreement. A number of us have spoken to about 30 or so medical professionals about this bill in general, and we did take the opportunity to ask them about this specific question where we thought they were best placed to give us a view. They are of course conscious of the workforce issues that parts of this bill are trying to address, as are we. Even conscious of those, they suggested a range of things, obviously, but broadly, two to five years.

A lot of that was informed by the fact that, as we know, within the medical profession – certainly within medical specialists – many of them are conscious of the normal time before someone can become an accredited mentor or supervisor, which depending on your college is two to five years. Having taken all of those views on board and the recommendation of the amount of experience that people might need, we have settled on putting forward three years, which if you like was their sort of aggregate position. Hence I put forward and support this amendment.

Daniela DE MARTINO: I wish to advise the house that I withdraw my amendment to clause 10, line 21, to omit 'one year' and insert 'five years' and support the member for Preston's amendment that he has moved.

The DEPUTY SPEAKER: Member for Monbulk, for clarification, have you withdrawn your amendment 3?

Daniela DE MARTINO: Yes, for clarification, and the other amendment which relates to that principal clause.

Kathleen MATTHEWS-WARD: As I have mentioned before, in my view discussions about VAD with somebody who is terminally ill should only be had by doctors, nurse practitioners and those with extensive experience in palliative care. I was undecided about this clause, but in speaking to the VAD practitioner that we spoke to and a very experienced oncologist at the Northern, as well as the head of palliative care there – also a very respected clinician – they were of the strong opinion that five years was the minimum due to the need for the wisdom to have those discussions and the experience. Life experience they thought was pretty important in this case as well but also fundamentally the resilience to have some of these discussions, which are really difficult.

They thought five years. I think three years is potentially a compromise. There are not enough VAD practitioners. It was interesting that the VAD clinician who said this does all of his VAD work out of hours and on top of his full-time work. He said that because he strongly believed it, even though it was not going to reduce the pressure on people like him. I listen to the experts here, and I support the amendment put forward by the member for Preston.

Iwan WALTERS: I rise in support of this amendment. I do not think the case has been made for the bill's diminishment of this safeguard. Three years of experience is in my view preferable to one, but self-evidently it is also less than five. I will be supporting the amendment but I do not think that the case has been made either by the review or more broadly, certainly in the consultations I have had with practitioners, that this is a desirable change in the broader sense.

Will FOWLES: Can the minister share with the house what impact on practitioner availability these various tiers of experience will likely have in the field, namely, the five years that were first proposed or perhaps the three years currently proposed by the member for Preston and then what the government's proposal will do to availability, with a particular focus on rural and regional areas, which I know are close to the minister's heart.

Mary-Anne THOMAS: I will address the member for Ringwood's question and then speak to the amendment more broadly. It is our expectation that in making this amendment we will see an increase in the available workforce. The amendment that is proposed will align us with WA, Queensland and the ACT.

I note the member for Preston talked about the 30 or so practitioners that he has had the opportunity to speak with, and that the member for Broadmeadows was able to reference a practitioner who she has spoken with. My department in the course of the development of this bill has had the opportunity to consult with the college of general practice, the college of anaesthetists, the AMA, as well as a range of other healthcare practitioner professional bodies. We do not support the amendment. I do not support it. I think we need to be clear about the fact that the work that is required to attain specialist accreditation is significant, and all of that work, all of that study and training, is done on the job so that a specialist with one year of experience is actually a very highly experienced medical practitioner on account of having been in the profession for, in many places, at least around 13 years. Of course many people will complete their general medical training and work within a hospital environment for some time before they seek a trainee position as a specialist.

The DEPUTY SPEAKER: Because the amendment deletes words from the clause, the question is:

> That the words proposed to be omitted stand part of the clause.

All those supporting the member for Preston's amendment should vote no.

Assembly divided on question:

Ayes (51): Juliana Addison, Jacinta Allan, Roma Britnell, Colin Brooks, Josh Bull, Martin Cameron, Ben Carroll, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, John Lister, Gary Maas, Alison Marchant,

Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny Pearson, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Mary-Anne Thomas, Vicki Ward, Dylan Wight, Belinda Wilson

Noes (26): Brad Battin, Jade Benham, Tim Bull, Anthony Cianflone, Annabelle Cleeland, Chris Crewther, Daniela De Martino, Wayne Farnham, Sam Groth, David Hodgett, Nathan Lambert, Kathleen Matthews-Ward, Tim McCurdy, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, Kat Theophanous, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Question agreed to.

The DEPUTY SPEAKER: The members for Richmond, Melbourne and Ringwood all seek to insert words in clause 10 after line 23. The member for Richmond's amendment seeks to amend section 10(3) of the principal act, and the members for Ringwood and Melbourne seek to repeal section 10(3) of the principal act. I will call on the member for Ringwood to move his amendment first, as if the house resolves to repeal section 10(3), then the member for Richmond's amendment will be redundant. If the amendment by the member for Ringwood fails, I will call on the member for Richmond to move her amendment.

I call on the member for Ringwood to move amendment 12 in his name. I advise that if his amendment is not agreed to he cannot move his amendment 16 as it is consequential. The member for Melbourne also will not be able to move her amendments 16 and 41 as they are consequential. Therefore I advise members to address the principles of those amendments when speaking to amendment 12.

Will FOWLES: I move:

12. Clause 10, after line 23 insert –

"(3) Section 10(3) of the Principal Act is **repealed**.".

The specialist requirements generally – albeit the fact that the jurisprudence is reasonably limited on this – have tended to be read, by people outside of this chamber particularly, pretty narrowly, and I think that is unfortunate. I think on first principles, members in this place would intuitively say that if you are an oncologist, you are a specialist. But the rule has been read quite narrowly to say you need to be an ENT oncologist if the illness the patient is suffering, their terminal illness is, say, throat cancer, in order to be able to be the coordinating practitioner. What we would say is no, if your cancer has metastasised, if you are clearly now in stage 4 and you are in the very difficult last phase of your illness, that assessment can be made by an oncologist. It does not need to be a throat specialist, for example, if your primary was throat cancer. If it has now metastasised, an oncologist generally can make that call.

Now, treatment is different. If you have got throat cancer, you probably want an ENT oncologist to prescribe your course of treatment, and that makes enormous sense. But as I say, if you are talking about stage 4, you are talking about a metastasised cancer and it is entirely reasonable for an oncologist to make that call. It is for that reason that I am seeking to remove the requirement that one of the coordinating or consulting medical practitioners must be a specialist in the person's disease, illness or medical condition. That is because their disease, illness or medical condition tends to be read narrowly, tends to be defined not as cancer but as throat cancer or perhaps even a sub-sub-subspeciality. When we talk about the application of the word 'specialist' in this context, it would almost be more helpful if we just thought about it as being a subspecialist. Really, it is whether you need a subspecialist that has a very, very narrow band of subspecialty to have that exact sign-off.

The issue, of course, is that we do not necessarily have a whole lot of specialists on tap for some of the rarer cancers. I am thinking about some of the NETs, the neuroendocrine tumours, and the like. These are highly unusual cancers, and you do not need a specialist in the treatment of that sort of

cancer, in my view, to be able to sign off on whether in fact that cancer is going to take your life within a period of time or whether you will be able to access the voluntary assisted dying scheme. You might very well want a neuroendocrine tumour specialist for your course of treatment – in fact that would be my recommendation – but when it comes to making some of the general calls about access to the voluntary assisted dying scheme more broadly, I say that the need for that subspecialty, or in some cases that sub-sub-sub-sub-subspecialty, is not as important. For that reason I do commend this amendment to the house.

We know that we have an issue with access to specialists more broadly. We have heard anecdotally that, for example, neurodegenerative disease specialists outside metropolitan Melbourne number perhaps two, and there are, like, a dozen inside metropolitan Melbourne – but the ones outside Melbourne are in Geelong anyway. The access to these specialists is very, very challenging, and in the absence of casting a definition around 'specialist' that is much, much broader, I am suggesting that we simply do away with that requirement so that we can ensure that patients, particularly in rural and regional areas, are able to access the care they need – so that the door into the scheme is not so impossibly narrow and so impossibly far away that they are simply not able to access the care that they need.

Ellen SANDELL: I will not get a chance, I do not think, to move my amendment 16, because I think my amendment is kind of consequential to the member for Ringwood's – but let us see how that goes; maybe the member for Ringwood's amendment will succeed. But I just wanted to speak a little bit to my amendment 16. This is the one that I spoke about earlier in the debate around changes to minimum requirements for coordinating and consulting practitioners. The amendment removes section 10(3) of the act, which pertains to the requirement for one of the consulting or coordinating practitioners to have expertise and experience in the disease the person is dying from. I think the member for Ringwood has really well canvassed the issues around how if you have cancer and it is stage 4 and has metastasised, it is very clearly going to result in death in a short time period and there will be great suffering. You do not necessarily need somebody with expertise in that specific cancer to be a part of your VAD journey – a general oncologist is fine. We would argue also that a GP with expertise in that illness should also qualify for this.

The issue is the interpretation of this clause in Victoria. The legislation just says that the coordinating practitioner has to have expertise and experience in the disease the person is dying from. The issue in Victoria has been with the way that this has been interpreted. The interpretation of the clause in Victoria has been quite narrow, and it limits this to non-GP specialist consultants – that is, it excludes GPs, even if they have experience and expertise in the condition. GPs, as we know, are actually a specialisation within medicine. They have to go and do their specialist training to become a GP, so they are actually quite specialised, but they are excluded under the narrow definition in Victoria. That creates a significant barrier for people, especially in rural or regional Victoria.

I grew up in regional Victoria. My mum still lives in Mildura, and it is impossible to get access to specialists at all. Generally you have to travel to Melbourne to access assessments. Telehealth is illegal for VAD under federal law. This in turn creates stress and suffering and in some cases completely prevents access to VAD for some due to frailty and/or cost. It also means there is a very limited pool of practitioners willing and able to participate in VAD for some conditions, leaving many of them really at capacity. The thing is that other jurisdictions, like Tasmania, do not have this requirement at all. In South Australia they have identical legislation to Victoria, but the difference is in the way that they have interpreted it. They have interpreted it more broadly, which allows any doctor with experience in the condition – which could include a GP – to be a consulting or coordinating practitioner. I would argue that it just makes sense to bring Victoria into line with the way that the law is interpreted in places like South Australia.

Mary-Anne THOMAS: In relation to, as I understand it, the amendment moved by the member for Ringwood and the amendment that may be moved by the member for Melbourne, I can confirm that I do not support either of those on the basis that the safeguards as they exist in the act and the way

in which the definition of 'specialist' is applied at the moment are significant safeguards that are important to the integrity of the act. But I do appreciate that the members have raised these matters in good faith with a view to expanding access and care for people, particularly those in regional Victoria.

Amendment defeated.

The DEPUTY SPEAKER: I call on the member for Richmond to move amendment 6 in her name. I advise that if her amendment is not agreed to she cannot move her amendment 10 as it is consequential. Therefore I advise her to address the principles of both amendments when speaking to amendment 6.

Gabrielle DE VIETRI: I move:

6. Clause 10, after line 23 insert –

'(3) In section 10(3) of the Principal Act, for "expertise and experience" **substitute** "expertise or experience".'.

Amendment 6 in my name deals with the proposal to require the coordinating practitioner or the consulting practitioner to have relevant expertise or experience rather than expertise and experience. This amendment broadens the interpretation of the minimum requirements for the coordinating and consulting practitioners. In section 10(3) of the principal act, this amendment would change the wording from have 'expertise and experience' to 'expertise or experience'. This allows for a broader interpretation of the wording to allow, for example, GPs with the relevant experience in the condition, illness or disease that the person is expected to die from to meet the criteria. The point of this amendment is to expand the workforce available who can provide voluntary assisted dying, which is a huge barrier to accessing voluntary assisted dying, particularly in regional and rural communities.

It also points to workforce sustainability, because at the moment there is a very small handful of medical practitioners who work tirelessly to deliver these services, and it would increase the sustainability by sharing that load among more practitioners. We do appreciate that this bill does go some way to increase that workforce availability by reducing the amount of experience a medical practitioner has to have in order to deliver these services, but this is a further removal of those barriers to allow a broader interpretation of who is eligible.

As the member for Melbourne said, Victoria is one of the only jurisdictions in Australia that has such a narrow interpretation that excludes many very competent and qualified practitioners from being able to deliver voluntary assisted dying. The interpretation of the Victorian legislation has limited those who can be one of those practitioners to specialist consultants in the particular illness or disease or condition that the person has. Tasmania does not have those kinds of restrictions. South Australia actually has the same wording as Victoria does, but the interpretation of it via the courts has been much broader. And so in order to meet the standards of the other states, this amendment clarifies that a practitioner need have either the expertise or the experience to be able to deliver voluntary assisted dying, and it brings Victoria into line with the other states.

Nathan LAMBERT: Very briefly, we have some family experience with rare genetic conditions, and as the minister knows, I have had the opportunity to speak to other families with rare genetic conditions. I am always very grateful for her and her team's support in the important work to provide health care to those families. I do think we referred earlier to some conversations we have had with medical practitioners and the particular amendment being put forward by the member for Richmond. I did not have it in all those conversations, but it was supported amongst those where we did have it. And so on those grounds I will be supporting the amendment.

Mary-Anne THOMAS: Again, I thank the member for Richmond and the intent with which she brings the amendment; however, it is not supported. The safeguards as they exist in the bill at the

moment are very important to the trust that the community has in the voluntary assisted dying regime that we have here in Victoria.

Amendment defeated.

Brad ROWSWELL: Just to put on record my opposition to clause 10, I am not intending to cause a division on this clause other than recording on the voices my opposition to it.

Iwan WALTERS: Similar to the member for Sandringham, as I said in my contribution on the proposed amendment to this clause, I do not believe that either in the review or more broadly a case has been made to reduce this safeguard and to reduce the amount of experience that a specialist doctor requires. I am conscious that this bill talks about a 'health practitioner'. Similarly to the member for Sandringham, I do not propose to cause a division but do wish my opposition to this clause to be recognised.

Clause agreed to.

Clause 11 (18:48)

Brad ROWSWELL: As I understand it, clause 11 makes amendments to clarify that the medical practitioner must hold a specialist registration or is a vocational registered general practitioner. The registered medical practitioner must refuse the person's first request if the practitioner is a family member of the person or believes that a practitioner is or has knowledge of being a beneficiary under the person's will, or benefits financially or in any other material way from the person's death, other than by receiving fees from the person for the provision of services as a registered medical practitioner. I would like to indicate to the house my support for this amendment. Of the amendments, this is one I am very happy to support. I do have a couple of questions for the minister, if I may, and that is to ask the minister: on what basis has this amendment been brought forward in this bill, and could the minister confirm whether she or her department or the government has been made aware of any circumstances of a conflict of interest after the fact which was in fact the auspice for the inclusion of this amendment?

Mary-Anne THOMAS: I welcome the question. It gives me an opportunity to inform the member for Sandringham that we have brought this forward because it is in place in every other jurisdiction, but I do want to assure the member for Sandringham that it would be a breach of a person's registration under national law to deliver care to a beneficiary or family member in this circumstance.

Brad ROWSWELL: Just to be absolutely clear, the minister is not aware of a particular issue that arose within Victoria's existing system that brought rise to this particular amendment, and the minister's reasons as articulated in her response are in fact the only reasons for this amendment being proposed, being consistency with other jurisdictions.

Mary-Anne THOMAS: I can confirm that it has never happened in Victoria that a person has provided VAD care to a family member.

Iwan WALTERS: Very briefly, I think the member for Malvern in his contribution yesterday articulated surprise that this had not been considered as part of the 2017 process and that a potential loophole, if you like, remained where a person with this kind of conflict of interest could – and I am conscious that the minister has just talked about the fact that it would create a conflict with other legislation and registration requirements – potentially engage in behaviour that creates a severe conflict of interest and benefits from a patient's death. Obviously I had similar questions to the member for Sandringham in terms of whether there was any evidence of that having taken place. I presume we will not be dividing on this so I want to make sure that my support for it is noted. In doing so I recognise that even the very robust process of consultation in 2017 sort of left a loophole here, and I think that just emphasises the importance of that widespread consultation.

Clause agreed to.

Clause 12 (18:53)

Brad ROWSWELL: As I understand, clause 12 inserts new section 13A, which provides:

> If the registered medical practitioner refuses the person's first request, the practitioner must –
>
> (a) advise the person that another registered medical practitioner may be able to assist the person in relation to the person's first request; and
>
> (b) give the person the information approved by the Secretary.

I have a couple of questions for the minister in relation to this. Why is a government minister requiring people in the caring profession to provide information to their patients about something that I think even the government would agree would not be considered health care?

I draw upon a recent example in asking that question. My mother Josephine is now in an aged care facility, and it has been a pretty challenging last 12 months carrying the load on behalf of my family myself. I visited Mum just last week, and this beautiful, beautiful personal care assistant came up to me. Mum had clearly shared with her what her son does for a crust, and she took the opportunity to chew my ear off. She said to me, 'What is happening and why?' She had a crucifix around her neck. She indicated to me that she was a member of a faith community – she was a member of the Legion of Mary in fact – and they had alerted her to the government's bill before the house today. She said, 'So many people in aged care have raised this with me in my course of work, but I have said to them, if they are a faithful person, say your prayers and trust in the Lord.' That was her expression, not mine.

What I am trying to indicate to the minister and to the house is that there are many caring professionals who have found a way to navigate this in a way that aligns and sits with their own conscience. This personal care assistant is just a few weeks away from receiving her nursing qualification. She is concerned that this bill will put her in a position that is uncomfortable for her and not aligned with her own personal beliefs. That is the background to why I am asking the question in relation to the government requiring people in caring professions to provide information to their patients that the government may not even consider as a healthcare option.

Mary-Anne THOMAS: If I understand the member's question correctly, I can assure him that he can assure the patient care assistant, who is not a registered healthcare practitioner, that they will only be required to provide information to a patient or hand over any information in accordance with the act, which is of course the information that we require a conscientious objecting registered healthcare practitioner to relay.

Brad ROWSWELL: I acknowledge the minister's response, but the specific circumstances of the case that I mentioned are that this personal care assistant is but a few weeks away from receiving her nursing qualification, in which case she will be within the regime as proposed in the government's amendments before us. I also acknowledge that the minister has addressed similar matters relating to conscientious objection previously. I respectfully convey to the minister and the house that I am not convinced by some of the reasons that the minister has presented, and on that basis, although I will not be causing a division on this particular clause, I indicate that I oppose it.

Clause agreed to; clauses 13 to 27 agreed to.

Clause 28 (18:58)

The DEPUTY SPEAKER: The member for Preston and the member for Broadmeadows have circulated amendments to clause 28. The member for Broadmeadows' amendment will omit lines 3 to 8 and insert new words in their place. The member for Preston's amendment will omit lines 5 to 8 and insert new words in their place. In order to allow both members to move their amendments, I first propose to test whether the house agrees to omit lines 3 and 4 of clause 28. If the house does not omit these lines, the member for Broadmeadows' amendment will fail. I therefore invite the member for Broadmeadows to move her amendment in an amended form. She will move: 'Clause 28, lines 3 and 4, omit all words and expressions in these lines.'

Business interrupted under sessional orders.

Danny PEARSON: I move:

That the sitting be continued.

Motion agreed to.

The DEPUTY SPEAKER: If the member for Broadmeadows' amendment is agreed to, she may move for the omission of lines 5 to 8 and the insertion of words in their place as a separate amendment. If the member for Broadmeadows' amendment fails, I will call on the member for Preston to move his amendment. I advise the member for Broadmeadows that if her amendment is not agreed to she cannot move her amendment 17 as it is consequential. Therefore I advise her to address the principle of all those amendments when speaking to the amendment.

Kathleen MATTHEWS-WARD: I would like to withdraw this amendment.

Nathan LAMBERT: I move:

7. Clause 28, lines 5 to 8, omit "at least 5 days after the day on which the person made the first request, beginning on and including the day on which the first request was made" and insert "at least 96 hours after the person made the first request".

This amendment relates to the timing between the first request and the final request. I think it is important for all of us to note that there is a second clause there that does allow medical practitioners to shorten this time period if they do feel that there is a risk that the person will pass away in that period. They do not need to get authorisation for that; they can just make that decision. This particular clause deals with the circumstances in which the person is not likely to pass away, but as I think all of us understand, there are sometimes circumstances in which the patient has an abrupt increase in their suffering and there are circumstances where these clauses become very important. The second-reading speech says:

… the Bill shortens the minimum time between the first and final request to access VAD from 9 days to 5.

The bill does not actually do that. All of us who have read the bill will notice that it has some very convoluted language in it, but in certain circumstances the language in the bill could mean the gap between the first request and the final request could just be three days. In certain circumstances it could be four days; on some interpretations it could be five days. I put it through you, Deputy Speaker, that having an ambiguous clause about something as important as this is not good health care and not good patient care, particularly in the circumstances we are considering. If it were my family and a family member were asked to wait for five days and then I realised it could have been 3½ – I think families would be understandably upset. Hence I put forward this amendment that simply clarifies it to 96 hours, rather than the very convoluted language that is in there at the moment. That would I think on average provide a shorter waiting period, but much more importantly, it would provide a clear and consistent period. If you had an appointment at 11 am on the Monday, you would know that 11 am on the Friday, 96 hours later, was when you could make your final request. As I said, given the circumstances that people are in when they are considering making a very quick turnaround between their first and final request, I think giving them that clarity of how long that they will need to wait in a precise and unambiguous way is important. I will finish by saying that I have borrowed this from the Tasmanian model, so as members will be aware, it is already in effect. I commend this amendment to the house.

Mary-Anne THOMAS: I have only heard about the amendment in the house, and I am confident with the legislation as it stands.

Ellen SANDELL: We have in the Greens some sympathy for the argument that if we can shorten the time – and if by counting it in hours rather than days it shortens it – that would be a good thing and would increase access. But we do need to probably just do a little bit more research, given the short timeline, into whether that would actually be the effect of the amendment. So we will not support it

right now, but we will take a look at it and potentially something like this could be supportable when we get to the upper house.

Will FOWLES: Just to clarify – perhaps the minister can assist – as I understand it, the five-day rule as drafted would mean that if a request was made at 11:59 pm on a Monday, it could have hit the fifth day at 12:01 am on the Friday, but under the member for Preston's amendment, if it was 11:59 pm on the Monday, it would not conclude until 11:59 pm on the Friday, the difference between those two numbers being 23 hours and 58 minutes. Is that understanding of both the bill and the amendment correct?

Nathan LAMBERT: I appreciate that the member for Ringwood suggested that it was for the minister, but I am happy to jump in to help the minister out. That is exactly the correct interpretation and the precise point that I am making. The current arrangement could be between three days and five days. I am proposing something that is very clearly just four.

Brad ROWSWELL: On the amendment raised by the member to clause 28, lines 5 to 8 omit et cetera, the established timeframe is nine days. The bill proposes five days. The member proposes 96 hours. As this is a reduction in the existing safeguard, I again indicate that I will be opposing this clause, although I do not propose to cause a division on the question.

Mary-Anne THOMAS: I appreciate the comments and the questions from members in the house. It is worth reminding people that the median time between first and final requests is currently 14 days, and I remain satisfied with the amendment as it is expressed in the government bill.

Will FOWLES: What is the reason for using the median time as opposed to the mean time, and how different are those two numbers?

Mary-Anne THOMAS: The information I have relates to the median time.

Chris CREWTHER: I just want to put on the record quickly my opposition to clause 28 as it stands and my support with respect to the amendments.

Brad ROWSWELL: I failed to mention in my previous contribution – and thank goodness standing orders allow us to have two – that I understand this is Mr Lambert's final amendment to clauses. I indicate my thanks to Mr Lambert, for my own part, for his thoughtful contribution to this debate – more so than a lot of members, frankly. Although I indicate my opposition to this particular clause that Mr Lambert has raised, I have been supportive of the others that he has raised, and I think that is worth recording.

The DEPUTY SPEAKER: I understand the congeniality of the member for Sandringham, but I will remind members titles are preferred, please, within standing orders.

Iwan WALTERS: I have listened to a lot of the second-reading debates which have touched upon this clause and the variance in days. While I have misgivings about the reduction, I do understand that there are compelling reasons in many instances. I might reserve some of that for when we get to the clause itself. But just in the context of the amendment, I think there is some merit in additional clarification about exactly how long that span is, and I recognise the ambiguity that the member for Preston has pointed to. But on the assumption this does not get to a division, I would also indicate my opposition to it on the basis that it would curtail that length of time.

Amendment defeated.

Iwan WALTERS: I assume there will not be a division on this clause. One of the rationales for the reduction that has been canvassed in some of the supporting literature is, so it appears on my reading, that it is partly in order to provide patients in regional areas access to VAD faster, and that there may be blockages in that regard. In reading the recent annual reports of the board and the other review materials, I note that the level of access to VAD in regional areas appears higher by population in those areas, which leads me to query whether the access to alternative options like palliative care is

part of that imbalance. I am not necessarily speaking against the change in time but just wish to ask the minister if any analysis into that variance between population and incidence has been undertaken and if any consideration has been given to whether that is related to palliative care provision.

Mary-Anne THOMAS: I had the detail yesterday, but what I can assure him is that the proportion of patients receiving palliative care who access VAD is actually higher in regional Victoria than it is in metropolitan Melbourne. With regard to the question about the proportion of regional Victorians accessing VAD, I am advised that part of this reason is that the proportion of older people is higher in regional Victoria than it is in metropolitan Melbourne.

Clause agreed to; clauses 29 to 31 agreed to.

Clause 32 (19:13)

Brad ROWSWELL: I indicate to the house my opposition to clause 32. I know there was some discussion within the chamber earlier about definitions and their appropriateness or otherwise, but my concern with this clause specifically, in my view, is that it expands the scope of the existing arrangements from assisticide to enable euthanasia. I suspect that the government and the minister may have a concern with my interpretation of that. I invite them to address it if they so wish. But on that basis, although I indicate that I will not be causing a division on this clause, I indicate my opposition to it.

Iwan WALTERS: Similarly on clause 32, again listening to the debate both in consideration in detail and particularly in the second reading I was conscious of some of the bureaucratic impediments that members talked about in relation to specific cases where a patient may have had a permit for a particular course of action and then circumstances changed because of deterioration in their condition and that rendered that permit problematic.

I am conscious that this measure, this clause, is designed to alleviate that tension in terms of the method of delivery of the substance. But I am, I suppose, concerned that some of the potential conflicts for health practitioners have not been fully addressed in that a practitioner may choose to be involved in an assessment and may be comfortable being involved in a patient-administered scenario but may not wish to administer a lethal substance to their patient. I am not sure the tension that may arise in that context has been adequately ventilated or considered. I do not really have a question here, but the minister may wish to comment upon that. But I just wish to put on record, in the event there is not a division, that I am not supportive of this change on that basis.

Chris CREWTHER: I want to quickly put on the record my opposition to clause 32 as it stands as well, and I concur with the member for Sandringham with respect to expanding the scope from assisted suicide to euthanasia. This is one of the most far-reaching changes in the bill, so I am very concerned as to this clause as it stands. But I do not want to take any more time given the time of day.

Clause agreed to; clauses 33 to 41 agreed to.

Clause 42 (19:17)

Brad ROWSWELL: In relation to clause 42, I understand that each administering practitioner must be a registered medical practitioner who holds specialist registration or is a vocationally registered general practitioner or a nurse practitioner or a registered nurse who has held registration as a registered nurse for at least five years. My concern with this particular clause is that there is a series of definitions from coordinating medical practitioner, who is then able to transfer the authority to another administering practitioner, and in turn that administering practitioner can again convey their authority. My concern here is, if we are considering holistic care of a person and if we are considering something as significant as end-of-life care and assisted dying, I think it is in the best interests of the patient to have a medical professional who knows the person, understands the person, knows the complexities of their case, knows the nuances and understands them instead of that being effectively passed down the chain of medical professionals who may not have ever met the person before. I do

not seek to continue in any other discussion other than on that basis to indicate my opposition to this clause and to indicate that I will not be causing a division but I will oppose it on the voices.

Chris CREWTHER: Again I concur with the member for Sandringham in that I will not be causing a division but I do oppose clause 42 with respect to the minimum requirement for administering practitioners, noting that the coordinating medical practitioner is able to transfer their authority to another administrative practitioner and that other practitioner can in turn transfer the authority to a further administering practitioner. There are a number of issues with respect to that, but as mentioned, I will not go on further.

Clause agreed to; clauses 43 to 48 agreed to.

Clause 49 (19:20)

Brad ROWSWELL: In relation to clause 49, inserting new division 1A, similar to the previous amendment considered, being clause 42, I indicate a similar position for similar reasons. Again, I do not intend to cause a division on this particular clause but indicate my opposition to it and indicate that I will be voting no on the voices.

Chris CREWTHER: I will give the shortest contribution ever. I concur with my learned colleague the member for Sandringham.

Clause agreed to; clauses 50 to 54 agreed to.

Clause 55 (19:21)

The DEPUTY SPEAKER: As the member for Ringwood's amendment 8 failed, the member will have to move his amendment 67 in amended form. The member should move amendment 67 without the insertion of words and expressions including and following '(1AAC)'. Before calling the member for Ringwood I advise that if his amendment is not agreed to he cannot move his amendments 69 to 71, 74 to 75, 84, 86 to 87 and 124 to 125 as they are consequential.

Will FOWLES: I move amendment 67 in amended form:

67. Clause 55, after line 20 insert –

'(1AA) In the heading to section 68 of the Principal Act, for "**VCAT**" **substitute** "**Secretary**".

(1AAB) In section 68(1) of the Principal Act, for "VCAT" **substitute** "the Secretary".'.

This is about efficiency. Again, VCAT remains the review power in relation to a whole bunch of these matters. Notwithstanding the previous reservations I have raised about the efficiency, efficacy and fairness of the department and agencies in administrating aspects of the principal act, I think it is nonetheless important to confer the review power on the secretary rather than on VCAT so that there is a mechanism by which a speedier outcome can be resolved in relation to access to the voluntary assisted dying scheme. In all of our thinking as legislators I think we should of course have appropriate safeguards but also give due regard to the stresses on families as they contemplate end-of-life decisions and, to the best extent we can, keep them away from courts and tribunals and keep them away from arbitrary bureaucratic processes. In this circumstance it is the lesser of two evils. It is still a bureaucratic process, but I would say that that is better than having a tribunal process.

Mary-Anne THOMAS: I indicate that I do not support the amendment.

Amended amendment defeated; clause agreed to; clauses 56 to 73 agreed to.

Clause 74 (19:24)

The DEPUTY SPEAKER: Before calling the member for Ringwood, I advise that if his amendment is not agreed to he cannot move amendments 105, 106 and 126 as they are consequential.

Will FOWLES: I move:

104. Clause 74, lines 2 to 9, omit all words and expressions on these lines and insert –

'For section 115(a) of the Principal Act **substitute** –

"(a) must –

(i) be accredited by a prescribed body; or

(ii) hold a tertiary qualification in interpreting; and

Note

A person who requires the assistance of an interpreter in relation to requesting access to or accessing voluntary assisted dying may apply for an exemption from compliance with this paragraph in relation to that interpreter – see section 115A.".'.

This amendment relates to the interpreters rule. Members of the chamber may or may not be aware – there has been a bit of a journey of learning for me too – of the way in which National Accreditation Authority for Translators and Interpreters operates and how there has been, in effect, some derogation of sovereignty, I will say, in relation to these rules. NAATI is, I think, by law a company limited by guarantee that is owned by all of the states and territories, and that puts it of course beyond the direct remit of the Victorian government. It actually puts it beyond the direct remit, I suspect, or the unilateral action of the Commonwealth government too. That makes it institutionally inert, and for that reason it is not likely to pick up on the rapidly changing face of Australian demographics. I think it is good that the government is proposing to have the ability to get an exemption from the requirement that a translator be NAATI certified. That is good, but it is also unnecessary, in my view. I think it would be far, far better to simply have laid out in statute the very rules that the secretary, in considering an application for an exemption, would likely apply. In my amendment I say that a tertiary-educated translator can be an appropriate person.

In my community of Ringwood we have very large numbers of immigrants from Myanmar, particularly from Kayin state and Chin state. The languages that both of those groups speak are not NAATI-accredited languages. I will gladly be corrected on this, but I think there are 70-odd languages in NAATI land and there are something like 200 languages spoken in Australia. So the exclusion, the slimming down of the availability, is significant, and for that reason I expect that the exemption ability will be well utilised. Whilst I support the ability to have the exemption, why not simply lay out in the act itself, rather than in the secretary's kind of how-to guide sitting in the desk, exactly the sorts of things that will be taken into consideration when allowing non-NAATI-accredited interpreters to provide interpretation services in relation to voluntary assisted dying?

There will be many, many circumstances for very large numbers of Victorians where there is not going to be a NAATI-certified interpreter available. In fact in our discussions with NAATI they were very keen for the pool to be broadened. NAATI have told us that when a patient rings and says, 'This is a VAD matter,' if the language is not on their list, bang, that is it, end of conversation. 'Sorry, can't help you.' Bang, move on. There is literally no ability for NAATI to assist in any way in gaining the interpretation services that that person or that family needs. That, frankly, is institutional racism. It is locking people out of a government service based on the language they speak. That is an appalling public policy outcome.

I am very pleased there is a workaround for that appalling public policy outcome, but what I would very much like to see is, rather than the secretary having to administer yet again a whole nother raft of exemption rules and processes that are only going to hold people up – and, frankly, we have to remember that for all of the speakers of the non-NAATI languages navigating that process is going to be pretty challenging – that for that cohort it would be far better to have the rules laid out in the statute so that any tertiary-accredited interpreter who is not a family member, who is not involved in the care of the patient, can provide those services. That is a perfectly reasonable way of expanding the franchise of interpretation services and making sure that a very, very large cohort of Victorians, particularly vulnerable Victorians, particularly non-English-speaking Victorians and those often from refugee

communities, are not by deed of this rule locked out of the scheme. That would be my strong preference, and for that reason I commend my amendment to the house.

Ellen SANDELL: The Greens MPs will be supporting this amendment on the grounds that it makes the scheme more accessible to multicultural communities.

Mary-Anne THOMAS: I do not support the amendment. The bill that is before the house is based on models that work in Queensland, ACT and Tasmania, and I think we have struck the right balance in order to meet the needs of people speaking community languages where NAATI-accredited translators are not available.

Cindy McLEISH: I support the amendment being put forward by the member for Ringwood, and I think it makes a lot of sense, because there are a lot of multicultural communities that could miss out here. So I have a question for the minister: in the event that a patient speaks a language without NAATI accreditation, what process applies to secure an interpreter under this bill?

Mary-Anne THOMAS: The process is set out whereby an exemption can be sought for a person who speaks that language to be an interpreter provided that person is not a family member.

Cindy McLEISH: Has the government assessed how many community languages in Victoria lack NAATI accreditation?

Mary-Anne THOMAS: As a proudly multicultural state, we are well aware that we have many, many people speaking many different languages. The intent of the amendment that the government has brought to the house is to expand access to voluntary assisted dying for patients wishing to access it from a multitude of language backgrounds.

Brad ROWSWELL: Just in relation to clause 74, I indicate my opposition to this clause. I do not intend to cause a division on the clause, but I indicate that I will be voting no on the voices. However, Minister, I do have a question for you in relation to this clause: what safeguards does the government have in place or intend to put in place? Given that the government is moving from using accredited interpreters to perhaps people who do not have that level of accreditation, what safeguards are you putting in place to protect against things like conflicts of interest?

Mary-Anne THOMAS: Allowing the Secretary of the Department of Health to grant an exemption in exceptional circumstances will ensure, as I have already indicated, that people who speak less common languages are not excluded from VAD. However, the act will continue to prohibit a range of people from being interpreters, including family members. This exemption will be tightly controlled and only granted when necessary, preserving the integrity of the process while ensuring inclusivity.

Iwan Walters: On a point of order, Deputy Speaker, there has been a bit of audible noise. Minister, sorry, could you repeat that part of your response to the member?

The DEPUTY SPEAKER: Order! Member for Greenvale, I will ask people. If they are going to have conversations in this informal setting, it is harder for me to hear as well. Minister, maybe you can just recap the last 20 seconds of what you were saying. I appreciate the point of order.

Mary-Anne THOMAS: I outlined that the exemption process will be tightly controlled and granted only when necessary in order to preserve the integrity of the process while ensuring inclusivity.

Iwan WALTERS: The question I had in the context of your answer, Minister, that I could not hear, was whether family members can be used as interpreters in that scenario or whether they are exempted. But perhaps I will use this as an opportunity to raise my thoughts about this clause more broadly, because I do not want to cause a division but I do represent a community that has a lot of people who work as qualified interpreters but also people who very much rely upon them. In speaking with the interpreter dimension of that cohort and also with clinicians who very heavily rely upon NAATI-accredited interpreters, it was emphasised to me the importance of that clarity of

communication and the risks that I alluded to in my second-reading contribution that unaccredited interpreters heighten the risk of messages being literally lost in translation. I am concerned that if there is a diminution of accreditation and independence then it does heighten that risk of miscommunication, which obviously is incredibly pivotal in such weighty matters. The specific question I suppose I have, Minister, was just around family members.

Mary-Anne THOMAS: Family members will be prohibited from being interpreters in this instance.

Will FOWLES: I remain concerned that there is something of an abrogation of sovereignty here in that we are allowing the NAATI to control access to a Victorian statutory health scheme. NAATI, in many respects, would be in a position to not accredit an interpreter, not because of their talent or skill or expertise as an interpreter but simply because it is not a language that NAATI has on the books. This is the issue here – that you potentially have 100-odd languages that NAATI simply is not resourced for or has determined are not important enough, and for that reason it is not on the books. I fear that in this conversation we are having in the chamber there is a sense that if you are not a NAATI-accredited interpreter, you are not a real interpreter or you are not a skilled enough interpreter, and nothing could be further from the truth. It would simply be the case that your language skills are in a language that NAATI has not taken on board, and that is problematic.

The derogation of sovereignty arises because you are allowing NAATI to control access to the scheme by denying, in my community, Karen state immigrants or Chin state immigrants. These are people fleeing horrific circumstances in Myanmar, and if they happen to have the doubly appalling luck of then arriving in Australia and getting a terminal illness, they find themselves locked out of this scheme because of a body that is completely a third party to the Victorian government, being NAATI. The Victorian government has no ability to cure NAATI of the problem of not having included the Karen language and the Chin language on their list of languages. We have got no ability to actually change that outcome, so it is a derogation of sovereignty to make NAATI the great gatekeeper to the VAD scheme for members of non-English-speaking communities. I am interested if the minister can please address this, and I will take the minister to line 30 of clause 75 where it says that:

> The Secretary … may exempt the applicant's interpreter from compliance –

if they are satisfied that –

> … another interpreter who is accredited … is not available –

that is, a NAATI interpreter is not available –

> … and –

and this is the critical bit, at line 30 –

> there are exceptional circumstances that warrant the exemption.

'Exceptional circumstances'. My plain language reading of that is –

The DEPUTY SPEAKER: Order! Member for Ringwood, are we moving away from the amendment now onto the clause?

Will FOWLES: No, because this is exactly what my amendment is seeking to address.

The DEPUTY SPEAKER: Please keep it on the amendment.

Will FOWLES: On the exceptional circumstances test, on a plain reading of that, it would appear to me that the mere fact that NAATI does not have a language on the books does not feel like an exceptional circumstance. In fact NAATI has more languages off the books than it does on the books. Of the 200 languages spoken in Australia, it does about a third of them. So my question to the minister, in relation to clause 75, line 30, is: what are the exceptional circumstances that the minister anticipates would warrant the exemption?

Mary-Anne THOMAS: The circumstances will be assessed on a case-by-case basis, and I make no apologies for the safeguards that continue to be contained within the act.

Brad ROWSWELL: I have two questions to the minister. Firstly, Minister, I am keen to understand if you, your office or department engaged with multicultural health organisations or interpreter services in the drafting process of the particular clause before us. And further, Minister, if I could just have some clarification around what you indicated earlier, around the conflict-of-interest matter which I raised in relation to saying that family members were not able to undertake this interpreter role. What are the safeguards around that, Minister? How, in this case, does the government define what a family member is? Is it direct family members? Is it a generation after that? Is it infinite? Is there a legal practice that you are relying upon in order to knock out particular groups of family members under a conflict-of-interest concern?

Mary-Anne THOMAS: With regard to the detail that the member is seeking, I am happy to take that on notice. With regard to the consultation that has occurred, we have worked to align this with other jurisdictions, which of course is a feature of the bill before this place – that we have taken good practice from around the nation to put it in place here in Victoria. I have had consultation with the Minister for Multicultural Affairs.

Chris CREWTHER: I also have some concerns with respect to this clause with respect to interpreters, particularly the risks of miscommunication.

The DEPUTY SPEAKER: On the amendment or the clause?

Chris CREWTHER: I am going to the amendment, but I have a question related to the clause as well. I do note some of the concerns raised by the member for Ringwood. My question to the minister is: how does this reduction in protections for people who require translation services align with the recommendation of the government's own recent Victorian multicultural review, which says:

> … the government should only engage NAATI credentialed interpreters and translators …

Mary-Anne THOMAS: While I am on my feet, can I just indicate I may have misspoken earlier. I just want to clarify that in terms of this amendment, it is based on legislation in Queensland, ACT and Tasmania. I might have said all jurisdictions before. I just need to clarify that it is only Queensland, ACT and Tasmania. I take note of the member for Mornington's question. It certainly has been a consideration, and that is why I have had extensive communication and consultation with the Minister for Multicultural Affairs.

Amendment defeated; clause agreed to.

Clause 75 (19:43)

Brad ROWSWELL: In relation to clause 75, similar to the reasons expressed relating to clause 74, although I do not intend to cause a division on this clause, I do have concerns with it for similar reasons as I expressed for clause 74 – specifically, the government's proposed new section 115A, 'Exemption from compliance with requirement that interpreter must be accredited by a prescribed body'. I still maintain concerns in relation to this. Again, I will not be causing a division. I will be voting no on the voices.

Clause agreed to.

Clause 76 (19:45)

The DEPUTY SPEAKER: I call on the member for Melbourne to move amendment 99 in her name. I advise that if her amendment is not agreed to she cannot move her amendment 100 as it is consequential. Therefore I advise her to address the principles of both amendments when speaking to amendment 99.

Ellen SANDELL: I move:

99. Clause 76, line 17, after "cause a" insert "legislative".

This is a very simple amendment. It amends the five-yearly review of the act to a three-yearly review. Given how quickly this policy area is changing, not only with further research and experience but also societal attitudes and clinical practice, as well as the long runway to actually making changes, we believe a three-yearly review would be more appropriate. I do not intend to call a division given the late hour and the fact that it is unlikely to be successful, but I want to put on the record that this is something that we would like to see succeed.

Will FOWLES: I strongly support the view of the member for Melbourne. I think the lack of a legislative component to the review has been well canvassed by members on both sides of the house, and it would be appropriate to make sure that legislation is expressly considered in the next review.

Amendment defeated.

The DEPUTY SPEAKER: I call on the member for Sandringham to move amendment 1 in his name. I advise that if his amendment is not agreed to he cannot move his amendment 2 as it is consequential. Therefore I advise him to address the principles of both amendments when speaking to amendment 1.

Brad ROWSWELL: I move:

1. Clause 76, after line 19 insert –

"(2A) The Minister must also cause a review to be conducted at least once every year into the effects of the availability of palliative care on the operation of this Act, which must include a review of –

(a) the level of funding for palliative care services, including whether the funding has been maintained in real terms; and

(b) whether equitable access to palliative care services is being provided to Victorians living in regional and rural communities.".

My amendment 1 refers to palliative care. In my view, as I have expressed in my second-reading speech, principally there are two concerns which I have raised in relation to palliative care: firstly, the access to palliative care, and secondly, the funding allocated for palliative care. In relation to access, I am concerned by the Voluntary Assisted Dying Review Board annual report, page 7, which has established that 39 per cent of all VAD applications in Victoria come from applicants living in rural or regional areas, even though only 25 per cent of Victorians actually live in rural or regional areas. That is disproportionate, so that is why I am concerned specifically about accessibility to palliative care services.

Further, I am concerned about funding for palliative care services in this state. Following the 2017 threshold debate and agreement of voluntary assisted dying being established in Victoria, the government announced a package of some $9 million a year in ongoing palliative care funding, compared to the $65 million a year minimum that Palliative Care Victoria estimated was needed. I am aware that, all these years on, the circumstance has changed. I maintain it is my belief that I do not think funding for palliative care has kept pace with the need for palliative care – not just any sort of palliative care but decent, high-quality palliative care – and I again draw attention to the issue relating to accessibility of this service.

My experience of palliative care is quite simple. Palliative care is not a passive way of caring for someone; it is quite an active way for caring for someone. I believe that this should be an important and necessary part of the conversation we are having – perhaps two sides of the same coin when we discuss voluntary assisted dying. I appeal to members in this place, on all sides of the chamber, to support this amendment for the following reason. The minister has indicated previously that she has appointed a chief palliative care adviser, which I think is a step in the right direction. In that case, there

should be little objection to agreeing to this amendment, which requires the minister on an annual basis, established within the existing reporting regime of this bill, to review two things: firstly, the level of funding for palliative care services, including whether the funding has been maintained in real terms, and secondly, whether equitable access to palliative care services is being provided to Victorians living in regional and rural communities. I commend this amendment to the house and seek the support of colleagues from every colour and type to support it.

Chris CREWTHER: I want to quickly add my support for this amendment as moved by the member for Sandringham. We need to support our palliative care services to a much greater extent. I am sure the member for Nepean here as well will agree that groups on the peninsula that are involved with palliative care do a terrific job. Peninsula Home Hospice is one of those, and I have been privileged in the past to have secured over $500,000 for that organisation. These are the sorts of investments we need. We do need a review, as mentioned, on a regular basis as to what we are doing with respect to supporting palliative care as an alternative to VAD.

Iwan WALTERS: I support the member for Sandringham's amendment on the basis of the terms he has set out and those I have mentioned previously.

Mary-Anne THOMAS: I do not support the amendment.

Kathleen MATTHEWS-WARD: I just want to add my support to quality palliative care services, and I am looking forward to participating in the review that the minister is bringing forward soon.

Brad ROWSWELL: In response to those who have made contributions, I am disappointed to hear that the minister will not be supporting this clause, on the basis that she has recognised a growing need in the palliative care space, so much so that she has appointed a bureaucrat – sorry, an expert in the field –

Mary-Anne Thomas interjected.

Brad ROWSWELL: An adjunct professor – thank you, Minister. I have not got the person's name in front of me, nor his title, but I understand he is a public servant, so referring to him as a bureaucrat is probably not an unfair thing. It should be quite simple for the minister to agree to this amendment. I just wanted to convey my disappointment that the minister has indicated her opposition to it.

Assembly divided on amendment:

Ayes (29): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Anthony Cianflone, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Kathleen Matthews-Ward, Tim McCurdy, Cindy McLeish, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Noes (50): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Ben Carroll, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Steve McGhie, Paul Mercurio, John Mullahy, James Newbury, Danny Pearson, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Dylan Wight, Belinda Wilson

Amendment defeated.

The DEPUTY SPEAKER: As the house has not agreed to the amendment, the member for Sandringham will not be able to move his remaining amendment as it is consequential. I remind the

house that the scope of the bill was not extended to include consideration of the member's amendment 3, so it may not be moved.

Clause agreed to.

Clause 77 (20:06)

Brad ROWSWELL: I rise to speak briefly on clause 77. Clause 77 relates to what have historically been within the legislation the forms that are used to process and administer the voluntary assisted dying regime in this state. The amendment to clause 77 that is being proposed by the government in fact deletes these forms. I do have some concerns with that. I think that it is an essential safeguard, really, for Victorians if the nature of these forms, the data that is collected, the questions that are asked and the nature in which the questions are asked – if that is established within the legislative framework and the law of the state, as opposed to being left up to, frankly, unelected bureaucrats to determine what is best or otherwise. Again, I will oppose this clause. I will not be causing a division on the matter, but I will be voting against it on the voices.

Iwan WALTERS: I similarly oppose this clause. I will not be voting against it in a division, but I register my opposition largely on the basis of the terms I set out at clause 6 and on the basis that these forms were an important safeguard introduced as part of the 2017 process, reading back to the proceedings then, and I do not support their removal.

Kathleen MATTHEWS-WARD: I also do not support the removal of forms. I think it is a safeguard and, as you know, I support more prescriptive legislation rather than removal of that.

Chris CREWTHER: I also quickly register my concerns as to clause 77 in its current form.

Clause agreed to; clauses 78 to 85 agreed to.

New Clause (20:09)

Ellen SANDELL: I move:

103. Insert the following New Clause to follow clause 10 –

'**10A New Division 1A of Part 3 inserted**

After section 10 of the Principal Act **insert** –

"**Division 1A – Requests to health service providers for information about or access to voluntary assisted dying**

10A Requirements for health service provider – request for information about or access to voluntary assisted dying

(1) This section applies if a person receiving a health service at a health service facility makes a request to the health service provider who operates that facility for information about or access to voluntary assisted dying.

(2) Within 2 days after receiving the request, the health service provider must –

(a) record the request in the person's medical record; and

(b) give the person the information approved by the Secretary.

10B Requirement for health service provider – access to practitioners etc. for purposes of voluntary assisted dying

(1) This section applies if a person receiving a health service at a health service facility (the ***service user***) requests to meet or have discussions with any of the following persons (a ***voluntary assisted dying support person***) for the purposes of the service user requesting access to or accessing voluntary assisted dying –

(a) a registered medical practitioner;

(b) a nurse practitioner;

(c) a pharmacist;

(d) the service user's contact person;

(e) a person who is to witness the signing of a written declaration, the appointment of a contact person or the making of a practitioner administration request;

(f) a person who the service user nominates as a voluntary assisted dying support person.

(2) The health service provider must ensure that the voluntary assisted dying support person is given reasonable access to meet or have discussions with the service user in accordance with the service user's request.

10C Offence for health service provider to withdraw or refuse to provide health service

A health service provider must not withdraw a health service from a person or refuse to provide a health service to a person on the basis that –

(a) the health service provider knows that the person has made a request referred to in section 10A(1) or 10B(1); or

(b) the health service provider believes that the person is likely to make a request referred to in section 10A(1) or 10B(1).".'.

I will be quick. This amendment requires healthcare services, including aged care services, to allow reasonable access to voluntary assisted dying for residents. This is already the case in many other states and territories, including South Australia, Queensland, New South Wales and the ACT. Challenges accessing VAD in residential aged care facilities, which are essentially the home of most residents, are a significant and widespread problem in Victoria. As highlighted in Go Gentle's recent report, 90 per cent of Victorian providers either deny access to VAD in their facilities or do not provide public information about VAD access. It is a significant barrier to access. The amendment also makes it an offence for a health service provider to withdraw a health service from a person or refuse to provide a health service to a person on the basis that the health provider knows the person has made or is likely to make a request regarding voluntary assisted dying. I will not be calling a division, but we will hopefully pursue this in the upper house.

Will FOWLES: I appreciate that this is now an argument for another chamber or another day or perhaps even another time, but I want to record my strong support for this amendment. We have a situation in Victoria – and it is not reflected in other jurisdictions around Australia – where people living in their own homes are denied access to a lawful medication simply because of the faith-based views of the organisation or members of the organisation that owns that facility. That is an aberration at best. I think it reflects a lack of ambition that we have not taken that on as part of this bill. I think it is a reform that will come. It is a reform that I hope will come. It is a reform that might even be countenanced in the other place. I absolutely want to record that I think it is just outrageous that there remains the ability for organisations, who are entitled to their conscientious objection, to block access to a lawful medication administered by a medical practitioner, particularly as it relates to residential aged care and people living in their own homes. I appreciate that this amendment will fail on the voices, but I think it is an important debate. I hope that we get to see that debate progress in the other place and again sometime down the line in this place as well.

Mary-Anne THOMAS: I thank the member for Melbourne for raising this issue and for proposing this clause. I will indicate that I will not be supporting it. However, as I indicated in my contributions yesterday, I am firmly of the belief that all Victorians should be able to access lawful care and end-of-life options in their homes. I believe the best way to achieve this is to ensure that we increase the knowledge and understanding of aged care providers about voluntary assisted dying as a lawful end-of-life care choice for people who are living with life-limiting illnesses. I have raised this issue already with the Minister for Ageing Ingrid Stitt in the other place. She and I agree on this, and we look forward to progressing some work to ensure that we increase that awareness and understanding amongst our aged care providers. I do want to assure the member for Melbourne that I am committed to doing further work on this.

New clause defeated.

Bill agreed to without amendment.

Third reading

The SPEAKER: The question is:

That this bill be now read a third time.

Assembly divided on question:

Ayes (67): Juliana Addison, Jacinta Allan, Brad Battin, Jade Benham, Roma Britnell, Colin Brooks, Josh Bull, Tim Bull, Martin Cameron, Ben Carroll, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Wayne Farnham, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Kim O'Keeffe, Danny Pearson, John Pesutto, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Rachel Westaway, Dylan Wight, Belinda Wilson, Jess Wilson

Noes (14): Anthony Carbines, Anthony Cianflone, Chris Crewther, Matthew Guy, David Hodgett, Kathleen Matthews-Ward, Michael O'Brien, Richard Riordan, Brad Rowswell, Natalie Suleyman, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner

Question agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Children, Youth and Families Amendment (Stability) Bill 2025

Statement of compatibility

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (20:29): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Children, Youth and Families Amendment (Stability) Bill 2025:

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 Children, Youth and Families Amendment (Stability) Bill 2025 (the Bill).

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

Overview

The main purpose of the Bill is to amend the *Children, Youth and Families Act 2005* to revise the permanency settings including by removing adoption from the hierarchy of case planning objectives, providing the Children's Court with greater discretion and flexibility in relation to the duration of family reunification orders, and changing legislative terminology to refer to and require consideration of stability in the best interests principles.

Relevant human rights

The following rights under the Charter are engaged by the Bill:

- privacy and reputation (section 13),
- protection of families and children (section 17); and
- protection of cultural rights including Aboriginal cultural rights (section 19).

For the following reasons, I am satisfied that the Bill is compatible with the Charter. Relevantly, all measures in the Bill are intended to promote the protection of families and children and so, to the extent that any rights are limited, those limitations are reasonable and justified in accordance with section 7(2) of the Charter.

Analysis of relevant human rights

Right to privacy and reputation (section 13)

Section 13(a) of the Charter ensures that individuals are not subject to unlawful or arbitrary interference with their privacy, family, home or correspondence.

Clause 6(4) amends the Act to remove the current time considerations required to be taken into account when determining permanency objectives by repealing existing sections 167(3), (4) and (5).

Clause 8 amends section 276A(2)(d)(i) to ensure that the timeframe connected with the Secretary providing advice to the Court regarding the making of a care by Secretary order lines up with the extended timeframe for the making of family reunification orders by changing the reference to 12 months to a reference to 24 months

Clauses 9, 10, 11, 12, 13 and 14 amend the period of time for which the Children's Court can make and extend a family reunification order, by allowing the court to make such an order for a period of time which could have the effect of placing the child in out of home care for up to 24 months, or more in specific circumstances (in which case it will be treated as if it were an extension to a Family Reunification Order), and then extend any such order for up to 12 months on each application for an extension. This was previously limited to a period of 12 months and 24 months in total in out of home care respectively.

The purpose of these amendments is to allow more time and flexibility for families to work towards family reunification where it remains in the child's best interests, before another order type providing for long-term out of home care or permanent care is pursued. The amendments also provide the Children's Court with more flexibility in making orders in the child's best interests. The amendments also seek to highlight the primacy of the child's best interests in making such decisions.

Acknowledging that delays in long-term decision-making can be harmful to children, clause 11 inserts new section 287B to provide a threshold for the court in determining whether to extend a family reunification order where a child has been in out of home care for longer than 24 months. This is intended to balance the need for stable and enduring arrangements for care and parental responsibility, against the need for greater flexibility for families to pursue reunification.

While the Bill authorises intervention into a family under a family reunification order (an order which confers responsibility for sole care of the child on the Secretary) for a longer period it does so subject to statutory requirements (including specified time limits, and the paramount consideration of the best interests of the child (section 10(1) of the Act). Without the amendments in the Bill, it is likely that children would be subject to other orders (such as care by secretary orders, permanent care orders or long-term care orders) which authorise similar or greater levels of intervention into families than family reunification orders.

I consider that the nature of the interferences authorised by the Bill in this instance are not new impacts, will be lawful and not arbitrary. They achieve an appropriate balance between the right to privacy and the right to protection of families and children.

Right to protection of families and children (section 17)

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and the State. Section 17(2) provides that every child has the right to such protection as is in their best interests and is needed by reason of being a child.

Clause 4 of the Bill amends the best interests principles by substituting section 10(3)(f) to provide that when determining whether a decision or action is in the best interests of the child, decision-makers must consider the child's need for stability. This includes considering the desirability of four key elements identified as contributing to stability in a child's life: continuity and stability in the child's care, including stable and enduring arrangements for care and parental responsibility; physical stability; cultural stability and relational stability.

Clauses 5, 6 and 7 of the Bill update terminology in the Act to refer to stability instead of permanency.

These amendments, together with the amendments to the case plan objective of reunification and the timeframes for which a court can make or extend a family reunification order, will provide greater protection to families by allowing more discretion, time and flexibility to facilitate the reunification of a child with their parents. This is appropriately balanced by the amendments in the Bill which place greater emphasis on the importance of stability to the development and wellbeing of children, retaining and reinforcing the desirability of timely reunification with parents, where this is possible, before an order conferring parental responsibility on the Secretary or another person is pursued to ensure stability in the child's care. Further, this is subject always to the principle that the best interests of the child are paramount.

Clause 6(2)(b) of the Bill provides for the repeal of section 167(1)(c) in the Act. The Act currently lists adoption as the third most preferable case planning objective for a child. This is now considered inappropriate

in the context of a child protection system for reasons including that adoption permanently severs the connection to birth parents. The repeal of section 167(1)(c) of the Act promotes the right to protection of families and children by ensuring that case planning objectives under the Act are appropriate in the context of the purpose of the Act, including through prioritising case planning objectives which maintain a link to the child's birth family.

Right to protection of cultural rights including Aboriginal cultural rights (section 19)

Section 19 of the Charter provides for the protection of cultural rights and outlines that people with particular cultural, religious, racial or linguistic backgrounds are not to be denied the right, with other people of that background, to enjoy their culture, to declare and practise their religion and use their languages. Section 19(2) of the Charter specifically details the distinct cultural rights of Aboriginal persons and that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain their kinship ties, and maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Clauses 4, 5, 6 and 7 of the Bill in replacing permanency with the concept of stability, particularly cultural, physical and relational stability, ensures the Act focuses on the maintenance of an ongoing connection to, understanding of and learning about, culture, family, tradition, language, religion, beliefs, values and stories. The protection under section 19 of the Charter is positively engaged by these amendments, including the protection of the distinct cultural rights of Aboriginal persons contained in section 19(2) of the Charter.

Clauses 6, 9, 10, 11, 12, 13 and 14 also promote cultural rights by allowing longer timeframes to achieve family reunification in certain circumstances in the best interests of the child. The *Yoorrook for Justice* report recommended that the Victorian Government allow the Children's Court to extend reunification timelines where it is in the child's best interests to do so, in order to reduce the prevalence of Aboriginal child removal and impact on Aboriginal families.

Further, clause 6(2)(b) promotes section 19 of the Charter through ensuring the Secretary is prioritising objectives which maintain a link to the child's birth family by removing adoption from the case plan objective hierarchy.

The Hon. Ben Carroll MP
Deputy Premier
Minister for Education
Minister for WorkSafe and the TAC

Second reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (20:29): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Bill amends the *Children, Youth and Families Act 2005* (the Act) to better support children and families to keep them together whenever it is safe to do so. The Bill incorporates significant reforms that are designed to promote the best interests of the child by maximising opportunities for safe, timely and sustainable reunification. The journey of reunification is unique to a family unit – each journey to reunify a child with their parents may take a different period of time.

The Bill places human rights at the centre of decision making, notably to promote and protect the family bond by keeping families together when it is in the child's best interests to do so. The Bill achieves this by supporting the reunification of families and ensuring they have enough time to access the necessary supports to make the necessary changes for children to return to their parents.

The *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014* (the Permanency Amendments) was introduced to provide children with certainty in their caring arrangements at an earlier stage. There is strong evidence which shows that this remains an important goal in the child protection system, as long-term uncertainty can have negative impacts on a child's life.

However, the Permanency Amendments have been too inflexible and have disadvantaged some families. This is borne out in several reviews of the Permanency Amendments, including:

- The 2017 *Safe and Wanted* report released by the Commission for Children and Young People, which found that there are barriers (such as availability of services) to reunification and that reunification rates had declined since the Permanency Amendments.
- The 2022 *Permanency Longitudinal Study* highlighted unanticipated results and recommended further monitoring to ensure improved long-term outcomes for children.
- The 2023 *Yoorrook for Justice* report recommended that reunification timeframes be extended where it is in the child's best interests to do so on the basis that current statutory timeframes had and are negatively impacting Aboriginal and other families.

The Permanency Amendments also introduced a hierarchy of case planning objectives, the third of which is adoption. Reviews and inquiries have made strong recommendations that adoption should never be a case planning goal within the child protection system, as it permanently severs a child's legal relationship with their parents:

- *Safe and Wanted* found that the presence of adoption in the permanency hierarchy was a cause for community concern.
- The 2021 Legal and Social Issues *Committee's Inquiry into responses to historical forced adoption in Victoria* recommended that adoption be removed from the permanency hierarchy and use of adoption on child protection grounds be restricted as far as possible.

The Victorian Government has taken these reviews into account and the views of many stakeholders that support families in the child protection system. The Bill responds to these reviews and community values by:

- Providing the Children's Court with discretion and flexibility when making Family Reunification Orders, to provide families with additional time to work towards reunification, where this is in the child's best interests;
- Removing adoption from the hierarchy of permanency objectives; and
- Substituting the term 'permanency' with 'stability' to strengthen the understanding of stability by the inclusion of key elements to consider in determining the best interests of the child.

Timelines for Family Reunification Orders

The Bill will remove strict time limits for children to reunify with their parents under family reunification orders. This change will implement recommendation 25 of the Yoorrook Justice Commission's *Yoorrook for Justice* report, which recommended that the Government "amend the Children, Youth and Families Act to allow the Children's Court of Victoria to extend the timeframe of a Family Reunification Order where it is in the child's best interest to do so".

Currently, Family Reunification Orders can only apply for a maximum period of 24 months, with an initial period of up to 12 months and a single extension of up to 12 months available. The Bill will remove these arbitrary and inflexible barriers and enable the Court to permit families to continue pursuing reunification for as long as it remains in the child's best interests to do so.

Under the reforms included in the Bill, the Court will now be able to issue an initial Family Reunification Order for up to 24 months since the child entered out of home care in most cases – or up to 12 months where the child has already spent more than 12 months in temporary care under interim orders. The Court will also be able issue extensions for these orders, when it is in the child's best interests, for additional periods of up to 12 months, with no limitation on the number of extensions.

The decision to make or extend a Family Reunification Order will be based on what is in the best interests of the child or young person, according to the best interest principles set out in the Act. When considering whether the extension of a family reunification order is in the child's best interests, the Court will be required to give consideration to:

- Any previous extension of the Family Reunification Order and the duration of each extension; and
- The extent to which a parent of the child has engaged with services and supports necessary for the safe reunification with the child; and
- Any circumstances that have impeded the progress of a parent's safe reunification with the child including circumstances preventing timely access to services and supports necessary for reunification.

These changes will provide additional time for parents to take the steps needed to safely resume the care of their child or children, such as accessing health and other specialist services to address protective concerns,

where this is in the child's best interest. The extended initial period better reflects the time that some families require to access and realise the benefit from supports, noting that family reunification can and should occur at the earliest opportunity where safe to do so. This is an acknowledgment that there may be children and families with complex needs and may experience barriers accessing the support services they need and therefore, require further time to achieve reunification.

However, the Bill maintains appropriate focus on ensuring children receive certainty and stability at the earliest possible opportunity. The evidence is clear that long term instability has negative outcomes for children and the system cannot go back to the delays experienced prior to the Permanency Amendments. The additional considerations as part of the best interests test for Family Reunification Order extensions will ensure the Court keeps the impact of children's time spent out of their parent's care in the forefront of their minds, while ensuring that extensions can be provided in all situations where it is in the child's best interests.

To ensure the system maintains the balance between flexibility and providing certainty for a child in a timely manner, the Department of Families, Fairness and Housing is implementing a new monitoring framework to provide system-level oversight of efforts towards family reunification. This will enable the department to monitor and assess the impact of the amendments on planning, decision-making and reunification timeframes.

Adoption

The Bill will remove adoption from the stability hierarchy in the Act. In Victoria, the *Adoption Act 1984* sets out the legal requirements for adoption, including the principle of parental consent to adoption. The inclusion of adoption in the child protection system is inconsistent with this and there are significant community concerns about the presence of adoption within the child protection system in the context of the Stolen Generations and the history of forced adoptions.

Making this change responds directly to the recommendations from various reports, stakeholders and communities, particularly the 2021 report of the Parliamentary Committee *Inquiry into responses to historical forced adoptions in Victoria*. It will align Victorian legislation with longstanding policy and practice, which is that adoption is not proactively pursued or recommended by child protection in Victoria.

In addition to this change, the Government will undertake further work to reconsider other connections between the Adoption Act and the Children, Youth and Families Act, to more clearly differentiate between the adoption and child protection systems and reinforce Government policy that it is always inappropriate for the State to pursue adoption for children involved with child protection.

Consideration of stability

There have been unintended consequences of the use of the term 'permanency' in the Act. The use of the term 'permanency' has created a greater focus on final legal arrangements for care of a child and Permanent Care Orders specifically, rather than encompassing broader factors that support stability and security for children. The Bill reverts to the use of the term Stability in place of Permanency.

The Bill will amend the best interests principles to require decision makers to consider stability as a holistic concept, making clear that stability has multiple dimensions. It is intended that, in determining the best interests of the child, decision makers are to consider:

- The legal arrangements needed to ensure a child's parent or direct caregiver has a lasting and legally secure relationship with the child. This is also known as 'legal stability'.
- Physical stability, to reflect the desirability of stable living arrangements, which support a child's connection to their community.
- Cultural stability, to reflect the desirability of the child maintaining an ongoing connection to, and understanding and learning of, culture, family, tradition, language, religion, beliefs, values and stories.
- Relational stability, to reflect the desirability of the child's positive, loving, trusting and nurturing relationships and emotional connection with significant others, such as parents, siblings, friends, family and carers

These elements are to be applied concurrently and read together when making decisions in relation to a child. Further detail regarding these elements is contained within the Explanatory Memorandum.

Statutory Review

The Bill requires the Minister for Children to cause an independent review of the Bill after it has been in force for five years. The review will consider both the appropriateness of the legislative provisions and the success of their implementation. This will ensure there is an independent and transparent process to consider the impact of these reforms, following an appropriate period of operation. The monitoring framework will be

used in the intervening period to assess the impact of the changes and enable Government to identify and respond to issues ahead of the independent review process.

I commend the Bill to the house.

Nicole WERNER (Warrandyte) (20:29): I move:

That this debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 12 November.

Victorian Early Childhood Regulatory Authority Bill 2025

Statement of compatibility

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (20:30): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Victorian Early Childhood Regulatory Authority Bill 2025:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Victorian Early Childhood Regulatory Authority Bill 2025 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, 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 main purposes of the Bill are:

- to establish the Victorian Early Childhood Regulatory Authority (**Regulatory Authority**), a new independent authority with responsibility for regulating early childhood education and care services under the Education and Care Services National Law in the Schedule to the *Education and Care Service National Law Act 2010* (**National Law**) and children's services under the *Children's Services Act 1996* (**CS Act**);
- to provide for the Victorian Early Childhood Worker Register; and
- to make related consequential amendments to other Acts.

Human rights

The human rights protected by the Charter that are engaged by this Bill are:

- the right to privacy (section 13);
- the right to participate in public life (section 18);
- the right to a fair hearing (section 24); and
- the right not to be punished more than once for the same offence (section 26). I will discuss these human rights in turn.

Appointment and removal of Early Childhood Regulator

Clause 10 establishes the role of the Early Childhood Regulator. The Governor in Council, on the recommendation of the Minister, may appoint a person as the Early Childhood Regulator (**Regulator**). Clause 12(1) provides that the Governor in Council, on the recommendation of the Minister, may appoint a person to act in the office of the Regulator for a period not exceeding 6 months if the Regulator is absent or, for any other reason, is unable to perform the duties of office, or if there is a vacancy in the office of the Regulator, during such period. Clause 12(2) provides that the Minister may appoint a person to act in the office of the Early Childhood Regulator for a period not exceeding 6 months if the Early Childhood Regulator is absent.

Clauses 10(2) and 12(3) provide that the Minister must not appoint or recommend a person for appointment as the Regulator or acting Regulator if that person is, among other things, insolvent or been convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence. These criteria will, in effect, require any person seeking appointment as Regulator to disclose to the

Minister personal information – including sensitive information such as their criminal record. By implementing such criteria section 13 of the Charter is engaged.

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

I consider any impacts on the right to privacy are not unlawful or arbitrary. The interference with privacy is authorised under the legislation and is for the purpose of assuring the appropriateness of the person to be appointed the Regulator responsible for regulating early childhood services under the National Law and the CS Act. Further, information relating to criminal convictions and insolvency, while personally sensitive, is generally information that is publicly ascertainable and commonly provided when satisfying statutory tests that person is fit and proper for a regulatory role. Additionally, a person seeking appointment as a Regulator is doing so voluntary and consequently is choosing to undertake a process which requires their personal information to be considered.

I therefore consider that clauses 10 and 12 are compatible with the right to privacy in section 13 of the Charter.

Right not to be punished more than once for the same offence (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 is engaged by clauses 10 and 12 which provide that a person who has been convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence, cannot be recommended by the Minister for appointment as Regulator. This right is also engaged by clause 14 which provides, among other things, that the Regulator ceases to hold office if the Regulator is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence.

However, in my view, the right against double punishment is not limited by the Bill because where eligibility to hold the office of Regulator is refused or removed on the basis of a person's criminal history, that refusal or removal will have a protective purpose, rather than a punitive one. That is, the aim of the provisions is clearly to safeguard the integrity of the office, rather than to impose secondary punishment for an offence. I also note this type of protective provision is commonly attached to regulatory roles. As the refusal to appoint, or the act of removing, does not constitute punishment in the sense of a criminal sanction, it does not amount to double punishment for the purpose of section 26, and the right is therefore not limited.

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' in section 24 is not limited to judicial decision makers, but possibly encompasses the decision-making procedures of many types of tribunals, boards and other administrative decision-makers. The right to a fair hearing is concerned with the procedural fairness of a decision and 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.

Clause 13(1)(c) provides that the Regulator ceases to hold office if the regulator is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence. Cessation of appointment in these circumstances does not, in my view, engage the fair hearing right in section 24(1) of the Charter. Where a legislative provision mandates that a person automatically ceases to hold an office where certain events have occurred, then no decision-making exercise is engaged in, and the fair hearing right is therefore not ordinarily engaged.

I therefore consider that clause 13 is compatible with the fair hearing right in section 24(1) of the Charter.

Victorian Early Childhood Worker Register

Part 3 of the Bill deals with the Victorian Early Childhood Worker Register (Register). Clause 23 provides that the Regulatory Authority must maintain the Register and record the date on which information about workers is entered into the Register. Clause 24 provides that the Register must include the following information about all workers, which includes personal information:

- full name;
- date of birth;

- gender;
- personal contact details;
- role of the worker at the service;
- the name of any service where the worker has been employed, engaged or appointed;
- dates of employment, engagement or appointment at the service;
- if applicable, WWCC identifying number and expiry date;
- if applicable, teacher registration number issued by the Victorian Institute of Teaching;
- any other prescribed information.

Clause 25 provides that the Regulatory Authority may issue a notice to approved providers requiring the provision of information in clause 24 of the Bill, about workers employed, appointed or engaged by providers in a specified historical reporting period, for the Register. The notice must specify a timeframe for response that is not less than 45 days after the end of the specified historical reporting period. A failure by the approved provider to provide the stipulated information within this timeframe is a criminal offence with penalty for the approved provider. Clause 304 and provides that the Regulator and members of staff employed or engaged by the Regulator Authority are authorised to access the Register for the purposes of performing the functions or exercising the powers of the Regulatory Authority.

Clauses 29 provides that the Regulatory Authority may disclose information on the Register to the Social Services Regulator for the purposes of the Social Services Regulator performing the functions or exercising the powers of the Social Services Regulator. Clause 30 provides that the Regulatory Authority may disclose information on the Register to persons or bodies specified in this provision if the disclosure is reasonably necessary to promote the objectives of National Law or the CS Act, or the disclosure is for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under the National Law or the CS Act, or where the disclosure is for the purposes of research or development of National, State or Territory policy with respect to education and care services or children's services.

Right to privacy (section 13)

The establishment of the Register – and the holding of the personal information of workers in the Register – engages the right to privacy. The ability of the Regulatory Authority to disclose the personal information held in the Register to the Social Services Regulator and other authorities specified in clause 30 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). Access to the information is limited to the Regulator and staff of the Regulatory Authority for the purposes of performing the functions or exercising the powers of Regulatory Authority. Any disclosure of the information contained in the Register is strictly limited to the persons and bodies, and for the purposes, listed in clauses 29 and 30 of the Bill. Further, these persons and bodies are all public authorities under the Charter and thereby obliged to act compatibly with information privacy rights, and are subject to obligations under the *Privacy and Data Protection Act 2014*.

Moreover, the Register is established in response to recommendation 4 of the recent urgent review into child safety in early childhood education and care (ECEC) settings, which identified an urgent need to create a national register of ECEC educators and staff. The establishment of the Victorian Register is a nation-leading step towards a national register, to be hosted by the Australian Government, to protect against predatory and unsafe individuals moving between jurisdictions. Accordingly, any impacts on the right to privacy are appropriate and proportionate to the legitimate aim of protecting children across the ECEC sector in Australia. Further, safeguards have been included in the Bill, including clauses 31–33 which make it an offence to access, use or disclose information in the Register without the authority to do so. I therefore consider that the Register established by the Bill is compatible with the privacy right in section 13 of the Charter.

Offence provisions pertaining to the Victorian Early Childhood Worker Register

Freedom of expression (section 15)

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. This right has been interpreted as encompassing a right to access information in the possession of government bodies, at least where an individual seeks information on a subject engaging the public interest or in which the individual has a legitimate interest. Pursuant to section 15(3), 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.

Clauses 31 to 33 create offences relating to unauthorised access to the Register, unauthorised use of information on the Register and unauthorised disclosure of information on the Register. While these offence provisions can be construed as prohibiting conduct that is protected by the Charter, namely freedom of expression and freedom to impart information, these prohibitions are necessary to ensure the privacy of the persons whose personal information is included in the Register. Further, the prohibition on accessing, using and/or disclosing information on the Register without authorisation ensures that the information is not used other than for the primary purpose for which it was collected. As such, I consider that any limit on freedom of expression imposed by these offence provisions comes within the internal exception to protect the rights of others.

Provision of information for the Victorian Early Childhood Worker Register

Clause 25 provides that the Regulatory Authority may issue a notice to approved providers requiring the provision of information in clause 24 of the Bill, about workers employed, appointed or engaged by providers, for the Register within a specified timeframe that is not less than 45 days after the end of the historical reporting period specified in the notice. A failure by the approved provider to provide the stipulated information within this timeframe is a criminal offence with penalty for the approved provider.

The purpose for the provision of this information from approved providers to the Regulatory Authority is to enable the Regulator to exercise their new functions and maintain the Registers in accordance with their obligations under Part 3 of the Bill. While the transfer of this information to the Regulatory Authority has the potential of interfering with the right to privacy in section 13 of the Charter, the interference will be neither unlawful nor arbitrary. This is because the information to be provided to the Regulatory Authority is carefully confined to the statutory purpose of enabling the Regulatory Authority to maintain the Registers. Therefore, the proposed disclosure of information does not extend beyond what is reasonably necessary to achieve the legitimate aim of the Bill, such that it is reasonable and proportionate to the Bill's important objectives, being the protection of children. It is essential that such information be provided to the Register to allow the Regulatory Authority to track and trace persons employed, engaged or appointed by providers in the sector, and help protect against unsafe persons working in ECEC.

Conclusion

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

The Hon. Ben Carroll
Deputy Premier
Minister for Education

Second reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (20:31): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Victorian Early Childhood Regulatory Authority (VECRA) Bill is a critical component of this government's overhaul of child safety regulation in the state, in line with our commitment to act urgently to accept all 22 recommendations of the Rapid Child Safety Review handed down by Mr Jay Wetherill AO and Ms Pam White PSM in August.

The safety of children in early childhood education and care (ECEC) settings is fundamental to ensuring they can turn up to childcare or any other ECEC service and immerse themselves in play, play-based learning and the full, rich developmental experience most workers and services strive to provide for every child in their care.

ECEC plays a vitally important role in children's lives across Victoria, providing them with the best start in life and richly educational experiences, and families deserve peace of mind when their children attend these settings.

Children deserve to be safe wherever they learn, play and grow. We recognise it is critical that we work to ensure the safety of all children who attend ECEC.

Summary of the Bill

This Bill meets the commitment in our response to the Rapid Review to introduce legislation establishing an independent regulator for ECEC services and a register of workers in the sector.

By establishing the register, the Bill brings together in a single system the details of all staff working with children in the ECEC sector. This will enable VECRA to quickly track and trace individuals working in the sector if required – a nation-leading reform.

The Bill also makes explicit provision for VECRA to share information on the register with the Social Services Regulator for the purposes of the SSR performing its functions or exercising its powers.

The Bill creates an offence and penalty for approved providers who fail to submit the required information to VECRA. There will also be offences and penalties for unauthorised access to the register, and inappropriately using or disclosing information from the register, to protect the privacy of the ECEC workforce. The maximum penalties for these offences are 60 penalty units for a natural person and 300 penalty units for a body corporate.

The Bill amends the *Education and Care Services National Law Act 2010*, which is the Victorian Application Act for the Education and Care Services National Law (National Law), to declare VECRA to be the Regulatory Authority for the purposes of the National Law, and amends the definition of Regulatory Authority in the *Children's Services Act 1996* (CS Act) to make VECRA the Regulatory Authority for the purposes of the CS Act.

The regulation of ECEC services, children's services and Child Safe Standards for the sector will be brought together with visibility of the employment of every worker in the sector, under the responsibility of the newly created office of Early Childhood Regulator.

The Early Childhood Regulator will head VECRA and report directly to the Minister for Children. This will strengthen oversight of and accountability for the safety of children while in ECEC settings.

I commend the Bill to the house.

Nicole WERNER (Warrandyte) (20:31): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 12 November.

Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025

Statement of compatibility

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (20:32): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025:

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 Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025.

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

Overview

The Bill amends the *Mineral Resources (Sustainable Development) Act 1990* (the Principal Act) and the *Mineral Resources (Sustainable Development) Amendment Act 2023*.

The amendments will:

(a) introduce a new trailing liabilities scheme relating to the rehabilitation of declared mine land; and

(b) clarify the requirements for and operation of rehabilitation plans and declared mine rehabilitation plans; and

(c) provide additional mechanisms for the variation of mining licences and extractive industry work authorities, and conditions on those licences and authorities; and

(d) require notice of any change in control of corporate declared mine licensees; and

(e) make various other minor and technical amendments to improve the operation of the Principal Act.

Human Rights Issues

The following rights are relevant to the Bill:

- Right to freedom from forced work (section 11(2))
- Right to privacy (section 13)
- Aboriginal cultural rights (section 19)
- Right to property (section 20)
- Right to the presumption of innocence (section 25(1))
- Right to privilege against self-incrimination (section 25(2)(k)).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

In practice, it is likely that many of the Bill's provisions regulate corporate entities rather than natural persons due to the nature of mining activities on declared mine land that require significant financial resources to carry out. Corporate entities are not considered a 'person' under the Charter and as such, do not attract the human rights specified in the Charter. However, to the extent that the provisions regulate natural persons, the impact on their Charter rights is addressed.

Right to freedom from forced work

Section 11(2) of the Charter provides that a person must not be made to perform forced or compulsory labour. 'Forced or compulsory labour' does not include court-ordered community work as a condition of release from detention, work or service required because of an emergency threatening the Victorian community or a part of that community, or work or service that forms part of normal civil obligations.

Amendments in clause 11 of the Bill that insert new sections 84AZZQ, 84AZZX and 84AZZY into the Principal Act may engage this right. New section 84AZZQ provides that the Minister may issue a remedial direction to a person requiring them to take a specified rehabilitation or closure related action if the Minister is satisfied that the declared mine licensee has failed to meet a rehabilitation or closure requirement or is not able to meet a rehabilitation or closure requirement. Section 84AZZX provides that failure to comply with a remedial direction is an offence. New section 84AZZY provides that the Minister may apply to the Supreme Court for an injunction compelling a person to comply with a remedial direction or restraining a person from contravening a remedial direction. These provisions could be viewed as requiring a person to perform forced or compulsory labour, as they enable a person to be compelled to undertake certain activities.

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

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

Right to privacy

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

Amendments in clauses 11 and 13 of the Bill may engage this right. Clause 11 of the Bill inserts new section 84AZZV into the Principal Act to provide that the Minister, by written notice, may require any person to provide the Minister with any information or document that the Minister reasonably considers relevant to the making of a call back determination or a remedial direction. This notice may require the provision of personal information.

Clause 13 of the Bill inserts new section 84AZZZE into the Principal Act to provide that a declared mine licensee that is a body corporate must notify the Department Head of any change in control of the declared mine licensee or of the existence of any prescribed circumstances relating to the control of the declared mine licensee. This notification may require the provision of personal information.

However, to the extent that the amendments in the Bill may interfere with the right to privacy, any interference with the right will not be arbitrary because it will be done in accordance with the law as set out in new sections 84AZZV and 84AZZZE of the Principal Act, with the legitimate purpose of ensuring the Government has accurate and up to date information regarding the control of declared mine licensees, which will assist in the operation of the trailing liabilities scheme and in ensuring compliance with obligations under the Principal Act.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 11 and 13 of the Bill.

Aboriginal cultural rights

Section 19(2) of the Charter provides specific protection for Aboriginal persons, providing that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The rights under section 19(2) are to be read broadly and are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development. Aboriginal cultural rights are inherently connected to the relevant community and the traditions, laws and customs of that community. It can include traditional ways of life including practice of spiritual traditions, customs and ceremonies, and the maintenance of a cultural connection with the land, including the use of natural resources and the preservation of historical sites and artefacts.

Clause 11 of the Bill inserts new section 84AZZQ into the Principal Act, which enables the Minister to issue a remedial direction to a person to undertake certain rehabilitation or closure related activities if satisfied that the declared mine licensee has failed to meet a rehabilitation or closure requirement or is not able to meet a rehabilitation or closure requirement. This may limit this right, as the activities undertaken in compliance with a remedial direction may affect the enjoyment of cultural rights. However, the Bill requires that, before issuing a remedial direction in relation to action that may impact land that is the subject of a recognition and settlement agreement under the *Traditional Owner Settlement Act 2010*, the Minister must consult with the traditional owner group whose rights are recognised under that agreement.

Mining and extractive industry activities can impact Aboriginal cultural rights, including by limiting access to, or damaging land. To the extent that many of the amendments in this Bill clarify and support compliance with rehabilitation obligations by current and former licence and extractive industry work authority holders and improve the ability to update rehabilitation plans and declared mine rehabilitation plans to ensure satisfactory rehabilitation of the land, the Bill may promote Aboriginal cultural rights.

Further, to the extent that any actions authorised under the amendments made by the Bill affect the enjoyment of cultural rights, the Minister or the Department Head as public authorities will, pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including cultural rights under section 19(2) of the Charter.

As such, to the extent Aboriginal cultural rights under section 19(2) of the Charter may be limited by the Bill, the limitation is reasonable and justified under section 7(2) of the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with the law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct. International jurisprudence supports the view that a 'deprivation of property' may not be confined to situations of forced transfer of title or ownership but could include any substantial restriction on a person's control, use or enjoyment of their property.

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

Amendments in clauses 11, 26 and 27 of the Bill may engage this right.

The new trailing lability scheme introduced by clause 11 has the potential to engage the right to property in a number of ways. The Bill enables the Minister to issue a remedial direction to certain persons requiring them to undertake specified rehabilitation related activities. A person complying with a remedial direction who does not have esoteric knowledge of declared mine land rehabilitation may cause damage or harm to the land of neighbouring communities or private landowners of adjacent properties. The Bill also provides a power for a person complying with a remedial direction to enter declared mine land, which may be seen as depriving the owner or occupier of that land of their property.

Clauses 14, 15, 16 and 17 will introduce more flexible mechanisms to vary licences and extractive industry work authorities, and to vary, suspend or revoke conditions on the licences or authorities, which may be seen to deprive the licence or authority holder of their property.

Clause 26 will introduce a new power for the Minister to authorise persons to enter any land and do anything where the Minister considers it necessary for the purposes of the Minister exercising their power to take any action they consider necessary to rehabilitate land if satisfied that the land hasn't been rehabilitated in accordance with specified requirements in accordance with section 83(1). Clause 27 will introduce a new offence for hindering or obstructing the Minister or an authorised person from undertaking rehabilitation, without reasonable excuse. These provisions may deprive the owner or occupier of the land, being entered to undertake rehabilitation, of their property.

To the extent that these provisions may deprive a person of their property, the limitation will be in accordance with clear and precise legislation and therefore the right to property is not limited.

Right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The 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.

Clause 11 of the Bill inserts new section 84AZZX(1) into the Principal Act, which creates a new offence for a called-back person to fail to comply with a remedial direction. Failure to comply with a remedial direction may result in significant penalties. New section 84AZZX(2) provides that in a proceeding for an offence against section 84AZZX(1), it is a defence to the charge for the accused to prove that the accused took all reasonable steps to comply with the remedial direction.

This provision is relevant to the presumption of innocence as it imposes a legal burden on an accused person to prove they took all reasonable steps to comply with the remedial direction if they wish to rely on the defence in section 84AZZX(2).

I am satisfied that, to the extent that this limits the right to be presumed innocent, the limitation is compatible with the Charter because it is justified under section 7(2). This is because imposing a legal burden on an accused person in these circumstances is reasonable, justified and proportionate for the following reasons:

- The purpose of the burden is to ensure that a person to whom a remedial direction is issued cannot easily and unreasonably avoid their obligations to rehabilitate the land. The availability of the defence reflects the policy intention that the trailing liabilities scheme is intended to support effective rehabilitation.
- Remedial directions can only be issued as a last resort measure when the State has exhausted all possible avenues to successfully rehabilitate declared mine land.
- Compliance with a remedial direction is likely to be highly technical. As such, the evidence required to establish the defence will ordinarily be peculiarly within the personal knowledge of the accused and would be difficult for the prosecution to establish without a legal burden.
- A remedial direction can only be issued following consultation with the person to whom it is proposed to be issued. This affords procedural fairness.
- If the defence only placed an evidential burden on the accused this would make it difficult to successfully prosecute non-compliance with a remedial direction, hence the trailing liabilities scheme will be undermined and the burden of rehabilitating declared mine land will fall on the State.
- While placing an evidential burden would place a lesser limitation on the right to be presumed innocent, a legal burden is justified having regard to the purpose and circumstances of remedial direction.
- The prosecution is still required to prove the accused committed the elements of the offence.
- The offence is not punishable by imprisonment.
- Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where the commission of regulatory offences may cause harm to the public.

As such, I am satisfied that this provision is compatible with the Charter.

Right to privilege against self-incrimination

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against any incriminatory admission contained in material obtained under compulsion from that person in any subsequent criminal proceedings

against the person, regardless of whether the information was obtained prior to, or subsequent to, the charge being laid.

Amendments in clause 11 of the Bill engage this right. Clause 11 of the Bill inserts new section 84AZZV into the Principal Act to provide that the Minister, by written notice, may require any person to provide the Minister with any information or document that the Minister reasonably considers relevant to the making of a call back determination or remedial direction. New section 84AZZZA provides that a person is not excused from providing information or a document in accordance with a notice under section 84AZZV(1) on the grounds that the information or document might tend to incriminate the person or make the person liable to a penalty. This is critical to ensuring the Minister can obtain information necessary to decide whether to make a determination or direction. However, new section 84AZZZA(2), also to be inserted by clause 11 of the Bill, provides an immunity against both direct and indirect use of the information obtained against the person in criminal or civil proceedings, other than proceedings regarding failure to comply with a request for information, or proceedings regarding provision of false or misleading information. Further, the disclosure or communication of any information provided to the Minister under section 84AZZV(1) will be protected by the secrecy provisions in new section 84AZZZ.

Therefore, in my view, although the right to self-incrimination may be limited, the limitation is justified under section 7(2) having regard to the purpose of the provisions and the fact that the immunity in section 84AZZZA(2) ensures that there is no possibility that an individual's compliance with the requirement to provide information will assist in their own conviction for an offence (or liability for a civil penalty), except in relation to offences necessary to ensure effective compliance with a requirement to provide information.

Accordingly, I consider that clause 31 is compatible with the right to privilege against self-incrimination section 25(2)(k) of the Charter.

Conclusion

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

Hon Lily D'Ambrosio MP
Minister for Energy and Resources

Second reading

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (20:32): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

This Bill amends the Mineral Resources (Sustainable Development) Act 1990 to implement the Government's public commitment announced on 6 May 2022 to introduce a trailing liabilities scheme in relation to the declared mines, which currently comprise of the three Latrobe Valley coal mines: ENGIE's Hazelwood mine, Energy Australia's Yallourn mine and AGL's Loy Yang mine.

The provisions aim to ensure the mining industry remains responsible for the rehabilitation and closure of the coal mines as Victoria transitions away from coal-fired energy. The Bill is similar to provisions passed by the Commonwealth Government for decommissioning offshore infrastructure.

The Bill will help protect Victorian taxpayers from a worst-case scenario where a declared mine licensee fails to or is unable to meet its rehabilitation obligations. The new provisions will reduce the likelihood that rehabilitation costs are passed on to Victorians; and provide the Government with a new tool to require those who derived greatest financial benefit from mining projects to be responsible for remediating the rehabilitation risks and liabilities caused by the project.

The trailing liabilities scheme is a measure of last resort to provide financial assurance to the State of Victoria where there is no feasible alternative to enforce existing rehabilitation obligations against the current or former declared mine licensee. The trailing liability provisions will not change the existing rehabilitation obligations of the declared mine licensees. The rehabilitation obligations are not new.

The scheme will enable the Minister to 'call back' a party, via a remedial direction, to carry out or pay the costs of rehabilitation and post-closure work where the Minister is satisfied it is appropriate to do so. Remedial

directions can be issued to a person who, at any time on or after the Victorian Government committed to introducing a trailing liabilities scheme on 6 May 2022:

- is a related body corporate of a current declared mine licensee, including a parent and subsidiary company of the licensee;
- was the holder of a mining licence that covered declared mine land, or was a related body corporate of that former holder;
- is a person determined by the Minister to be a 'person subject to call back' only if reasonably appropriate to do so, after considering whether they have or may receive a significant financial benefit from work authorised under a declared mine licence, the degree of influence they have or have had over rehabilitation compliance, and whether they act or acted jointly with the mining licensee.

The Bill allows a remedial direction to be issued to a broad range of persons because the specific ownership and management arrangements of mining operations can vary greatly. The intention is to capture parties who have a sufficiently significant relationship with the declared mine licensee, either through financial benefit, degree of influence, or joint action, for it to be reasonable for them to contribute to rehabilitation. The Bill specifically excludes employees and contractors from being able to be determined by the Minister to be a person subject to call back, to address public concerns that they could be captured. Other parties such as companies or their directors would only be captured if they benefitted significantly financially from the declared mine, substantially influenced the licensee's compliance with their rehabilitation obligations, or acted jointly with the declared mine licensee. It would be rare for individuals to be captured. Guidance will be issued to assist in the understanding of when the Minister will consider it reasonable to determine a person to be a person subject to call back.

The Bill also makes amendments to require the Department Head to be notified of any change in control of corporate declared mine licensees. This supports the trailing liabilities regime by capturing changes in ownership and would inform any future consideration of related parties who may become subject to the trailing liabilities provisions.

The Bill also amends the Mineral Resources (Sustainable Development) Act 1990 to:

- provide additional mechanisms for the variation of rehabilitation plans and declared mine rehabilitation plans and clarifies the rehabilitation obligations that apply to declared mines.
- address long-standing deficiencies with the Minister's power to vary mineral licences and extractive industry work authorities, so that the Minister can efficiently and appropriately address emerging risks of harm, including in emergency situations.
- provide more clarity and flexibility for how a Code of Compliance applies under the new duty-based regime to introduced by the Mineral Resources (Sustainable Development) Amendment Act 2023.
- make technical and consequential amendments to clarify the operation of the Act.

I commend the Bill to the house.

James NEWBURY (Brighton) (20:33): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 12 November.

Planning Amendment (Better Decisions Made Faster) Bill 2025

Statement of compatibility

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (20:34): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Planning Amendment (Better Decisions Made Faster) Bill 2025:

In accordance with the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Planning Amendment (Better Decisions Made Faster) Bill 2025 (the **Bill**).

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

Overview of the Bill

The Bill makes a series of major reforms to the *Planning and Environment Act 1987* (**Principal Act**) that are aimed at improving housing supply in Victoria, which is one of the State's most urgent policy priorities.

The key reforms delivered by the Bill include:

- Providing developers and the community with greater certainty about future changes to land use and development across the state by requiring planning scheme amendments to be consistent with State Planning Strategies such as "Plan for Victoria", which was issued on 28 February 2025;
- Significantly reducing the time, cost and complexity of making the planning scheme amendments needed to support Victoria's projected population growth by establishing planning approval pathways that are proportionate to the risks and complexity of the amendments;
- Reducing administrative burdens associated with the Distinctive Areas and Landscapes regime;
- Reducing the time and cost associated with obtaining planning permits by establishing three assessment processes that implement procedural steps and timeframes which are more closely aligned with the risk and complexity of different permit applications;
- Increasing certainty and reducing the complexity, time and cost of removing or varying restrictive covenants that are inconsistent with relevant planning policies and objectives under the planning scheme;
- Providing for traditional owners to be notified of proposed planning scheme amendments and development proposals in prescribed areas;
- Eliminating ambiguity, reducing claim management costs, and reducing future financial liabilities relating to planning compensation claims;
- Introducing new requirements to declare "reportable donations and gifts"; and
- Improving the efficiency and effectiveness of future compliance monitoring and enforcement by providing new tools, and updating penalties and sanctions, to align with regulatory best practices that have evolved in Victoria since the Principal Act was established in 1987.

The Bill also makes consequential amendments to the *Land Acquisition and Compensation Act 1986* (**LAC Act**).

The aspects of the Bill of most relevance to this statement of compatibility are those that relate to:

- The amendments to Parts 3 and 4 of the Principal Act, which involve:
  - Changed notice, consultation and consideration requirements in relation to planning scheme amendments;
  - The inclusion of additional Ministerial power to continue abandoned amendments;
  - New powers of exemption from notification and exhibition requirements for planning scheme amendments; and
  - Modified notice and objections provisions in relation to applications for planning permits;
- The amendments to Part 5 of the Principal Act, which clarify when compensation will be payable for claims arising under the Principal Act, and how the amount of compensation will be assessed;
- New Part 5A, which establishes a new scheme for written disclosure of "reportable gifts and donations"; and
- The amendments to Part 6 of the Principal Act, which introduce additional enforcement powers and sentencing orders for breaches of the Principal Act.

Human rights issues

The following rights are relevant to the Bill:

- Right to equality (section 8);
- Right to privacy and reputation (sections 13);
- Freedom of expression (section 15);
- Freedom of association (section 16);
- Taking part in public life (section 18);

- Cultural rights (section 19);
- Property rights (section 20);
- Right to a fair hearing (section 24); and
- Right not to be tried or punished more than once (section 26).

Right to equality (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 the EO Act. 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 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. Section 8 as a whole is concerned with substantive rather than merely formal equality. This means that any measure taken for the purpose of assisting or advancing a group disadvantaged because of discrimination, such as First Peoples, will not constitute discrimination where it satisfies the test for establishing a special measure. This includes demonstrating that the disadvantage to be targeted by the measure is caused by discrimination, that the measure is reasonably likely to advance or benefit the disadvantaged group, and that it addresses a need and goes no further than is necessary to address that need.

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.

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

Freedom of expression (section 15)

Section 15 of the Charter provides that every person has the rights to hold an opinion without interference (section 15(1)) and to freedom of expression (section 15(2)), which includes the freedom to seek, receive and impart information.

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)

Section 16 of the Charter protects every person's right to peaceful assembly and freedom of association with others, including the right to form and join trade unions.

Taking 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.

Cultural rights (section 19)

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, declare and practise their religion, and use their language.

Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and

economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Property rights (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Right to a fair hearing (section 24)

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 term "civil proceeding" in section 24(1) has been interpreted as encompassing proceedings that are determinative of private rights and interests in a broad sense, including some administrative proceedings.

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 embodies the fundamental common law principle of 'double jeopardy', which guarantees finality and certainty in the criminal justice system. This principle ensures that a person is not subjected to multiple prosecutions for an offence for which they have been finally acquitted or convicted.

Amendments to Parts 3 and 4 of the Principal Act

The Bill makes significant changes to Parts 3 and 4 of the Principal Act. The changes include the introduction of three different assessment processes for for planning scheme amendment and permit applications that are applied based on the potential risk, complexity and impact of amendments and permit applications under consideration.

<u>Part 3</u>

Amended section 16N provides that an amendment to a planning scheme is to be categorised, in accordance with the regulations, as one of the following –

- A low-impact amendment;
- A medium-impact amendment; or
- A high-impact amendment.

It is envisaged that:

- A low-impact amendment will be a planning scheme amendment where the impact of the amendment is such that broad public involvement in the amendment process is not warranted;
- A medium-impact amendment will be a planning scheme amendment where the impact of the amendment is such that public exhibition is necessary but independent review via a planning panel is of limited benefit; and
- A high-impact amendment will be a planning scheme amendment where the impact of the amendment is such that exhibition and independent review of the amendment is necessary.

In other words, notice, consultation and consideration requirements for planning scheme amendments will depend on the category of the amendment. In particular:

- Notice of preparation of an amendment to a planning scheme will only be required for medium and high-impact amendments. There is a new requirement (at new section 19(1)(ba)) that such notice is to be given to any native title holders, traditional owner group entity or registered Aboriginal party for the area;
- Public submissions on exhibited amendments can only be made to the relevant planning authority for medium and high-impact amendments. However, the Bill makes provision for consultation in respect of low-impact amendments, including with the traditional owners for affeceted lands. For all amendments, the planning authority must prepare a proposed public engagement plan as part of its amendment application, and must prepare and publish an "engagement report" under new section 20F. The Minister may also direct a planning authority to undertake more consultation; and
- After considering comments and submissions, a planning authority may decide to change, not change or abandon the amendment if it is a low or medium-impact amendment. A planning authority must not refer a low or medium-impact amendment to a planning panel (however, the

Minister may do so under new section 34AA.. For high-impact amendments, a planning authority may change or not change the amendment and refer it to a panel, or abandon the amendment.

The role of planning panels is to be more confined. The Principal Act will no longer provide that a panel is bound by the rules of natural justice. In addition, in most circumstances, a person making a submission will not have a right to be heard before a panel. Further, while a referral to a panel will ordinarily need to be accompanied by any submissions or comments received by the planning authority or the Minister about the amendment, those submissions or comments need not be provided if, in the opinion of the planning authority or Minister, they are:

- Frivolous or vexatious; or
- Wholly irrelevant to the amendment.

The Minister is to be granted broader powers with respect to planning scheme amendments. If the Minister prepares an amendment to a planning scheme, the Minister may determine that a high-impact amendment is to be treated as a medium-impact amendment if the Minister considers that a panel review of the amendment is unnecessary given the specific nature of the amendment.

Further, in specified circumstances, the Minister may decide to continue an amendment abandoned by a planning authority, and may exempt a planning authority from any requirement under section 19 if satisfied that the planning authority undertook sufficient public consultation before applying for authorisation to prepare the amendment.

New Division 3A of Part 3 introduces measures which seek to ensure transparency in decision-making in relation to amendments, and new sections 42A and 42B make provision for the collection, retention, analysis and reporting of information from planning authorities about the performance of the planning scheme amendment process under Part 3.

Finally, existing section 38 of the Principal Act – which requires the Minister to provide notice to Parliament of the approval of every amendment of a planning scheme within 10 sitting days, and permitting Parliament to revoke the amendment – is to be removed. Instead, the parliamentary scrutiny requirements applied to subordinate legislation under the Subordinate Legislation Act 1994 will be applied to planning scheme amendments.

Part 4

New section 47AA provides that there are to be three types of permit application: types 1, 2 and 3.

Only type 3 applications and "specified type 2 applications" will be subject to notice requirements.

Objections will no longer be able to be made in respect of type 1 and 2 applications. Section 57 of the Principal Act, which deals with objections to applications for permits, will now only apply to type 3 applications.

Under new section 57(2A), the responsible authority may reject an objection which it reasonably believes has been prepared by a third party and not the objector. However, this will not apply to an objection prepared by a third party for an objector if:

- The objector requires assistance or personal representation because of age or disability; or
- The objector has engaged legal representation for the purpose of preparing the objection.

The responsible authority may also reject an objection which it considers:

- Has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector;
- Is frivolous or vexatious; or
- Is wholly irrelevant to the grant of the permit following the type 3 application.

The matters that a responsible authority is required to consider before deciding a permit application will be reduced in respect of type 1 applications (see new section 59A).

Further, the section 64 decision process will only apply to grants of permits for type 3 applications.

By specifically providing for First Peoples to be notified of, and participate in, planning scheme amendment processes, the Bill may engage the right to equality. Section 8(3) of the Charter may be engaged because these provisions provide for differential treatment between First Peoples and Victorians who are not First Peoples. However, given that notice is required to be provided to native title holders, traditional owner group entities and registered Aboriginal parties for the affected area, I consider that any limits on rights are minimal and appropriately confined. Further, I am of the view that these provisions constitute a special measure under section 8(4) of the Charter. These provisions also promote the rights of First Peoples under section 19(2) of the Charter.

By restricting the ability of certain persons to make public submissions and be heard in relation to planning scheme amendments, and the ability to object in writing to a planning permit application, the Bill may limit the right to freedom of expression under section 15(2) of the Charter in that it may prevent those persons from imparting information and ideas in writing or orally to the relevant planning authority, panel, or responsible authority. However, interested persons will still be able to impart information and ideas in relation to planning scheme amendment and permit applications in a range of ways, including by writing to the Minister, and speaking to or writing to their local council or local member. Further, to the extent that the right to freedom of expression is engaged, I consider that these amendments are reasonably necessary to accelerate the provision of improved housing supply, and thereby respect the rights of other persons – namely, Victorians who are negatively impacted by lack of housing and lack of adequate housing. I therefore consider that these amendments fall within the exception in section 15(3) of the Charter.

The Bill does not affect the rights of owners and occupiers of land materially affected by a planning scheme amendment, and recipients of notice of type 3 planning permit applications, to impart information and ideas orally or in writing to the relevant authority.

By confining notification, consultation and consideration requirements in relation to planning scheme amendment applications, and who may object to planning permit applications, the Bill may be relevant to the right to participate, without discrimination, in the conduct of public affairs and the right to a fair hearing, under sections 18(1) and 24(1) of the Charter respectively.

This assumes that planning scheme amendment and permit application processes could be "public affairs" for the purposes of section 18(1) of the Charter. However, that right focuses on participation in public affairs "without discrimination". These amendments do not involve unfavourable treatment, or the imposition of a requirement, condition or practice that has the effect of disadvantaging persons, because of a protected attribute.

Further, section 24(1) of the Charter only applies where a person is a "party" to a "civil proceeding". The Bill seeks to clarify the procedure of planning panels to make clear that the function of panels is to conduct independent reviews of planning scheme amendments. The role of a panel is intended to be inquisitorial, rather than legalistic. Persons who give evidence or make submissions to planning panels are not "parties" and panels do not make determinations. This analysis also applies in relation to the grant of permits by responsible authorities.

For these reasons, in my view, the section 18(1) and 24(1) Charter rights are not engaged and the provisions are compatible with the Charter.

To the extent that authorities or the Minister make determinations, the Bill is adequately confined in a number of ways. It clarifies what the authority or Minister is required to take into account in making decisions on planning scheme amendment and permit applications, and also establishes a performance reporting process for planning scheme amendments.

Amendments to Part 5 of the Principal Act

- The Bill amends Part 5 of the Principal Act to clarify when compensation will be payable for claims arising under the Principal Act, including: clarification that references to financial loss in sections 98(1) and (2) are references to actual financial loss;
- Clarification that references to value in Part 5 are references to market value;
- Expansion of the specified circumstances in section 98(3) in which a person cannot claim compensation under section 98(1), to include:
    - Where the land has been vested in the acquiring authority by any means; and
    - Where a condition on a permit granted in relation to the land provides that compensation is not payable;
- For a claim for expenses incurred in preparing and submitting a claim under section 98, new section 101(2) provides that the claim cannot be made in relation to any expenses incurred (a) before the right to compensation arises under section 99 or (b) after the claim is referred to the Tribunal or Supreme Court;
- Amendments to section 108 so that only a single claim for compensation for the same public purpose reservation may be made; and
- Making clear when a Minister, public authority, municipal council or acquiring authority is liable to pay a claim for compensation under section 109.

Additionally, new section 100(3) narrows the operation of section 100 to an assessment of the value of the land based on the existing residential use of the land.

These aspects of the Bill may engage the section 20 Charter right. It may be argued that the Bill "deprives" a person of property by reducing the amount of monetary compensation that they may have otherwise been able to obtain against the State. While such deprivation of property is likely to be considered "in accordance with law" in so far as the Bill is "publicly accessible, clear and certain", existing case law (*PJB v Melbourne Health*) also requires that it be shown that the Bill does not operate arbitrarily. The Court of Appeal, in *WMB v Chief Commissioner of Police* (2012) 43 VR 446 in the context of discussing the meaning of 'arbitrary' in section 13(a) of the Charter, has stated that a law is arbitrary where it is capricious, unjust, unpredictable or unreasonable in the sense of not being proportionate to a legitimate purpose. Withdrawing compensation to which people may otherwise be entitled, could be considered to be "capricious" or "unjust". Therefore, an argument might be made that the deprivation of property under the Bill is arbitrary, so that the right not to be deprived of property otherwise than in accordance with the law is limited.

However, I consider that any limitation on property rights is reasonable and justified. These amendments are aimed at reducing ambiguity about what a person might be entitled to claim against the State, and restoring the text of the legislation so that it reflects Parliament's original intent. Ambiguity regarding the meaning of "a residence" in the existing section 100 of the Principal Act has led to multiple contested compensation claims, including the claim litigated in *Minister for Energy, Environment and Climate Change v Megson* [2017] VSC 774, sometimes resulting in a higher dollar amounts being paid to claimants in additional allowance on top of the planning compensation for a permit refusal (where the claimant retains their land), than is paid in solatium following the actual taking of the land on the eventual acquisition of the land. These clarifying amendments will reduce ambiguity for claimants, assist the Courts in interpreting the relevant provisions and ultimately reduce the State's financial expenditure in connection with compensation claims. This money will be able to be redirected into investment in improved housing supply for Victorians and building Victoria towards 2050, in line with the "Plan for Victoria".

I do not consider that these amendments engage or limit the right to a fair hearing in the Charter, because this right will be engaged where a person is prevented from having their civil rights or liabilities in a proceeding considered by a court. However, this right does not prevent the State from amending the substantive law to alter the content of those civil rights.

New Part 5A

New Part 5A inserts, in section 113B, requirements that persons, and their "associates" (as defined in section 113B(4)), who make "relevant planning applications" or "relevant planning submissions" must disclose, in the form of a disclosure statement, "reportable donations and gifts" (as defined in section 3(1)) given to "relevant recipients" (as defined in new section 113C). If the relevant recipient is a Minister or a Councillor, reportable gifts or donations to their registered political parties (where known) must also be disclosed. These requirements only apply during "the disclosure period", which is defined to mean the period commencing 2 years before the relevant planning application or submission is made, and ending when the relevant application or request is determined.

A disclosure statement must include a range of matters, including names and addresses of donors and recipients, the amount or value of the gift or donation, the date the gift or donation was given and any other prescribed matter.

New section 113G creates an offence for failing to disclose a reportable gift or donation, punishable by 240 penalty units or 2 years' imprisonment or both.

To the extent that the information collected under these provisions includes personal information, the right to privacy will be engaged. However, the disclosure of personal information is not arbitrary as new section 113F requires publication of the disclosure statement in accordance with the public availability requirements.

Further, if this right is limited by new Part 5A, these limits are reasonably necessary to achieve legitimate anti-corruption purposes, including those set out in new section 113A. IBAC has investigated and reported on allegations of corrupt conduct involving councillors and property developers in the City of Casey in their report on Operation Sandon. The outcomes of Operation Sandon highlight system vulnerabilities, emphasise corruption risk in state and local government and underscore the need to establish transparent planning decision-making processes. IBAC's Special Report recommended amendments to legislation to require the disclosure of donations made by parties to relevant planning decision-makers. These provisions implement that recommendation.

Amendments to Part 6 of the Principal Act

To improve the efficiency and effectiveness of future compliance monitoring and enforcement, the Bill provides for updated, increased penalties for contraventions of the Principal Act.

The Bill makes it an offence to knowingly or recklessly make a false or misleading statement to a person or body carrying out a function or power under the Principal Act, and to produce a document that the person

knows to be misleading. These offences are punishable by 240 penalty units or 2 years' imprisonment or both. The Bill clarifies that a proceeding for a summary offence against the Principal Act must be commenced within 24 months.

Additionally, the Bill empowers courts to make the following "specific court orders":

- "adverse publicity orders" that require offenders to publicise wrongdoing including the offence, its consequences and penalty, typically in electronic and print media;
- "commercial benefit orders" that require offenders to pay a fine of up to 3 times the estimated gross commercial benefit (profit) that was received;
- "supervisory intervention orders" involving the appointment of persons or entities to supervise the activities of offenders, most commonly where offenders are found by courts to be persistently or systematically breaking the law; and
- "industry exclusion orders" that exclude a person from participation in an industry for certain periods if the courts finds that the person is a persistent or systematic offender against laws.

These provisions empower a court to limit the right to privacy and reputation (in respect of all specified orders), the right to freedom of association (in respect of supervisory intervention and industry exclusion orders) and property rights (in respect of supervisory intervention and commercial benefit orders). However, I consider that the courts' powers to make these orders are reasonably necessary to deter non-compliance with the Principal Act, and are adequately confined, including because:

- The court has a discretion as to whether to make any of these orders;
- Any order made will be subject to Court-imposed conditions, for example as to the duration of the order;
- A supervisory intervention order can be made for a maximum period of one year;
- The commercial benefit order provisions expressly state that a court can make an order for less than the estimated gross commercial benefit; and
- The supervisory intervention and industry exclusion order provisions provide that the person in respect of whom the order was made can apply to the court for amendment or revocation of the order (and the court can amend or revoke the order if satisfied that there has been a change of circumstances warranting the revocation or amendment).

While an argument might be made that these provisions engage the right not to be punished more than once, in my view they are unlikely to constitute punishment for the purpose of the section 26 Charter right. I therefore do not consider that these provisions engage or limit the right not to be tried or punished more than once.

New section 134A empowers an authorised person to enter land without notice, consent or a warrant if the authorised person reasonably believes that permanent and irreversible damage or material harm to the environment in contravention of the planning scheme is occurring, is about to occur or has occurred on the land. This provision may engage the right to privacy under section 13(a) of the Charter and the right not to be deprived of property other than in accordance with the law under section 20 of the Charter. However, given the provision specifies the limited circumstances in which an authorised person may enter land without notice, consent or a warrant, requires an authorised person to announce themselves on entry and produce their identity card for inspection, and excludes entry into a building being used as residential premises without consent, any interference will be lawfully permitted. In addition, in my view any interference will not arbitrary, as it is for the clear purpose of preventing permanent and irreversible damage or material harm to the environment.

The exercise of new enforcement powers will also occur by reference to a policy – which new section 150B of the Principal Act will require the Secretary to develop (after consultation with responsible authorities and other relevant stakeholders) – designed to promote compliance with and enforcement of planning laws. The policy is to provide guidance on the exercise of monitoring, compliance, investigation and enforcement powers. The Secretary must provide training, guidance and support to authorised officers in relation to the policy and persons involved in compliance, monitoring or enforcement activities must have regard to the policy when exercising powers under, the Principal Act.

The Hon Sonya Kilkenny MP
Minister for Planning

Second reading

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (20:34): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Bill amends the Planning and Environment Act 1987 to make reforms to the planning system in Victoria and to make consequential amendments to the Land Acquisition and Compensation Act 1986 and the Subordinate Legislation Act 1994.

Victoria is a great place to live and work. Known for its cultural diversity, strong economy, education opportunities, beautiful natural landscapes and vibrant arts and sports scenes, Victoria has consistently drawn people from across Australia and the world.

With Victoria's population expected to grow from 7.2 million residents in 2025 to 10.3 million residents by 2050 we must plan for more homes and other developments to support that population growth whilst maintaining Victoria's enviable liveability.

Victoria is facing a housing challenge, with more and more Victorians finding it increasingly difficult to find a home, particularly younger Victorians. This challenge has been decades in the making.

While there is no quick fix, addressing this challenge requires reform and sustained commitment. That means building more homes in well-connected areas, modernising planning rules to deliver housing faster, and investing in social and affordable housing so that no one is left behind. It also means working with local government, industry, and communities to ensure new developments are sustainable, inclusive, and resilient – creating neighbourhoods where people can live, work, and thrive for generations to come.

Victoria's Housing Statement – the decade ahead 2024–2034, set a target to build 800,000 homes in 10 years.

Consistent with the commitments made in the Housing Statement the Government is using every policy lever available to it to increase the supply of land, make redevelopment opportunities available and streamline the delivery of housing and other developments that are needed to accommodate population growth.

In the planning portfolio, this includes:

- Planning for 60 new train and tram activity centres and establishing the new Housing Choice Transport Zone and Built Form Overlays for Activity Centre cores to streamline approvals in these centres.
- Establishing a new precincts zone to facilitate the development of 15 priority precincts, which are key areas for transformational urban development to deliver new homes, jobs, and better transport, as outlined in the Plan for Victoria. Priority precincts include Fishermans Bend, Arden, Sunshine, Parkville, Docklands, Footscray, East Werribee, the Richmond to Flinders Street corridor and several new precincts that will be established as part of the Suburban Rail Loop program.
- Codification of residential development requirements to eliminate or otherwise streamline planning permit requirements for townhouses and low-rise apartment developments; single dwellings on blocks over 300 metres squared; single dwellings on blocks under 300 metres squared; small second dwellings; and two dwellings on a block. These reforms will significantly streamline and enable small scale development at the local level.
- Enactment of legislative reforms to the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998 to: enable streamlined consideration of low impact planning scheme amendments; provide a formal and transparent process for proponents to initiate amendments; enable the Minister for Planning to complete abandoned amendments; provide planning panels with increased discretions to consider submissions on the basis of documents without holding a public hearing; and provide the Victorian Civil and Administrative Tribunal (VCAT) with broader powers to actively manage proceedings in the interests of making just, timely and efficient determinations.

Importantly, the government has systematically engaged with the community, local government and industry to plan for the future through the development of Plan for Victoria. Following the most extensive community-led consultation ever undertaken for a strategic plan in Victoria, Plan for Victoria is a plan for Victorians, written by Victorians. More than 110,000 Victorians were engaged through the process.

Housing targets have been established for every local government area as part of Plan for Victoria to ensure that enough homes are built in the right places. These housing targets have now been incorporated into all planning schemes across the state by amendment to the Victoria Planning Provisions.

A large number of planning scheme amendments will need to be made over the next 10 years to supply land and enable greenfield development that will accommodate new homes. Further, a large number of planning scheme amendments and planning permits will be needed to enable the delivery of more homes in established areas, including in regional Victoria.

It this context, it is of utmost importance that assessment and decision-making processes remain robust: ensuring that changes to land use, and proposed developments, are economically, socially and environmentally sustainable. Regulatory processes must also be agile, proportionate and efficient to respond to dynamic changes in community needs and preferences in a timely fashion.

Consistent with the commitments made in the Housing Statement the Government is systematically reviewing the Planning and Environment Act 1987. From the initial phase of the Review, the evidence is clear that regulatory processes for making planning scheme amendments and for processing planning permit applications under the Act are not fit for purpose.

Reform of planning scheme amendment processes

It takes greater than two years, on average, to make a planning scheme amendment. Given this, it should not be surprising that successive State Government Planning Ministers have been called on to use special exemption powers in the majority of cases. However, this practice does not deliver transparency, and it does not deliver certainty. Importantly, the current one size fits all process is not sufficiently responsive to the emerging needs of the community.

The Allan government recognises the importance of planning for the future and is doing so through a Plan for Victoria. But we also recognise the importance of responding to the market. The current prescribed process for making planning scheme amendments does not effectively enable this to occur. We need better decisions made faster.

The Bill will make amendments to Part 3 of the Act to establish three pathways for planning scheme amendments that are proportionate to complexity, risk and the potential impact of the amendment. This will deliver significant time and cost savings, and importantly, will provide greater certainty and predictability to development proponents and to the community regarding the process to be followed. The community does not have that certainty at present because of the extensive use of exemptions.

For low impact amendments, the Bill requires the Planning Authority to consult with affected landowners, occupiers and prescribed authorities. The Planning Authority must then deliver a report to the Minister for Planning to inform the Minister's decision making on the amendment.

For moderate impact amendments, public notice and exhibition would occur but there would be no independent review by a planning panel and no public hearing, unless the Minister determines that independent review and advice from a panel is needed. The Minister would make this decision when the proposed amendment is adopted by the Planning Authority and provided to the Minister for approval.

Under the high impact pathway, there would be public notice and exhibition and independent review by a planning panel, but this does not necessarily mean that a public hearing would be conducted. As indicated, the Parliament has already provided planning panels with discretion to undertake their review functions "on the papers", either in full, or in part, using public hearings to supplement and support their considerations as the panel see fits.

The Bill also makes additional planning scheme amendment reforms that will add to the cost, time and certainty benefits associated with establishing the three new assessment processes.

In summary, the Bill:

- Provides explicit processes for the initiation of amendments, including cost recovery arrangements for councils who choose to facilitate proponent-initiated amendments. These reforms will build on those included in the Consumer and Planning Legislation Amendment (Housing Statement Reforms) Act 2025.
- Provides that when authorisation is sought to develop an amendment the Minister may request further information is provided by councils, and that once further information is provided, the Minister will then have a prescribed timeframe to make a final decision on the authorisation request.
- Provides that the Minister may, subject to receiving a request from the planning authority when authorisation is sought, grant exemptions from notice and exhibition requirements where the

planning authority has already undertaken an equivalent level of public consultation in relation to the changes to the planning scheme the amendment seeks to implement.

- Requires a planning authority proposing to prepare a planning scheme amendment to develop a public engagement plan and submit this with the authorisation request is made to the Minister. The engagement plan would set out how the planning authority will give notice and undertake community consultation in respect to the amendment. This is intended to replace prescriptive requirements, for example, advertising in newspapers, and enable innovation in respect of the method of engagement.
- Requires amendment proponents and persons who make submissions to declare financial interests. This reform would acquit the IBAC's Operation Sandon Inquiry recommendation to require every applicant and person making submissions to a council, the Minister for Planning or Planning Panels Victoria to disclose reportable donations and other financial arrangements.
- Requires the planning authority for a planning scheme amendment to publish a report on submissions received following exhibition of the amendment. Codifying this practice will ensure transparency and foster accountability and accessibility in the planning system by providing community members and other stakeholders with clarity regarding how their submissions have been considered and the extent to which the details of the amendment are proposed to change in response.
- Provides that the role of and function of planning panels is to undertake an independent review of the amendment and that the panel has discretion over who the panel chooses to hear from during the conduct of public hearings. These changes will complement amendments made through the Consumer and Planning Legislation Amendment (Housing Statement Reforms) Act 2025 that provide for the fulfilment of panel function using only written submissions. The effect is that there will no longer be any entitlement to respond to all submissions or opinions provided by other parties.
- Provide that planning scheme amendments will follow the normal tabling, scrutiny and disallowance procedures under the Subordinate Legislation Act 1994. This means that approved planning scheme amendments will be reviewed by the Scrutiny of Acts and Regulations Committee (SARC) and subject to disallowance on the recommendation of SARC.
- Makes provision for annual performance monitoring of the planning scheme amendment process, including compliance with statutory timeframes.

While the delivery of time and costs saving is the direct benefit of the proposed reforms, it is equally of importance to deliver certainty and predictability so the development industry can consider and mitigate development risks with a much higher degree of confidence. The substantial time and costs savings associated with the reforms to the assessment and approval of planning scheme amendments will allow earlier realisation of development benefits to the community.

Reforms to planning permit assessment and approval processes

Just over 40,000 planning permit applications were received by responsible authorities in 2024 relating to proposed development works in excess of $38 billion. For the period between 2015 and 2023, the number of days it took for an application to reach an outcome have remained consistently high. However, the average processing time of approximately 140 days – more than double the statutory time period – hides the true extent of the problem. Applications that receive at least one or more objections or submissions take an average of just over 300 days to reach a final outcome.

The opportunity cost of delays in decision making in excess of the statutory timeframe of 60 days are estimated to be in excess of $1 billion per annum. Potential use and development of land is at risk of stalling, or not proceeding, due to costs associated with delayed decision making. In the case of residential development, delays risk the future availability of housing stock. For these reasons, reforms to reduce the time and cost of planning permit processes is essential.

Following consideration of the options available to address planning permit delays the Red Tape Commissioner (2020) recommended streaming planning permit applications according to risk. Similarly, the Victorian Planning System Ministerial Advisory Committee in its 2011 report considered that a system of planning permit application streams should be developed. This was further supported by the Victorian Auditor-General in its 2017 report Managing Victoria's Planning System for Land Use and Development. Many of these past inquiries have noted that the 'streaming' of planning permit applications already occurs in most other Australian States and Territories to provide for more efficient and timely consideration of development proposals.

The Bill will establish three assessment processes that implement procedural steps and timeframes which are more closely aligned with the risk and complexity of different permit applications. The three application assessment processes vary in terms of timeframes for requesting information; whether or not notice is required and if so, the extent of notice that is required; the extent to which applications are referred to public authorities for comments and conditions; the timeframe for a decision and whether deemed approvals apply, or whether a failure to determine an application gives rise to a right of review at VCAT.

Assessment type 1 is established to process simple low risk proposals that are envisaged by the zone and overlay that applies to the relevant land. Assessment type 1 will replace the existing vicsmart process. As is the case with vicsmart applications, there would be no public notice of these development applications with the assessment of applications being made by responsible authorities against the relevant decision guidelines and codes set in the planning scheme. For applications considered through assessment type 1 it is proposed to establish a new deemed approval mechanism in circumstances where the responsible authority has not made a decision within the prescribed timeframe. In short, if the responsible authority does not make a decision within the prescribed period, then the permit is deemed to be approved.

Assessment type 2 would apply to applications for uses or developments that are intended to comply with specified codes; or significantly comply with specified codes but also include an element or elements that do not comply with the code but are permissible under state and local policies applied under the relevant planning schemes. No notice will be required to be given for permit applications under the type 2 assessment process, unless the code or the planning scheme specifies circumstances where notice must be given. The statutory time period for making a decision will be prescribed in regulations and is intended to be less than the 60 day period that is currently specified. This assessment process will only be applied to permit applications where it is not necessary to refer the permit application to a referral authority. Codes, such as that developed for town homes and low rise developments, are proposed to be developed in collaboration with local Government, the development industry and the community during the proposed implementation period for reforms.

Assessment type 3 will closely mirror the existing planning permit assessment process set out in the Act that provides for public notice and referral where it is required. This assessment process is applicable to proposals that are more complex and represent a higher risk of negative spillover effects on owners and occupiers of land in the proximity of the proposed development and the local community more generally. Determination of type 3 applications require the balancing of state and a local policy, and a determination of appropriateness against the purpose and decision guidelines of the zone or overlay controls that apply to the land. The Bill specifies assessment type 3 as the default process that is applied.

The Bill provides for a number of reforms to steps in the assessment process that is currently specified in the Act. In summary, the Bill:

- Provides for regulations to specify the type and extent of notice required for each type and class of permit application instead of continuing to rely on differing interpretations of the requirement to notify anyone who could potentially suffer a material detriment as a consequence of the proposed development.
- Requires that requests for information from the responsible authority to the applicant must have a clear link to the assessment that is required to be undertaken and demonstrate a connection to controls that trigger the permit required. This will be achieved by enabling the form and content of further information requests to be prescribed. Subject to complementary regulation changes, requests for information will also not reset the statutory clock, but instead, will result in a pause.
- Changes the decision-making criteria that apply when an applicant applies to remove or vary a restrictive covenant using a planning permit. The effect is that responsible authorities will have greater discretion to approve the removal or variation of a restrictive covenant in circumstances where the restriction is inconsistent with what is permissible under the planning scheme, zone and overlays that apply to the land to which the covenant applies.
- Incentivises referral authorities to comply with prescribed timeframes by making it clear that if there is a failure to respond within the relevant timeframe, the referral authority is deemed to not object and the permit application progresses without any conditions being recommended or required. To address the underlying resourcing issues that lead to delays, referral authority will be enabled to charge a fee to the applicant when applications are referred to them and responses are provided within statutory timeframes.
- Enables responsible authorities to not consider a submission when it is frivolous or vexatious or irrelevant. It will also be required that an objection must be submitted to the Responsible Authority by the person making the objection and not by a third party.

- Limits the right to apply for a review of a permit decision to VCAT to objectors that have the potential to be impacted and are therefore required to be directly notified of the permit application in accordance with the regulations.
- Requires a proposed amendment to an approved permit to follow the assessment process, that is, type 1,2 or 3, that would apply if the amendment was a new application.
- Establishes a clear process and decision framework for the assessment of extension of time requests for approved permits, including requiring requests to be in a prescribed form, prescribing a clear timeframe for decision-making and introducing decision criteria based on the relevant case law. It is also proposed to specify that an approval to extend a permit must have a minimum extension timeframe of six months and VCAT is being given jurisdiction to review the length of the period that permits are extended.
- Specifies that a permit and its conditions do not extend to subsequent development of land that does not need a planning permit, except in specific circumstances. This would reduce the number of permit amendments and secondary consents that are required, reducing costs and delays for permit holders and freeing up resources within councils.
- Establishes a head of power that would enable the Minister to issue directions or guideline on the form and content of permit conditions and require that any conditions included on a permit must be in accordance with the requirements of the direction or guideline.
- Establishes a new process to guide the assessment of plans and documents submitted to satisfy conditions on planning permits. The process would require the responsible authority to endorse or reject submitted documents within a prescribed time and send a referral to a referral authority within a prescribed time if required. If the responsible authority does not make a decision to endorse or reject the plans within the prescribed time, then the plans are deemed to satisfy the condition.

These changes to the legislative framework for planning permits that are necessary to make better decisions faster.

Other reforms to the Act

The Bill, as I will now explain, also makes a range of other improvements to the Act. The Bill:

- Ensures that the planning system is focused on delivering the outcomes that the community desires and expects it to deliver by aligning the objectives of planning in the Act with community aspirations identified during the development of a Plan for Victoria. This includes making it an explicit objective of the planning system to promote the rights, interests and values of Traditional Owners and enable Registered Aboriginal Parties (raps) to be notified of, and then participate in, strategic planning for Country.
- Provides developers and the community with greater certainty about future changes to land use and development in the state by requiring planning scheme amendments authorised and approved by the Minister for Planning to be consistent with strategic land use and development plans such as Plan for Victoria.
- Improves the efficiency and effectiveness of future compliance monitoring and enforcement by providing new tools, and updating penalties and sanctions, to reflect regulatory best practices that have evolved since the Act was established in 1987. The Bill also provides for better coordination between enforcement agencies and transparency and accountability in respect to the use of powers.
- Eliminates ambiguity, reduce claim management costs and reduce future financial liabilities of the State due to planning compensation claims by making a range of technical changes to planning compensation provisions.
- Reduces administrative burdens associated with the Distinctive Areas and Landscapes scheme by making technical changes and aligning the processes for developing and making amendments to affected planning schemes with the new planning scheme amendment processes included in the Bill.
- Acquits Independent Broad-based Anti-Corruption Commission (IBAC) Operation Sandon recommendations and outstanding recommendations of the Environment and Planning Committee of the Legislative Council by requiring transparency in decision making; requiring financial relationships and donations to be disclosed; extending the period of time available to commence prosecutions for contraventions of planning laws; and in specified circumstances, eliminating the notice authorised officers need to provide to entry land (except places of residence) for compliance monitoring and enforcement purposes.

- Amends the Infrastructure Contribution Plan provisions to:
  - Enable revenue for icps to be used to acquire land that is needed for the purpose of establishing new infrastructure and facilities;
  - Provide clear authority to include in an ICP, infrastructure, facilities and services that are located outside of the plan collection area but are needed to address the needs of land owners and occupiers within the plan area;
  - Reduce the level of project detail required when icps are established and enable specific projects to be identified and prioritised for funding as part of a subsequent process, so that funding can be used more effectively to address emerging community needs;
  - Enable ICP administration costs to be paid for from ICP funding; and
- Improve the Growth Areas Infrastructure Contribution (GAIC) scheme by:
  - Enabling the staging of payments on progressive subdivision of land;
  - Provide clear authority to fund infrastructure, facilities and services that are located outside of the GAIC area but are needed to address the needs of land owners and occupiers within the GAIC area;
  - Enable roads and active travel projects to be funded from the Growth Areas Public Transport Fund; and
  - Enabling administrative costs to be funded from GAIC revenue.

I commend the Bill to the house.

Richard RIORDAN (Polwarth) (20:35): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 12 November.

Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, omit this clause.
2. Insert the following New Clause before clause 2 –

"**1 Purposes**

The purposes of this Act are –

(a) to amend the **Domestic Animals Act 1994** –

(i) to provide for a voluntary authorisation scheme for pet rehoming organisations to assist those organisations to rehome dogs and cats; and

(ii) to further provide for Councils to be informed about animals in foster care in their municipal districts; and

(iii) to provide for the collection of information about the outcome of efforts to rehome dogs and cats; and

(iv) to clarify the powers of authorised officers in relation to entering premises for certain purposes; and

(v) to provide for other minor and related matters; and

(b) to amend the **Cemeteries and Crematoria Act 2003** to provide that that Act does not prevent the placement and burial of animal remains in places of interment.".

3. Clause 2, line 17, omit "2027" and insert "2028".
4. Part heading preceding clause 5, omit "**Pet**" and insert "**Voluntary pet**".
5. Clause 7, lines 3 and 4, omit "**Pet rehoming organisations**" and insert "**Voluntary pet rehoming organisation authorisation scheme**".

6. Clause 7, page 10, lines 26 to 28, omit "domestic animal business (other than an animal shelter or Council pound)" and insert "rearing domestic animal business or pet shop".

7. Clause 7, page 10, after line 28 insert –

"(3) In this section –

rearing domestic animal business means –

(a) a breeding domestic animal business; and

(b) a domestic animal business to which paragraph (e) of the definition of domestic animal business applies.".

8. Clause 7, page 13, lines 21 to 23, omit "domestic animal business (other than an animal shelter or Council pound)" and insert "rearing domestic animal business or pet shop".

9. Clause 7, page 14, after line 19 insert –

"(4) In this section –

rearing domestic animal business means –

(a) a breeding domestic animal business; and

(b) a domestic animal business to which paragraph (e) of the definition of domestic animal business applies.".

10. Insert the following New Clause after clause 33 –

'**33A Persons who may inspect the information register**

(1) Section 68U(2)(b) of the Principal Act is **repealed**.

(2) In section 68U(3) of the Principal Act **omit** ", (b)(ii)".'.

11. Insert the following New Clauses after clause 37 –

'**37A Offence to disclose information**

In section 100B(1) of the Principal Act (where twice occurring) **omit** "5B,".

37B Permitted disclosures

In section 100C of the Principal Act (wherever occurring) **omit** "5B,".'.

12. Clause 42, lines 2 to 10, omit all words and expressions on these lines and insert –

'After section 68U(2)(b) of the Principal Act **insert** –

"(ba) for purchasing or obtaining from an authorised pet rehoming organisation, the source number of the pet rehoming organisation;".'.

13. Clause 43, line 14, omit "Part 5BA" and insert "Part 5B, 5BA".

14. Clause 44, lines 17 to 18, omit "Part 5BA" and insert "Part 5B, 5BA".

15. Insert the following New Part after Part 6 –

'**Part 6A – Amendment of Cemeteries and Crematoria Act 2003**

50A Power to make cemetery trust rules

After section 26(2)(g) of the **Cemeteries and Crematoria Act 2003 insert** –

"(ga) the placement and burial of animal remains in places of interment;".

50B New section 78A inserted

After section 78 of the **Cemeteries and Crematoria Act 2003 insert** –

"**78A Placement and burial of animal remains**

Nothing in this Act prevents the placement and burial of animal remains in a place of interment.".'.

16. Long title, after "dogs and cats" insert "and the **Cemeteries and Crematoria Act 2003** in relation to the placement and burial of animal remains".

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (20:35): I move:

That the amendments be agreed to.

The Victorian government is delivering on its commitment to implement the recommendations of the Taskforce on Rehoming Pets. We are supportive of amendments put forward by the Animal Justice Party in the other place, which provide further assurances to the pet rehoming sector about changes within the bill, such as extending the foster carer registration scheme for a further 12 months from the commencement of the authorisation scheme to allow more time for impacted foster carers to transition. Further, we are happy to support Ms Purcell's amendment on pet burials, in acknowledgement of the very important role pets play in people's lives, and that some people wish very much to have their pets remains buried with them. I thank all the pet rehoming organisations and others who have contributed and engaged on this bill. The government supports these amendments.

Emma KEALY (Lowan) (20:36): I have the opportunity to briefly speak on the amendments made in the Legislative Council, and I do appreciate that part of these amendments is to extend the operation of voluntary registration of foster carers for another two years. The Nationals and Liberals put forward an amendment to extend that indefinitely, so that both systems of registration of rehoming organisations could work in parallel with the registration of the foster carers. I still think that would be a better way to go, and if there is an opportunity in two years to review that, then I would urge the government of the day to consider that. I have been contacted by many, many foster carers who feel quite passionately about maintaining the opportunity for voluntary registration of foster carers, and their voice should be heard.

I do join the minister in thanking all of those who are involved in the care of animals who have been abandoned or who have not been able to find their forever home. I thank them for their work and their dedication to their pets, because they give so much. It is their passion. Many people dedicate their entire life to this and put every dollar towards caring for these animals, and I do greatly appreciate all that they do.

I would like to make a comment in regard to the amendments around the legislative changes which would enable people to be buried with their pets. I completely understand that there are people who care very deeply for their fur babies, and I can understand that this is something that is very, very important to so many Victorians. Given the short period of notice around this amendment, I feel that there was insufficient consultation with cemetery trusts. For those who live in rural and regional Victoria, they are very, very small groups, they are volunteers and they need additional support. I would ask the Minister for Agriculture to work with the Minister for Health to provide a guidance note to cemetery trusts, so that if there are unreasonable requests to be buried with, for example, multiple horses – it only can take one goat. If it is a burial of a whole pet as opposed to a cremated pet, I ask that explanatory note be given out to support our cemetery trusts.

Motion agreed to.

The ACTING SPEAKER (Paul Hamer): A message will now be sent to the Legislative Council informing them of the house's decision.

Transport Legislation Amendment Bill 2025

Second reading

Debate resumed on motion of Gabrielle Williams:

That this bill be now read a second time.

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (20:39): Under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

Sam GROTH (Nepean) (20:41): I rise to give a contribution on behalf of the opposition on the Transport Legislation Amendment Bill 2025. With the time of night and the last two days, I will try to keep this as brief as possible. I will also flag that some amendments have just been circulated to the house that the opposition has not yet seen. We will do our best to go through and we will take them

on good faith from the government that they are needed and do not change the substance of the bill, but obviously we will need time to go through what those are, and I am sure many others will do that before they make their contribution to this bill.

I think everyone here would believe that Victoria deserves a public transport system that is safe, that is modern, that is fair, that protects its passengers, that protects its passengers' privacy, their safety, but delivers genuine improvements in service quality and technology. This bill does some of that, but parts of this bill do the complete opposite. The bill in front of us would authorise audio recordings of passengers in taxis and in rideshare vehicles, not only limited to incident-specific situations but broadly, under this legislation, every time you step into a commercial passenger vehicle you will have your trip recorded via audio. It expands surveillance powers dramatically, it gives private operators access to that recording and leaves the privacy settings to be determined later, not by this place, just by the minister by gazette. It also addresses changes to tokens in the way the Myki system operates, and we will go to that in depth. Of course we know Myki has been two decades in the making. Two decades it has taken to get here since Myki was introduced, and there have been a number of failures under this government for a long, long time. We still do not have tap and go here in Victoria, with other jurisdictions. I look forward to the contribution from the member for Murray Plains, who still tells me that there is paper ticketing operating in his area when it comes to V/Line. Not only are we not seeing tap and go in Victoria yet, we are also seeing paper tickets on parts of the network in terms of regional Victoria, I am told by the member from Murray Plains.

We support safety measures. Of course we support modernisation. We do have some concerns around the bill. I do personally as well. Under section 6 of the Surveillance Devices Act 1999 it is an offence to use a listening device to record a private conversation if the person recording is not a party to that conversation. I understand that the government does not believe there is a conflict in this situation, but through a conversation or an email that we have had with the Office of the Victorian Information Commissioner – and I appreciate the member for Mornington, in his communications with OVIC – they have not been consulted on this bill. They are not aware of a privacy impact assessment, which should have been done, as to how this affects passengers and their private conversations.

I note that we will not be opposing this bill, but at the same time I think people should have an understanding that if this bill passes this place and the other place, once they step into a taxi or a rideshare vehicle, any private conversation that they have will be recorded, whether that is paying for something over the phone, giving their credit card details, whether it is a legal conversation, a medical conversation, or a conversation with their family that may be private. Now, we understand that when you step into a commercial passenger vehicle, into a taxi, you give up some right to that privacy; you are riding in a form of public transport. But at the same time my understanding is in other jurisdictions like New South Wales and Western Australia that recording is only stored locally within the vehicle where those recordings take place and can only be accessed by the police or the regulator.

In this case with what the government is putting forward it will actually be the booking service providers that will have access and will be required to store those recordings. So if you have a conversation that is confidential in nature, and you give your credit card, what you are expecting is someone, for example, at the depot at 13cabs – and nothing against 13cabs, they do the job that they do – and that booking service provider to protect that audio recording. I personally have concerns, and I think Victorians should just be aware that that is the case, that you are relying on 13cabs or Silver Top or Uber or a commercial driver to keep those conversations confidential.

I am going to talk a little bit, and because we have agreed to try to get out of here tonight, fairly quickly, through some of the pieces around Myki. We are asking the government to trust us with our voice data, but this government's record on technology is not the greatest, especially when you think about Myki. Approved in 2005 at around a billion dollars, Myki was due to be fully operational by 2007, and the Auditor-General back in 2015 said that delivery time stretched to over nine years. The cost grew by roughly $550 million – that is 55 per cent – and there was poor planning and vague contracts produced through significant delivery risks that were poorly managed because of shortcomings in the

state's initial governance and oversight. We know there are contracts currently being negotiated around the future of Myki and new things being signed; I hope that eventually we get to a position where we see tap and go like there has been in London since 2014 and like we see in other states here in Australia. We know the full rollout of Myki did not occur until 2012, and there was only limited introduction in 2014. The next contract came through in 2017. The Victorian Auditor-General's Office warned that fewer than half its earlier recommendations had been implemented, and that process risked repeating the same mistakes. In 2013 the government signed a 15-year deal – a $1.7 billion contract – with Conduent business services to modernise Myki and to enable tap and go. Now it is what, 2½ years on, and we still have not seen that. We also know from the state budget this year back in May that the public transport ticketing asset renewal program is running 18 months late and is close to $140 million over budget following a program reset. So Myki has a history of failures under this government. We also know that back in August 2024 this government spent $3.3 million upgrading old Myki readers to 4G because the system was not ready when the 3G was switched off.

In the bill briefing – and I do thank the minister's advisers in the department for the assistance they gave to the opposition and the questions they have come back on notice with today that I have circulated to members of the opposition – we still do not have an exact timeline; we are saying 2026. There is a history of delays under this government and failures when it comes to Myki. Victorians are ready to see it now. After 20 years I think Victorians want to see Myki. They want to see tap and go. They want to be able to use it on their iPhone, not just their Android. It all needs to be done.

The bill does amend the Transport (Compliance and Miscellaneous) Act 1983 to recognise digital tokens, so it allows the implementation of credit cards, debit cards and mobile devices. My understanding is it will only be done on this for full fares initially – there is not the option for tap and go for concession fares. Also for people out in regional Victoria who may start their journey in an area that does not currently carry Myki and who still require e- and paper tickets, there is a concern about how passengers are going to ticket their journey when Myki and those e-tickets do not line up properly. There is no schedule, there is no transition plan, there is no guide on fare enforcement – there are a lot of questions still to answer.

The other part – very minimal changes to the Bus Safety Act 2009 to remove an outdated requirement for drivers to sign paper accreditation certificates – is great, but I think buses in Victoria are a real missing piece in our public transport system. When you come from an area like mine or the member for Mornington's on the Mornington Peninsula, our constituents rely heavily on buses. We do not have a train other than the train that stops at Frankston and the V/Line that runs to Stony Point. Unlike metropolitan Melbourne, 82 per cent of the Mornington Peninsula is not covered by public transport. I know the member for Mornington has advocated strongly for buses to go from his electorate through to the Hastings electorate for people to get across; in my electorate of Nepean people currently cannot get from Flinders to Rosebud – they have to actually go back further into town and back towards Frankston to be able to come back out.

When you are living in those areas – and there are a lot of young people who work in the hospitality sector and in the tourism sector who require public transport to get to and from work – you are talking at times about having one to two buses an hour, without the ability to cross certain areas of the peninsula. It is unacceptable. I thank Mr Luu in the other place, who has spoken to me already, in the short time that I have held this portfolio, about the need for upgrades and changes to the bus network throughout the western part of Melbourne, and that is certainly something that I will be looking into strongly. Again, I do thank Mr Luu for raising that already in the short time.

I will be very quick here – I am at 10 minutes, so I think I am going to get eye-rolls from a few. We are not blind to the risks that both drivers and passengers face when it comes to commercial vehicles, to taxis, to fare evasion, to people being ripped off, being charged without a meter. But there are also alternatives that this government should be looking at, and I hope they continue to look at other options

in this space. We want to make sure that people's privacy is protected as much as they are kept safe. That is why I want to move a reasoned amendment. I move:

> That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government publishes a comprehensive privacy impact assessment relating to the introduction and retention of audio recording, seeks legal advice about the bill's compatibility with the Surveillance Devices Act 1999, and ensures that appropriate privacy, data security, and legislative consistency safeguards are put in place.'

I will leave my contribution there tonight so we can all get home. I look forward to others contributing on the bill.

Josh BULL (Sunbury) (20:52): I am pleased to have the opportunity at this reasonably late hour now to make what will be a short contribution on the Transport Legislation Amendment Bill 2025. I quite like the previous speaker, the member for Nepean. However, I just want to take up some of the commentary around the government's investment in and commitment to transport in this state. What we have seen over these past nearly 11 years is a significant series of investments, whether that be the Metro Tunnel; the removal of 110 dangerous and congested level crossings by 2030; the commitment to North East Link, which is now more than halfway through; or of course the West Gate Tunnel. It is a significant package of reforms that go to getting people where they need to go each and every day. Unfortunately what we saw in that period from 2010 to 2014 was absolute crickets. I will just make the observation that this government has invested, through budgets and programs and projects, each and every day in our growing communities, our local communities, and certainly hundreds of millions of dollars in buses as well, for growing communities and electric buses on top of that, making sure that those connections are important. We of course reserve the right to continue to do that, and I want to thank each and every person that works in public transport right across the state.

I mentioned that this contribution will be fairly short. The bill before the house tonight implements reforms to the commercial passenger vehicle industry by amending the Commercial Passenger Vehicle Industry Act 2017 to strengthen industry laws, particularly in relation to driver misconduct, and improve industry transparency. The bill will also amend the Transport (Compliance and Miscellaneous) Act 1983 to support the introduction of alternate methods of paying for public transport, enabling the use of debit and credit cards as an alternative to Myki. This is a significant change to the network. It is an important change to the network, and it brings us into line with the wonderful major capital cities right around the world, where, whether you are a traveller, whether you are someone who commutes on the system frequently and often, you are able to tap on and move through. You might be coming from Mordialloc, you might be coming from Mill Park, you might be coming from some of the wonderful places – from Sunbury, from Springvale, from all of these places right across our state. You are able to just move through. You might even be able to come from Brighton. The member from Brighton would be happy to just to tap on and move through. These are the things that we know commuters love, and these are the investments that form not just one but a suite, a range of programs and investments that go to public transport in our state.

Not to be a one-trick pony, but we have been able to deliver Metro, North East Link, level crossing removals and provide for a ticketing system, which we know people love, that is going to make a difference each and every day. To add on to all of that, free PT for those under 18 starting 1 January next year – lots of acronyms; you have got to be careful with those at this hour – and making sure that that investment is there for seniors on weekends as well are important measures. There are really important measures that go to commercial transport within the legislation before the house this evening, and I do not have the opportunity or the time to canvass all of those.

I will say this: the investment that this government has made in transport in our state is of course world class – Metro, level crossing removals, North East Link, the airport rail link. Those opposite often come into this place and ramble on about all the problems and issues here and there, but we remain committed to making sure we are delivering, we are working with growing communities and we are

setting this state up to be a world-class public transport state, as we know it can be. These are important investments, and they are investments that we are very proud of.

Given the hour and given the work that has been done by the house both today and yesterday, I want to take the opportunity to very briefly thank every single worker that is involved in public transport projects across the state, building those projects and of course running them – our train drivers, our bus drivers, our ticketing officers, every single person who plays a role. I extend that thanks and acknowledgement to the many people who have brought this bill before the house. With those reasonably short comments, in just over 5 minutes, I happily commend this fabulous bill to the house.

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (20:57): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Business of the house

Postponement

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (20:58): I move:

That the consideration of remaining business be postponed.

Motion agreed to.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Balaclava train station

David SOUTHWICK (Caulfield) (20:58): (1370) My adjournment is to the Minister for Public and Active Transport. The action I seek is that the minister install CCTV cameras around Balaclava station. We have had reports of antisocial behaviour and drug taking on the ramps of Balaclava station. I know Las Chicas and a number of the businesses around there have raised this a number of times. This is becoming a real crime hotspot. I have written to the minister asking for action. I have not heard back. The time to act is now. Minister, please provide CCTV cameras at Balaclava station so the community and the shop traders can feel safe.

Illegal Dumping Taskforce

Bronwyn HALFPENNY (Thomastown) (20:59): (1371) My adjournment matter is for the Minister for Environment. The action I seek is that the minister provide me with information to explain how the recently announced Illegal Dumping Taskforce, with extra financial support, will help clean up the Thomastown electorate. As residents might know, we all have a serious problem with rubbish dumping. I have conducted surveys, responded to residents' complaints, pushed for council to act and install surveillance and also identified rubbish requiring VicRoads' action. But the problem continues, and we have all had enough. It is such a relief to hear this announcement, and residents are keen to find out more.

Morwell electorate housing

Martin CAMERON (Morwell) (21:00): (1372) My adjournment matter this evening is for the Minister for Energy and Resources, and the action I seek is for the minister to explain why she is blocking the development of up to 2000 homes in Traralgon. We are talking about the south-east

Traralgon precinct, an area of 187 hectares on the edge of town. The issue that we do have is coal overlays. We have spoken many a time with the minister, asking for these 40-year-old coal overlays to be overturned. They are outdated, obsolete and stifling this development of 2000 shovel-ready homes. In the midst of a housing crisis, we are calling on the minister to review these coal overlays. Doing this will open up these 2000 houses for the people of the Latrobe Valley. I urge the minister to consider taking this issue up, and I look forward to hearing her response.

Container deposit scheme

Jackson TAYLOR (Bayswater) (21:01): (1373) My matter is for the Minister for Environment. The action that I seek is that the minister updates my community on how many containers have been recycled through the new container deposit scheme reverse vending machine at Wantirna South at the State Basketball Centre. It is a great machine and a great scheme, and I cannot wait to hear how many have been recycled. It is a fantastic scheme – I love its work.

Peninsula Link

Chris CREWTHER (Mornington) (21:01): (1374) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister to update me on any work to address serious concerns raised by residents, commuters, parents, emergency service personnel and students regarding the closure of the southbound lanes of Peninsula Link between Bungower Road and Moorooduc Highway over the last few weeks until today. I previously wrote to the minister outlining the impacts on the state roads Nepean Highway and Mornington-Tyabb Road plus the council road Derril Road and surrounding areas. While these works may be necessary upgrades, the duration and management of the closure have created unsafe and unreasonable conditions, particularly around Moorooduc Primary School.

The community supports infrastructure improvements, but the current arrangements have caused significant and unnecessary hardship. Residents have reported delays of 30 to 45 minutes or more on major southbound roads, including Frankston-Flinders Road, Nepean Highway, Moorooduc Highway, Bungower Road and Mornington-Tyabb Road. There have been increased accidents and near misses, particularly around detour merge points, intersections, the primary school and more. More concerningly, emergency vehicle access has been severely compromised, with paramedics, police and fire services all affected. Residents with medical conditions have missed appointments or have been unable to reach essential health services on time.

Particularly at intersections, such as that of Derril and Mornington-Tyabb roads, there have been major issues. For example, knowing these works were happening, the state government could have put in temporary traffic lights or traffic controls at that location, but instead they did simultaneous works on Nepean Highway, Mornington-Tyabb Road and elsewhere, including during peak school, work and commuter hours. These could have actually been done at a different time. I would urge the minister and her department to consider how and when they do such works in the future and consider consequential impacts as well for my residents. Mornington Peninsula residents do deserve better planning going forward.

Mordialloc College

Tim RICHARDSON (Mordialloc) (21:03): (1375) My adjournment this evening is to the Minister for Education. The action I seek is for the minister to update my community on the progress of building works anticipated as part of the STEM centre upgrades that were funded in the budget. This was a $12.6 million allocation and a significant investment on the back of several stages of support for Mordialloc College. When I was first elected this school had about 570 students. It is now thriving, with 1250 students there. Under the former principal Michelle Roberts's leadership and now Rachael Stone's, this is an exemplary education precinct in the south-east. It is Labor governments that back education. It is Labor governments that invest in our students' future. And in the Mordialloc electorate my constituents know that we have got their back, that their students have the best opportunities to

thrive and that the educators who deliver first-class education deserve the very best facilities. I am looking forward to an update from the minister.

Country Fire Authority Nar Nar Goon and Bunyip stations

Wayne FARNHAM (Narracan) (21:04): (1376) My adjournment this evening is for the minister for sleep. No, it is not. It is for the Minister for Emergency Services, and the action I seek is that the minister look at the urgent upgrade of the Nar Nar Goon fire station and the Bunyip fire station in my area. Nar Nar Goon was built in 1939, and Bunyip is in pretty bad disarray. The minister is at the table, and it would be nice tonight if the minister had a conversation with me about the urgent upgrades. We are coming into fire season, and West Gippsland is going to get absolutely smashed this year in fire season. I would like to hear a response from the minister.

World Bowls Indoor Championship

Alison MARCHANT (Bellarine) (21:05): (1377) My adjournment matter is for the Minister for Tourism, Sport and Major Events, and the action I seek is for the minister to provide an update on how the Bellarine region is going to benefit from hosting the World Bowls Indoor Championship in Ocean Grove in May 2026. This is a really exciting time for our region and the Bellarine. As we announced, the Ocean Grove Bowling Club will host this prestige international event next year, bringing together elite bowlers from over 30 countries to compete in Ocean Grove, showcasing our region also on the global stage. The Ocean Grove bowls club have demonstrated outstanding vision and investment significantly, covering their greens recently to create a truly world-class venue. Their foresight and large thinking has paid off, and this announcement is a testament to that. I just want to take the opportunity to congratulate the CEO Nathan O'Neill, Matt Flapper and the entire team at the Ocean Grove bowls club for their leadership, passion and determination in securing this event. I am really proud to have advocated to help support this event and bring the World Bowls Indoor Championship to our region, and I am looking forward to May 2026.

Working from home

Anthony CIANFLONE (Pascoe Vale) (21:06): (1378) My adjournment matter is for the Premier, and the action I seek is for the Premier to provide an update on the Victorian Labor government's commitment to protect the rights of working people to work from home. Working from home of course works for families. It is good for the economy, and that is why we have commenced community consultation on the proposed new laws which will provide for people who can reasonably do their jobs from home two days a week the right to do so across the public and private sectors. We have recently completed that record-breaking statewide consultation survey, hearing from workers and employers, because we want to ensure the final legislation reflects real-world experiences. Victorians have spoken loud and clear. They want and need their right to work from home to be protected, with the statewide survey finding that more than 74 per cent of employees surveyed – that is 25,700 people – said the right to work from home was extremely important to them. More than 3200 said they did not feel they could ask their current employer to work from home. Of those who could work from home but currently do not, most had requested it but were refused. Almost all of those who were refused felt it was unreasonable, and the vast majority said it led to further challenges for them in the workplace.

Survey respondents were asked to rank the benefits of working from home and stated that saving time was the main reason, with more than 13,300 saying their one-way trip to work takes over an hour. The second benefit was saving money, with many saying commuting costs between $25 and $49 a week. The third-highest benefit of working from home was being able to focus without distractions. Additionally, more than 28,700 people told us they were more productive when working from home in terms of hours worked and milestones achieved and that two days was the most common theme of people working from home. Ninety-four per cent of people surveyed were employees, 60 per cent were employers, 57 per cent were female, 40 per cent were male and 53 per cent were parents or carers. The number one age bracket was 35 to 44. Forty-four per cent said there was someone else in their household who works from home; of those, 83 per cent said it makes a big difference.

Along with the statewide survey, I am very pleased to draw the Premier and the Parliament's attention to the outstanding parliamentary internship report that was undertaken by Owen Rees from Deakin University, in my office. 'A right or a privilege? Working from home in the state electorate of Pascoe Vale' found that 63 per cent of Pascoe Vale survey respondents currently work from home, 70 per cent of local respondents wish they could work from home and 70 per cent support a legal right to work from home for jobs that can reasonably be done from home. People who work from home save money and report higher job satisfaction, less burnout, less stress and more job security. Fifty-seven per cent strongly agreed it saves money, 67 per cent strongly say it supports household wellbeing, 48 per cent said it supports more productivity and 60 per cent said they are more likely to visit the local shops, retail strips and cafes and support small businesses. Working from home is important for women, with 84 per cent of local women respondents saying working from home is very important to their households. Working from home increases the labour force participation for mothers, carers and people with mental health conditions and physical conditions. The report put forward three recommendations for government to consider, which I draw the Premier's attention to, and I thank Owen for his hard work. He did a number of street stalls and train stations, and we did a lot of information distribution with locals to get a really good turnout. He has done a fantastic job, and I draw the Parliament's attention to the report.

Responses

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (21:10): The member for Narracan had a matter for me regarding his very good Nar Nar Goon CFA brigade, which I know he is a very strong supporter of, along with the member for Pakenham. These two members are very strong advocates for this very hardworking brigade. They have a lot of call-outs. I really enjoyed meeting them a few months ago and having a look at their station and their needs. While this is an operational matter for the CFA, I do absolutely understand and respect the member's advocacy, and I am more than happy to keep talking to him about his support and advocacy for his CFA. I will refer all other matters on.

The DEPUTY SPEAKER: Before we adjourn, I want to take one moment to thank our clerks and our attendants for the last two days. We could not do it without them. The house stands adjourned until tomorrow.

House adjourned 9:10 pm.