



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 17 August 2023

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Matthew Bach

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

¹ Lib until 27 March 2023

² LDP until 26 July 2023

Party abbreviations

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

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Thursday 17 August 2023

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

Bills

Charter of Human Rights and Responsibilities Amendment (Protection from Torture and Slavery) Bill 2023

Introduction and first reading

David LIMBRICK (South-Eastern Metropolitan) (09:34): I introduce a bill for an act to amend the Charter of Human Rights and Responsibilities Act 2006 to provide for the protection of certain non-derogable rights, to repeal the power of Parliament to override the charter, to consequently amend the Subordinate Legislation Act 1994 and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

David LIMBRICK: I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Committees

Scrutiny of Acts and Regulations Committee

Membership

The PRESIDENT (09:34): I advise the house that I have received a letter from Mr Limbrick resigning from the Scrutiny of Acts and Regulations Committee effective from 16 August 2023.

Papers

Department of Families, Fairness and Housing

Government Response: Legislative Review of Parts 5A and 11 of the Family Violence Protection Act 2008 (Vic)

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (09:35): I move, by leave:

That the government response to the legislative review of parts 5A and 11 of the Family Violence Protection Act 2008 (Vic) be tabled.

Motion agreed to.

Papers

Tabled by Clerk:

Family Violence Reform Implementation Monitor – Legislative review of family violence information sharing and risk management: reviewing the effectiveness of Parts 5A and 11 of the *Family Violence Protection Act 2008* (Vic), May 2023, under section 144SA of the Act.

Statutory Rules under the following Acts –

Child Wellbeing and Safety Act 2005 – No. 82.

Electricity Industry Act 2000 – No. 83.

Gas Industry Act 2001 – No. 84.

Health Records Act 2001 – No. 85.

Water Act 1989 – No. 86.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:40): I move:

That the Council, at its rising, adjourn until Tuesday 29 August 2023.

Motion agreed to.

Committees

Parliamentary committees

Membership

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:40): I move, by leave:

That Mr Berger be a participating member of the Environment and Planning Standing Committee and the Legal and Social Issues Standing Committee.

Motion agreed to.

David LIMBRICK (South-Eastern Metropolitan) (09:41): I move, by leave:

That Mrs Deeming be a member of the Scrutiny of Acts and Regulations Committee.

Motion agreed to.

Members statements

Clifton Hill Primary School

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:41): Last week I had the pleasure of joining my colleague in the other place the Minister for Education for the official opening of Clifton Hill Primary School senior campus for year 5 and 6 students. We were of course joined by the project managers, builders, architects, the students and the staff. I was very impressed by these new state-of-the-art facilities, including a new three-storey building, which will create learning opportunities and make it easier for our dedicated teachers to do their work. I was also impressed by the colourful masonry at play. If you ever drive past Clifton Hill Primary School, you will see the nice green bricks. It was some fantastic work by the skilled tradesmen. I was also impressed by the energy efficiency. We have obviously double-glazed the windows and all this other energy efficiency stuff, making use of natural light. It is really a state-of-the-art building that we have built. Clifton Hill Primary School is an important institution in the north. It has been around since 1874, and it is clearly thriving. I am proud to be part of a government that has made this project a reality for the community now and into the future. Thank you again to school principal Megan Smith and the student leaders, Dolly, Skye and Luca, for making me and our education minister feel so very welcome. Congratulations again to Clifton Hill Primary on this exciting new chapter for their fantastic local school.

Government performance

David DAVIS (Southern Metropolitan) (09:43): Victorians will be shocked by the increasing evidence that this government has no commitment to integrity, increasing evidence that this government has decided to block and stop incremental, sensible improvements in our integrity regime, and after 20 years of the last 24 years in government, it is a tired government, it is a government that is corrupt to the core, it is a government that has a lot to hide. It does not want more powers at IBAC. It does not want more investigation by IBAC or the Ombudsman. It is a government that has got a lot to cover up. And the prime person who is involved in this cover-up is the Premier – Premier Daniel Andrews. He is rotten to the core. I have to say the extraordinary statements he made at the time of the *Operation Daintree* tabling – that ‘It was an educative report’ and that there were no negative references – well, the former IBAC Commissioner has made it very clear that it was not purely an educative report. It was a report that laid out a series of negative findings about the government, negative findings that may not be criminal but were certainly corrupt. And the decision to try and spin that down reflects poorly on the Premier and – *(Time expired)*

Housing affordability

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:44): Yearly unlimited rent increases are still unlimited rent increases. We need to limit the amount that rents are rising so that people are not pushed out of their homes by unreasonable rent hikes. Yesterday was the Premier’s opportunity to push for true action for renters, and instead, at national cabinet, he has agreed to measures that will have literally no impact on renters in Victoria – none. It is rental stress, business as usual, here in Victoria – an absolute missed opportunity to freeze rents or even just cap the amounts that rents can rise. Thanks for nothing.

Community sport funding

John BERGER (Southern Metropolitan) (09:45): Last week I had the privilege of representing the Minister for Community Sport in the other place Minister Spence at the official launch of the Orrong Park Tennis Centre redevelopment and the Orrong Romanis Reserve sports lighting upgrade – it is a mouthful because it is a big deal. The Andrews Labor government has invested \$90,000 into new floodlights and \$250,000 into a massive sports lighting upgrade, and you can see the difference. On Thursday night hundreds of kids were running around with their families proudly watching on. I am proud of the work our government is doing to support local community sports. We know the importance of physical activity, and sports unite our community – just look at the Tillies. Despite going down, their efforts to unite the nation will not be forgotten, nor will their impact on women’s sport.

We are investing \$201 million to improve community sports and recreation facilities, including through the Local Sports Infrastructure Fund and the country football and netball program. This includes upgrades to create more female-friendly spaces, with better change rooms and outdoor lighting, and the Change our Game professional development scholarships program, which supports women to access professional development opportunities – but make sure you apply soon, as applications close on 28 August. With the Significant Sporting Events program the country football and netball program and the youth aquatic accreditation program, we have a range of active community sports grants available, and I encourage my community to visit sports.vic.gov.au to apply.

Freedom of speech

Renee HEATH (Eastern Victoria) (09:46): I rise to speak against federal Labor’s proposed misinformation bill. This bill gives the Australian Communications and Media Authority, or ACMA, unprecedented powers and would lead to digital companies self-censoring views that are held by Australians to avoid the risk of huge fines. Freedom of speech is something that has been developed over centuries that humanity has only learned through great suffering. When we take that freedom away, we risk returning to that suffering to relearn the same lessons. The origin of free speech is about the ability of everyday people to question ruling powers without fear of retribution. If this bill passes,

any skerrick of free speech we have left in this country will be absolutely destroyed because people will live in fear of retribution. It is also a sign of insecure leadership that cannot be questioned or criticised –

Sorry, I just got distracted. Can I continue?

The PRESIDENT: You can start again if you like. We will reset the clock. That was my fault.

Renee HEATH: Thank you. That is all right. I rise to speak against federal Labor's proposed misinformation bill. This bill gives the Australian Communications and Media Authority, ACMA, unprecedented powers. It would lead to digital companies self-censoring views that are held by everyday Australians. Freedom of speech is something that has been developed over centuries that humanity has only learned through great suffering. When we take that freedom away, we risk returning to that suffering to relearn those same lessons. The origin of free speech is about giving everyday people the ability to question ruling powers without fear of retribution. If this bill passes, any skerrick of free speech we have left in this country will be absolutely destroyed because people will live in fear of that retribution. It is a sign of insecure leadership that cannot be questioned or criticised and lightweight ideas that do not stand up to scrutiny. The government does not own the truth. It is not the arbiter or the steward of truth. Historically, no government that has ever censored people's speech has been on the side of freedom and democracy. The Australian Human Rights Commission has warned against making any particular body the sole arbiter of truth, and this is exactly what this bill does.

South-Eastern Metropolitan Region basketball grants

Michael GALEA (South-Eastern Metropolitan) (09:49): I rise to update the house on a great number of recent basketball grants in the South-Eastern Metropolitan Region. Deaf Sports Australia is receiving \$15,000 to support the 2024 Asia Pacific Deaf Basketball Championships to be hosted at the State Basketball Centre in my electorate in Wantirna South. With 187 athletes, more than 50 staff and coaches and 850 spectators, it is going to be an absolutely fantastic event. I am also pleased to say that the Australian Chinese Basketball Association has been approved for \$9000 in funding for the Moon Festival Basketball Event, which will be in September this year as well. Another recipient is Basketball Victoria, with \$25,000 in funding approved for the National Junior Classic, again in Wantirna South at the State Basketball Centre, over the King's Birthday long weekend. This is great news for sports fans and for all basketballers in the south-east and broader east of Melbourne.

FIFA Women's World Cup

Michael GALEA (South-Eastern Metropolitan) (09:50): On another matter, how could I let today go by without acknowledging our wonderful Matildas and how they made us so proud last night. What a fantastic run they have had. As colleagues have mentioned already, they have absolutely united us all, as Victorians, as Australians, as one behind them. It is fantastic to see the beautiful game get so much support and love and to see a wonderful, inspirational team like the Matildas driving that from the front. Obviously we are all very disappointed by the result, but we will all be cheering them on on Saturday and we wish them all the best for that. Once again, go Matildas!

Inclusive education

Gaelle BROAD (Northern Victoria) (09:51): The Labor state government recently announced cuts to the visiting teacher service, a service delivered by 117 specialised teachers across the state who provide tailored support to students with a disability and serious illness. The decision was made without any consultation and shows a complete lack of understanding of how critical this service is to the nearly 4000 children who rely on it. In Victoria children with disabilities, particularly in regional areas, already face huge barriers to education. Ensuring access to quality education at an early age is critical because it shapes the opportunities they have in the future. I spoke with a mum whose daughter is deaf, and after trying several different jobs she ended up working with them on the farm because of the challenges she had communicating in the workplace.

This week in Parliament I joined my National Party colleagues to meet with representatives from the Deaf Hub Bendigo, Deaf Victoria, Deaf Australia and Deaf Aboriginal Services. I heard of a 12-year-old girl that had to interpret for her deaf mother in hospital when she was told by doctors that she had cancer and a deaf boy the same age as my own who excelled in maths but has not been able to complete VCE because he knows Auslan but struggles with English. These families need more support, not less. They need better access to education and role models who will show them what can be achieved. But to see this change, it starts with us.

Northern Victoria Region roads

Wendy LOVELL (Northern Victoria) (09:52): The Andrews Labor government's failure to invest in the maintenance of roads in regional Victoria has reached a crisis point. Our road network is crumbling, and our roads are not safe. In the past people in the country have joked about it by saying, 'We no longer drive on the left of the road, we drive on what's left of the road,' but the reality is this is no laughing matter, because country people are dying on country roads. Since 2020 the Andrews Labor government has slashed 45 per cent from the road asset maintenance budget, including \$260 million from the budget this year. While the government continues to pretend this is not an issue, roads remain unsafe and tragically people are dying. TAC data confirms that, as of midnight on 10 August, 179 people had died on Victorian roads this year, an increase of 24.3 per cent on the same time last year. Tragically, 102 of those victims died on regional roads, an increase of 27 per cent on the same time last year. Sadly, 64 people have lost their lives in my electorate of Northern Victoria Region. That is 63 per cent of all regional deaths and includes 11 lives lost in the Moira shire, nine in Greater Shepparton and six lives lost in both Wangaratta and the Yarra Ranges. These are not just statistics but are tragically lives lost on our Third World standard regional road network. In Victoria we have a government that requires our cars to be roadworthy but does not provide motorists with roads that are carworthy.

Public expenditure

Bev McARTHUR (Western Victoria) (09:54): My members statement today is on the inappropriate use of public money. It is a fundamental point, but politicians of all levels should remember that there is no such thing as public money; it comes from the productive efforts of private citizens, individually or collectively, in businesses, family or corporate, large or small. So elected officials are absolutely beholden to use it for the public good – services, infrastructure, defence. Waste in any form is disgraceful, but spending public money on partisan politics is unforgivable.

In recent weeks we have seen this principle disgracefully abused. The Borough of Queenscliffe, Victoria's smallest council, spent \$4000 hosting a yes campaign event, including hundreds of dollars in airfares for Sydney-based co-author of *The Voice to Parliament Handbook* Kerry O'Brien. And balance is painfully lacking at another taxpayer-funded body, the ABC, which is now little more than wall-to-wall propaganda for the Voice, with no effort to present arguments from both sides or to genuinely understand those who oppose the idea.

I condemn the politically motivated waste of ratepayer money by Queenscliffe's council, but at least residents there can vote out the councillors. Perhaps it is time we moved to a system where taxpayers had the same option with the ABC – namely, those who wish to pay to watch this stuff foot the bill, not the rest of us. If you love it, pay for it.

Sheepvention

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:56): I rise today to congratulate the Hamilton Pastoral and Agricultural Society on holding a very successful Sheepvention 2023. It was great to see this iconic rural expo is returning to its pre-COVID role, with excellent crowds. It draws in breeders, innovators, educators and artisan producers from Western Victoria and beyond and of course celebrates all things sheep and more.

Winda-Mara Aboriginal Corporation

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:56): Over the Sheepvention days I also had the privilege to meet with Winda-Mara Aboriginal Corporation at Budj Bim. I thank Winda-Mara CEO Jason Walker, Uncle Michael Bell and the Budj Bim rangers for the opportunity to learn firsthand how the Gunditjmara have cared for this country for over 60,000 years and their work in daily management of a UNESCO World Heritage listed site. This government is very proud to have provided significant funding support that has helped the Budj Bim cultural landscape become a central regional tourism attraction in Victoria.

Banemore Herefords

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:57): On another matter, I also had the opportunity to visit Banemore, a property run by progressive farmers Jonathan Jenkin and Jo Vigliaturo. This second-generation farming venture in Herefords and sheep is in many ways an exemplar in taking on new agricultural technologies, quality assurance programs and of course biosecurity practices. Jonathan and Jo have also worked with Agriculture Victoria to assess their on-farm greenhouse gas emissions and follow up with an action plan to reduce emissions. I would like to congratulate everyone on their unique contributions to the community of Western Victoria.

Business of the house**Notices of motion**

Lee TARLAMIS (South-Eastern Metropolitan) (09:57): I move:

That the consideration of notices of motion, government business, 63 to 171, be postponed until later this day.

Motion agreed to.

Bills**Mineral Resources (Sustainable Development) Amendment Bill 2023*****Second reading***

Debate resumed on motion of Jaclyn Symes:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (09:58): I am pleased to rise and make a contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2023 and to point out that this has been a little bit of a saga. It has gone on for quite some time. There has been a lot of toing and froing, and I pay tribute to the work of David Hodgett, our shadow, and the work that he has done on this. In short, the bill amends the Mineral Resources (Sustainable Development) Act 1990 to change the title of the act and remove requirements relating to work plans and to make consequential amendments to the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 and other acts for the purpose of amending those acts to remove the requirement for holders and applicants of certain licences and extractive industry work authorities to lodge a work plan for the licence or authority; to create a duty requiring a person to eliminate or minimise the risk of harm to the environment, public land, the public, land, property and infrastructure of particular work or rehabilitation carried out by the person – as it should; to provide for a system of risk levels for authorities that determines the obligations which an authority holder must comply with in relation to the duty to eliminate or minimise risk; to remove the requirement to lodge work plans, while retaining requirements relating to rehabilitation plans; to require the regular review of rehabilitation plans; to change the title of the principal act to the Mineral Resources and Extractive Industries Act 1990; and to amend the Melbourne Strategic Assessment (Environment Mitigation Levy) Act. It is described as modernising

the act, bringing it forward with a new model, and I will say something about the model in a minute. But that is the description we hear from the government.

The reforms fundamentally deal with how mining and quarrying works are approved and regulated, and they do introduce a general duty to eliminate and minimise risk of harm to the environment, public land, property and infrastructure, and as I say, that is as it should be. The bill seeks to introduce tiers of risk – high, moderate and low – to determine obligations under the duty. The new duty-based risk framework replaces the existing exploration and mining approvals framework, which relies on the preparation and approval of work plans or of work plan variations. Under the current act a licence or authority holder is typically required to submit or obtain approval for a work plan to commence work under their licence. A work plan outlines the activities to be undertaken under a mining licence.

As I say, this bill amends those acts and establishes this so-called modern, general duty and risk-tiered regulatory framework, and that necessitates a number of consequential amendments. But there are areas of concern, and I will start with some general principles first. More and more of the legislation that goes through this chamber and this Parliament is in this sort of framework where general heads of power are created, and regulations sit under those. The regulations are not visible or transparent at the time the bill goes through the Parliament, so it is always a little bit of a pig in a poke, where we are taking the government at their word. It is always a little bit of a situation where, even with the minister having the best will in the world – let us just impute the best will in the world to the minister – a future minister may have an entirely different set of priorities and approaches. That is one of the things that increasingly concerns me.

It is possible that a good regulatory framework can be derived from this bill, but that will need to be oversighted very closely. It was interesting recently in the UK when I met with a number of the House of Commons and Lords committees on scrutiny of regulations, on the issues around regulations. They are increasingly talking about a need for greater oversight on the regulation-making processes. They are increasingly talking about tertiary regulation, where you have got an authority – you have got a primary act, a secondary set of regulations and then an authority over here that is making determinations on costs and a series of requirements – that is quite distant from the Parliament and quite hard to pull into line. In that sense I think there is an increasing focus around the world as to how we maintain better oversight on regulatory processes, cost processes associated with regulations and the safety regulations that are needed to ensure good outcomes but do so in a way that does not excessively or unreasonably penalise industry or stakeholders. So there is a theoretical set of questions around this approach that is being adopted.

In terms of the government's approach to this, the government certainly has consulted industry, but it does not seem to have consulted widely enough. It does not seem to have consulted with councils, with environment groups or with community groups and a whole range of other stakeholders who ought to have been intimately involved in these processes. So I think the government comes to this behind the eight ball, if I can be honest – a long way behind – and it needs to catch up.

Others in this place, in this chamber, the Greens in particular and the Liberals and Nationals, are concerned about the government's failure to consult on these matters. We had contemplated moving a reasoned amendment to try and force the government to actually consult more broadly, particularly as we move towards regulations. I know that the Greens had intended – I may be foreshadowing more than they want me to foreshadow, but I am just going to put it on the record so they know what we think – and certainly foreshadowed a reasoned amendment to force consultation with community groups. We think that that was quite proper.

Our shadow David Hodgett has been negotiating with the government and they have come forward just today indeed with an agreement to broaden their consultation and in particular broaden their consultation with industry, with the community sector and with councils. I am going to read from the letter that has just been received in the last few minutes, because I think it is a welcome letter. This is

from the Honourable Lily D'Ambrosio, who has not had a great week I might add in between her activities having people who are dead enrolled from her office. She writes to David Hodgett:

As stated in my second-reading speech, the Government plans to undertake a comprehensive consultation process with LGAs, stakeholders, industry and community groups on the development of the regulations that underpin this Bill across the four years leading to the Bill coming into effect in 2027. The Government has already committed funding in the 2022–23 State Budget to begin the consultation process.

She indicates that Minister Stitt will confirm this in the committee stage, and we will certainly go into the committee stage to seek some further commitments.

These additional commitments to you are contingent on the Coalition's support for the Bill's passage with no amendments ...

Well, we had no intention of amending the bill. Our concern was this issue of consultations and where they were going. I struggle with the government's idea that it is contingent on our supporting the bill. We are not opposed to some aspects of the bill. It is this regulatory process that we are concerned about. So to the extent that the government is now giving a strong commitment, a written commitment that they will undertake that broad consultation as part of the regulatory process, we will be assuaged, at least to some extent, but we will be watching very, very closely indeed to make sure that those commitments are honoured. We do want a better regulatory –

Evan Mulholland interjected.

David DAVIS: Well, this is the point I alluded to earlier. Even if you impute the best motives in the world to a particular minister, there is no guarantee that that particular minister will be the one that is implementing it.

Further, obviously 2026 is the next election period, and it would be hoped that Mr Hodgett is the minister at that time, or someone from the Liberals or Nationals is the minister at that time, and we will certainly, in developing those regulations, be broadly consulting with industry, local government and the community sector as well. I am making that commitment here, which we would honour if we were elected, that we would be ensuring that those regulations are developed in a collaborative way.

It is a pity that it came to this point. As I say, there is much in the bill that we are not opposed to. There is this deeper principle, which I think the chamber and the community is going to need to grapple with increasingly as we go forward, about whether this model of setting up a head of power with regulations – and the feds do this more than we do traditionally at a state level – is the best way forward with lots of areas of government legislation and regulation. The broad principles are actually clear. We want to hold those who are undertaking extractive industries accountable. They are to be responsible for the impacts of what they do and that should be transparent.

It should be regulation that is designed to be lowest cost. So you do not want to unnecessarily load up industry, but at the same time communities have a right to expect that extractive industries will operate in a way that is safe, that respects the environment and that actually leads to a protection of a whole set of values, including heritage and environmental values, as part of that process. I hasten to add that extractive industries are important in terms of the costs of construction, both domestic construction and larger projects, and we do need a supply from the extractive industries, and we do need a supply that is at a sensible cost. These are things to be properly balanced, and if they are properly balanced in the regulatory process they will certainly have the support of the opposition.

We are heartened that the government has come to its senses and has agreed to broaden its consultation. As I say – and I am quite clear with the Greens on this – if it was not for the fact that both the opposition and the Greens were determined to force a higher level of consultation, the government would not have given those commitments. So I think it is important to have that on the record, and in that sense we are not opposing the bill. We will seek some questions before committee if the minister wants to do that. I think actually there are some on our side that want to go into committee though, so she can

probably do it at the start of the committee process, and there is a set of questions that a number of our backbenchers want to ask.

Sarah MANSFIELD (Western Victoria) (10:12): I rise today to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023, and I thank Mr Davis for his contribution and agree with many of the sentiments expressed, particularly the concern around a lack of transparency with regard to the regulations that this legislation will be relying on in order to implement changes on the ground and additionally the lack of consultation, and that is something I will touch on further. It is somewhat reassuring to hear that there has been a letter or some reassurances provided by the government with respect to consultation. I do note, however, that this consultation will be taking place after the legislation has passed, not before it has been brought to the Parliament, and furthermore, we have not actually seen these reassurances ourselves, but it is welcome if there will be some degree of consultation taking place at some stage.

However, in terms of our position, we understand that the approvals process for mines in Victoria is not working perfectly. It is an area that has been long overdue for reform. However, the solution that this amendment bill represents is flawed, and we believe it should not pass through the chamber today without thorough reconsideration. Local communities, councils and environment groups have raised many concerns with us. Key to these and the Greens' concerns about the proposed amendment is the removal of the requirement for mining companies to lodge work plans with the Earth Resources Regulator. Work plans are an essential component of a transparent and accountable planning and approvals process. They include a mining company's plan for community engagement, their strategy for elimination and mitigation of risk and proposals for rehabilitation at the end of a mine's life, and because mining licences are not publicly available documents, work plans are often the only accessible documentation for communities that detail local mining and quarrying projects, unless of course they want to lodge a lengthy, expensive and often fruitless FOI request.

From what I understand, there have been problems with the work plan process which have led the department to explore avenues for troubleshooting and repair. However, this legislation proposes that instead of attempting to fix the system we have, work plans should be scrapped entirely, and what will be left in its place is the duty for mining companies to self-assess the risks of their projects, the risks that they pose to the environment, and minimise these risks without public scrutiny.

Recently the Environment Protection Authority in New South Wales conducted an investigation into a gold and copper mine that is potentially contributing to higher levels of heavy metals in nearby residents' blood. The CEO of the New South Wales EPA, Tony Chappel, has called for an overhaul of the New South Wales legislation and regulations and criticised self-regulation and monitoring that currently occurs in the mining industry in that state. In a recent ABC report, Chappel commented:

I think there is a policy discussion to be had in government about how do we more effectively and more deeply embed the expert environmental and engineering advice right at the start of the assessment process for projects like this.

It is concerning that here in Victoria we are perhaps moving away from this notion with the legislation that is proposed. Without the requirement for a work plan, the first and only step in the approvals process becomes planning permission. This shifts the preliminary decision regarding mining and exploration activities from the resources department and Earth Resources Regulator to local governments and the planning department. Objections will still come to councils and the Minister for Planning will remain a referral authority, but neither the community nor council will have the benefit of an ERR-endorsed work plan to assess a project's level of risk, the adequacy and honesty of a company's mitigation efforts or the long-term costs and benefits of the proposal.

Councils are multifaceted systems of government with core competencies across a diverse range of expertise. However, the feedback the Greens have received from a significant number of rural and regional councils, who are the ones who will be directly impacted by this change, is that they may not have the technical, geological and environmental expertise to properly assess and approve these types

of projects in the absence of a work plan. They are not able to bring together dedicated teams of geologists, ecologists, environmental scientists and First Nations historians in the same manner that a department or a regulator may be able to. It is actually not clear what information councils will have available to them in order to make their decision, beyond a company's self-assessed risk plan. What is more, none of the councils we have communicated with were able to tell us how they believed they would be able to implement this planning approval change, because they did not know the change was taking place at all. They have not been advised, let alone consulted, on the proposed legislation by this government. The first they heard of it was from us reaching out to them to see what they thought about it. We have been informed that consultation with councils will take place after the legislation has been passed through the chamber. That is not consultation but notification of a decision, at best.

I will quickly take this opportunity to pass on a summary of the key feedback that government may have heard if they had in fact consulted with impacted councils. Rural and regional councils have told us that regulation of mining activities should be a state responsibility via the environment effects statement process managed by the ERR, with councils best suited to providing local perspectives. Work plans are a very important part of councils' assessments of mine proposals, and several community organisations fear their removal could gut transparency. Self-regulation of these projects is inappropriate and should be done by the state government, given the environmental risks and the very real prospect of applicants understating their risk to avoid triggering an EES. Councils lack the technical expertise or resources to undertake these assessments. The current EES triggers and processes are inadequate for protecting the environment and the community, and this legislation fails to address this problem. This is another example of cost-shifting onto local government, exacerbating the financial pressure created by rate capping. We heard lots more feedback, but that is a nice snapshot of some of the issues they raised. It is beyond disingenuous for this government to allow mining companies to self-assess their environmental impact whilst forcing already under-resourced local councils to shoulder responsibility of approval that should clearly sit with the regulator.

I would also like to take the opportunity to put on record the concerns raised by environmental and community organisations, who were also not consulted. Put simply, the legislation proposed is largely acknowledged as a backward step for our environmental safeguards. The presumption that mining companies are in a position to genuinely self-assess the environmental risk of proposals through a duty-of-care framework is counter to the experience of many affected communities. Environmental organisations in the community have advocated for the mining sector in Victoria to integrate an environmental impact assessment as an automatic part of the assessment of mining projects for years. The department has not taken the opportunity to do this.

I cannot stress enough how important it is that the government genuinely engages with the whole scope of concerns raised by members of our community and environmental organisations. The lack of consultation with all key stakeholders is incredibly disappointing. Our communities and our precious environment deserve better. Given all these concerns, the Greens will be moving a reasoned amendment calling on the government to undertake genuine consultation with key stakeholders, including environmental groups, communities and councils, prior to bringing this legislation back to the Parliament and to take the opportunity to develop the reforms to minerals mining approvals processes in Victoria that we actually need to protect habitat and the community.

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 further consultation occurs with local governments, environmental organisations and regional communities likely to be impacted by mining and exploration.'

Evan MULHOLLAND (Northern Metropolitan) (10:21): I am very keen to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023. Can I particularly note the contribution of Mr Davis and particularly thank the Shadow Minister for Energy and Resources, David Hodgett, who has done a huge body of work consulting on this bill, speaking to stakeholders, speaking to

community groups, speaking to local government and speaking to the community in regard to this bill and the impacts that this bill will have. He has also, as Mr Davis alluded to, been speaking to the government and securing a win for the community – a win to make this bill much more sensible. We heard that earlier from Mr Davis. I just want to read out the minister's letter:

As stated in my second reading speech, the Government plans to undertake a comprehensive consultation process with LGAs, stakeholders, industry and community groups on the development of the regulations that underpin this Bill across the four years leading to the Bill coming into effect in 2027. The Government has already committed funding in the 2022–23 State Budget to begin the consultation progress.

Minister Stitt will also confirm this verbally during the committee process in the Legislative Council.

That is just terrific news. I am really pleased to hear that and really pleased to hear about the outstanding result David Hodgett and the Liberal–Nationals were able to achieve on behalf of the community to make this much more sensible. But, as Mr Davis says, we will be watching this very closely in terms of the regulations. I am under no illusion. When the regulations are drafted and do come into effect, the current Minister for Energy and Resources probably will not be the energy minister –

David Davis: Might not see the end of the week.

Evan MULHOLLAND: quite right – because of actions that have taken place involving people in my electorate and involving Italian clubs that I have visited numerous times and that I have spoken at. As I said yesterday, I am deeply offended on behalf of my Italian community. We will be watching these regulations very closely and keeping a close eye on this, but as Mr Davis said, we hope that Mr Hodgett will actually be the Minister for Energy and Resources at that time.

The bill amends the Mineral Resources (Sustainable Development) Act 1990 to change the title of that act and remove requirements relating to work plans and makes consequential amendments to the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 and other acts for other purposes. The main purposes of the bill are to amend the Mineral Resources (Sustainable Development) Act 1990 to remove the requirement for holders and applicants of certain licences and extractive industry work authorities to lodge a work plan for the licence or authority; to create a duty requiring a person to eliminate or minimise the risk of harm to the environment, public, land, property and infrastructure of particular work or rehabilitation carried out by the person; to provide for a system of risk levels for authorities that determines the obligations with which an authority holder must comply in relation to the duty to eliminate or minimise risk; to remove the requirement to lodge work plans while retaining the requirements relating to rehabilitation plans; to require regular review of rehabilitation plans; to change the title of that act to the Mineral Resources and Extractive Industries Act 1990; and to amend the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 to reflect the removal of the requirement to lodge work plans.

I do want to note that I think the rehabilitation plans and those requirements are quite important. I know from speaking to the community that there have been too many examples in the past where a quarrier has gone in, extracted all the resource over several years and made money off that, and then all of a sudden, when it comes to the end of life of that quarry and it is time for that quarry to be rehabilitated, the company goes bankrupt or insolvent and the land is left unrehabilitated. That part of it is really important. I think these are welcome developments, so we are very keen to see the regulations around them.

I want to take the house to an issue in my electorate that I want to discuss, and that is the Beveridge North West precinct structure plan, where a quarry that was not in the original PSP was taken in and then all of a sudden it was there. This is in Wallan, where from what I hear it is looking like that quarry might actually be approved despite strong community opposition to that quarry. Wallan is a growth area. I know the Leader of the Government would be familiar with it, having her electorate office there, despite it now being in my electorate. It is a growth area. It is where a lot of housing is going in, and understandably there is strong community concern about what the impacts of the quarry might be.

I am not against quarrying – I am actually quite in favour of quarrying – but I have sat down with a lot of the community in Wallan and spoken to them about their concerns and attempted to assist them in passing their concerns on to the government.

I just want to note and point out a few things that illustrate, I guess, the ability of the Minister for Planning to make decisions based on the margin of the seat. The Labor member for Preston seems to have some influence with the minister, who has now heritage listed parts of the Preston Market. The Labor member for Preston does seem to have influence over what the minister can do and what the minister cannot do. After staying silent throughout the whole election campaign and having no policy on the Preston Market and having a brush with political death in the seat of Preston, the Labor Party have literally picked up the Liberal Party's election policy to heritage list the market and put it forward as their own.

The delivery of that is another story. If you speak to the traders at the Preston Market, they seem to have a lot of issues with the government. But I guess the point I want to make is: why is the Labor member for Kalkallo not nearly as influential as the Labor member for Preston? And that might just have something to do with the margin of the seat. I do not think it is right that the minister seems to have a difference of opinion based on the margins of different electorates, and that is something that is deeply troubling to me.

I do want to point out in regard to the Wallan quarry issue that it was revealed this week that Mitchell Shire Council actually spent around \$1.3 million of ratepayers money opposing the quarry in Wallan. While I have met with the stop the quarry group, I have listened to their concerns and I have advocated on their behalf, I am quite troubled by that amount of ratepayers money by a local council being spent on a campaign that locals tell me they would have run themselves anyway. If you speak to people in Wallan and Beveridge, most people are against the quarry, but they also say they would have preferred that money to go to fixing local potholes in council roads, go to upgrades of community infrastructure or maybe go towards Wallan having an aquatic centre. When you have got, in Mitchell Shire Council, Wallan and Beveridge making up the majority of the ratepayers in that shire but the majority of their rate money being spent up north in Seymour and Kilmore, I can understand locals' frustration that Mitchell Shire Council is jumping on a campaign and excusing itself of spending legitimate dollars in the town by spending money on a political campaign. As some of my other colleagues have said in this place, I do not think it is the place for local government to be so involved in political campaigns. I have been to see Mitchell Shire Council, I am very friendly with Mitchell Shire Council and I work with them on a lot of issues, but that was quite troubling to me, despite my advocacy on behalf of the community on this proposed quarry.

I want to note a few people in particular that I have met with, particularly the stop the quarry group. Also, I want to acknowledge Claudia James from the Wallan Environment Group, who I spoke to quite a bit. I know she is quite passionate about setting up an environmental park in Wallan but also quite passionate about – like many in the northern suburbs – protecting the Merri Creek. Many people feel like the Merri Creek could be impacted if a quarry was placed there.

Going back to the bill, the bill is about modernising regulatory approval processes for the exploration, mining and quarrying industries in Victoria, and there is general consensus that this legislation is a step forward and has a lot of positives. There is also recognition that this is a four-year process, and while there will be a comprehensive implementation process, we need to ensure that the government delivers on its stated commitment to early, ongoing and meaningful engagement with industry and other stakeholders on the regulations and guidance materials that sit below these amendments.

I think, as Mr Davis says, the devil is in the detail with these regulations, and in four years time I very much doubt the minister for energy will be the current one. It could be the case that she is not the current one by next week, to be honest, with the way they have quite disgracefully shamed themselves with what has been exposed and how they have used and abused multicultural communities for their own factional benefit. So the minister might not be the minister by next week. The devil is in the detail,

and we will be watching. We will absolutely be watching this. As I discussed earlier, we also will claim that win for the Liberals and Nationals – the minister has given us assurances, in writing, that there will be consultation. That is just another example of the Liberals and Nationals and the great shadow minister in David Hodgett actually achieving outcomes for the community. The Greens can go on and pull some stunts and things like that, but here you have got a sensible and mature opposition engaging with the community, engaging with stakeholders and engaging with all sorts of groups across the community and local government sectors and achieving outcomes on behalf of our communities. I commend this bill.

John BERGER (Southern Metropolitan) (10:36): I rise to deliver my contribution to the discussion surrounding the Mineral Resources (Sustainable Development) Amendment Bill 2023. This bill was introduced late in June to the Legislative Assembly, and the bill represents something that goes to the core of this government's belief, and that is progress – progress for a better future for Victorians. I will give some background on the act that it proposes to amend before we go further into the bill itself. It is a pity Mr Davis is not here, because the government has already committed to a comprehensive consultation process – nothing has changed, and the letter that was provided to the opposition confirmed this commitment. The minister in her second-reading speech on this said that the government will undertake a comprehensive consultation process with LGAs, stakeholders, industry and community groups on the development of regulations that underpin this bill across the four years leading to the bill coming into effect in 2027. The government has already committed funding in the 2022–23 state budget to begin the consultative process. Also, it is a pity Dr Mansfield is not here, because I think it is not right and quite a lie to say that companies can self-assess their risks. It is clearly written in the bill that the regulator will determine those risk tiers.

Getting back to the bill itself, the principal act, which was legislated under the Kirner government in the 1990s, states its purpose as 'to encourage mineral exploration and economically viable mining and extractive industries', with reference to the importance that the implementation of such industries, in accordance with environmentally safe practices, does not breach native title legislation. Much has changed since the principal act came into effect. Whilst the act does acknowledge the need to be sensitive to our environmental and cultural issues, it was written at a time when we knew much less about the extent to which excavation and extraction could damage the land of Victoria. This unfortunately is a tragedy that cannot be undone – a tragedy that is felt deeply on this side of the chamber and, I am sure, shared by many of my colleagues here and in the other place.

However, rather than lingering on mistakes of the past, this government is getting right to the business of ensuring that our legislation is entirely reflective of how far this state has come in righting the wrongs of the past. Not only do we have the most ambitious climate policy platform of all governments in Australia, including the Commonwealth, we are among the governments leading the world in our emission reduction targets. The Andrews Labor government was also the first Australian government to take meaningful steps towards treaty. We are also the first state in Australia to introduce a voice for Indigenous Australians, the First Peoples' Assembly of Victoria, and that is the place that this bill comes from. We are introducing strong reforms that will stand the test of time as we transition to cleaner resources of energy – strong reforms that ensure that our existing industries are held to a higher standard, reflecting how world-class our state is. This will be relevant and apply to any form of mineral exploration and excavation from mining and quarrying, as any form of excavation has several inherent risks attached to it. These risks affect many different areas. All dangers must be addressed, from worker safety to the protection of culturally significant sites.

How exactly will this bill improve safety and risk regulation in the mineral resources industry? There are several ways that this bill seeks to improve the state of safety in the Victorian mineral resources industry, sensitive to mining, quarrying and the inherent relevant fields respectively. The first is the introduction of a new regulatory framework that will drive the high standards in terms of the regulation of safety on mineral resources extraction sites. This framework will be a statutory primary duty that is risk-orientated and outcome-focused on the practical realities of operating a mineral exploration or

excavation site. It will be flexible and streamlined to ensure that it is a quick and effective regulatory body that does not leave approval applications lost in the grey zone or red tape. This also eliminates the requirement of individual mineral resources extraction operators to submit individual work plans, a system that has proved to be not as fit for purpose as it once was thought. Ultimately, the introduction of this framework will greatly improve the function of mineral resources extraction in this state as we go into the future.

After extensive consultation with the community and stakeholders this framework will no doubt lead Victorian mineral resources extraction into the future as we move forward to become a more modern state. In fact we consulted widely with local government, industry and the broader community, including representatives of traditional owner groups, environmental justice advocates and landowners, during the development of this bill, not just once but over many years. The bill creates a framework for transitioning to a duty-based model, every aspect of which is going to be set out in law, in the regulatory framework, in codes and in standards as a duty-based model. All of this will be subject to a massive consultative period and a massive public consultative process before it comes into effect in 2027, so rest assured that industry and the wider community can have confidence in the standards set. The purpose of doing this is to either eliminate or, if that is not possible, mitigate the risks for the mineral resources extraction industry.

Let us turn our eyes to the exact content of the bill and examine how it seeks to achieve this. In terms of the new regulatory framework, or as the bill puts it, the duty, it is all outlined in part 4 of the bill. Part 4, division 2 outlines the role of the duty holder in eliminating or mitigating risks. That role is clearly defined as:

... as far as reasonably practicable, eliminate or minimise any risk posed to the environment, to any member of the public or to land, property or infrastructure by exploration, extractive industry, mining or rehabilitation of land ...

‘Reasonably practicable’ is defined as:

- (a) the likelihood of the risk eventuating;
- (b) the severity of the harm that may result if the risk eventuates;
- (c) what the duty holder of the authority knows, or ought reasonably to know, about the risk and any methods of eliminating or minimising the risk;
- (d) the availability and suitability of any methods of eliminating or minimising the risk ...

and so on and so forth. Clearly this will assist the implementation of a fit-for-purpose regulation system that will ensure that the Victorian mineral resources extraction industry is modern and up to date, like the rest of this state, as opposed to the former system, which was reliant on the assessment of work plans submitted to the department for approval. By replacing the requirement to submit a work plan, approval requests will be far more efficient and transparent. We are leading the country in so many respects, so of course the safety standards of our primary industries should reflect that.

Additionally, the bill goes on to improve the supportive network for regulation of the industry by implementing changes that improve reporting requirements for breaches of safety and the introduction of new risks. With dynamic risk in mind, the requirements will be implemented to ensure swiftness in addressing reported cases as and when safety is at stake. Efficiency is vital. In an ideal world, matters of safety would not be caught in a sea of red tape and would be able to be addressed both quickly and appropriately, which is exactly what these updates to reporting requirements seek to do. Hopefully, after extensive consultation with key interest groups, community members and stakeholders, the new reporting requirements will strengthen the effectiveness of the duty holder’s role. This will mean that breaches of safety that may slip past the watchful eye of the duty holder will still be addressable. It is important that members of the community, employees and so on have a strong, effective process by which they can ensure that mineral resources extraction industries are held to the highest standard.

With that said, let us go back to the specific contents of the bill in relation to the reporting system. Another aspect of this bill that stands out to me is the update of the penalties for breach of the requirements outlined in this bill. This means that the penalty system will be truly reflective of just how severe the endangerment of neglectful mineral extraction is. The Mineral Resources (Sustainable Development) Amendment Bill 2023 also has emphasis on the maintenance of rehabilitation requirements.

One of the particularly admirable aspects of the regulations process being introduced in this bill is this: how it will allow for a much more culturally sound approach to resource extraction in Victoria. That is to say the bill will ensure that respect and acknowledgement of Aboriginal cultural heritage will be integral in the approval process. This country is, after all, the home of the longest continuing culture in the world by a long shot. For too long we have heard stories in the news of culturally significant sites being destroyed. This bill will add one more step to ensuring that these unfortunate losses become a thing of the past, while ensuring that we continue to enjoy thriving resource industries in this state. The bill also is compatible with the cultural heritage management plans required by the Aboriginal Heritage Act 2006.

At the end of the day this is making Victoria safer on several levels: safer for the environment and the community; safer for the people who make a living in mining, quarrying and so on; and safer for people who operate these businesses. This legislation will be a net positive for all Victorians. Whilst the focus of this bill is clearly on the environment, it is important to note that it is ultimately to improve the working conditions of those who work on these sites and to improve overall the quality of life of those who live near these extraction sites.

We have got a good, proud and diverse economy down here in this great state and an incredibly diverse set of industries. This government prides itself on the scrutiny that we have set for these industries' practices. We understand that most employers and employees go through their professional lives with the most diligent attention to safety and to their colleagues' safety, but that is not a uniform truth for every workplace. Like many people on this side of the chamber, I come from a union background and have seen many dangerous workplaces in my time as a state secretary of the Transport Workers' Union, which is why it is important to have a government that ensures the state's legislation is fit for purpose and that it is doing the job that it is supposed to. This is just one of the benefits the mineral excavation and extraction-related industries will enjoy when this amendment becomes law. I would like to reiterate that this is an issue not just with the industries themselves but with the regulations surrounding them, which is exactly why we are taking this legislative action on it.

This bill will ensure a safe mineral resources extraction industry for employees and employers, locals and all Victorians. That is the kind of important work that we do in the Andrews Labor government, ensuring that our laws protect Victoria and Victorians and contribute a net positive to the state. What this bill is about is straightforward: it is about respect for the land, for where we live, and respect for the people that work on it. It is all about ensuring that our industries may exist in such a manner that they are in line with the values of modern Victoria. It is ensuring that we can move towards a more sustainable Victoria without risking the whole of the efforts made by rushing the process. It ensures mining and other resources industries are safe for the people who make a livelihood from them. It is all underpinned by the values held by this government, the Andrews Labor government, that every Victorian has the right to live in a healthy environment and to work on a safe worksite.

Additionally, this will be good to improve transparency surrounding how key players in the mineral resources extraction industry make their decisions. Victorians have a right to know what is going on in the economy that supports them, and this will serve them well by assisting in such transparency measures. And that is not all. We are here today to ensure that we do not make the same mistakes of the past. The Mineral Resources (Sustainable Development) Amendment Bill is being proposed to this house to ensure that our industries continue to advance into the future in a way that is beneficial to everyone, not just them.

To summarise my contribution, this bill represents a step forward for the Victorian mineral resources extraction industry – one towards safety, efficiency and transparency. Believe it or not, they go hand in hand. If I could just take a moment to acknowledge how hard the Andrews Labor government works to ensure that the legislation we pass is benefiting all Victorians, legislation that does not offer a bandaidd solution to big, existential problems – like the effects certain mineral resources extraction projects could have on the environment – but rather recognises the importance of tackling these issues head on with a careful, measured effort so that every Victorian may benefit from our legislation. It is simple. This is decent legislation which does what the Andrews Labor government legislation tends to do: modernise Victorian laws and help our state move into the future. That is exactly what the Mineral Resources (Sustainable Development) Act does.

To sum up, this bill will improve the management of the risks associated with minerals and extractive operations. It will simplify and improve the flexibility of the regulatory framework by streamlining approvals and strengthen community confidence in the minerals and extractive operations by establishing a risk-based framework. Importantly, these reforms do not change the scope of the risks that the MRSD act seeks to mitigate. I commend the work of the Minister for Energy and Resources Minister D'Ambrosio in the other place on this bill. Well done to her team for getting this done, which is why I would like to say I commend this bill to the house and urge all of my colleagues to vote in support of it.

Moira DEEMING (Western Metropolitan) (10:51): I rise to speak against the Mineral Resources (Sustainable Development) Amendment Bill 2023. Yes, it does have a very nice title, but as we have learned, we should not judge books by their covers, and neither should we judge bills by their titles. It should not be this hard to create low-cost fair legislation. It should be clear, it should be easy to understand and it should prioritise accountability and transparency.

Consultation or not, before or afterwards, I do agree with many of the concerns raised by the Greens and by the Liberals in this house, and well done to them for raising them. But as a Liberal, just personally I cannot vote for this bill at all for all of those reasons but especially including the removal of the word 'just' in front of the provision of compensation for the use of and access to private land for the search for and extraction of stone in addition to exploration or mining, because I believe in private property owner rights.

Melina BATH (Eastern Victoria) (10:52): I am pleased to make a brief contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2023. In doing so I want to acknowledge the fact that we are standing in the most amazing house in the chamber, and this house and chamber was actually built on the back of the mining industry. At the time it was the gold mining industry. It could have gone up, but there is roughly \$6 million of gold leaf in our chamber if we took the time to scrape it off, which of course we never would. It is here forever to preserve and admire, but I am just noting the importance of the mining and extractive industries over a period of time, not only to this house but to the wealth and the economy since those early days in the 1800s of our wonderful state of Victoria.

This bill amends the Mineral Resources (Sustainable Development) Act 1990 and just reflects a name change to the Mineral Resources and Extractive Industries Act 1990. It is looking to present a broader regulatory framework, and I will come back to the regulatory position. It also requires a number of consequential amendments, and it is there to bring some modernity to the mineral resources act. It is also looking at that general framework for the minerals and extractive industries and sets out transitional arrangements to move towards that approach from the work plan process.

We do have a very proud history, as I have just mentioned, and minerals across the board in Victoria have played a very important role in our economic fabric for over 150 years. We know that mining companies across the board generate around \$1 billion to the Victorian economy and support thousands and thousands of jobs right across the state and also certainly in my Eastern Victoria electorate. They injected \$500 million into the state's economy back a couple of years ago, in 2020–21. These are good jobs. This is a skilled workforce in an employment area where you are certainly earning

a good wage and therefore creating that wealth in the regions in which you are working: \$152 million in wages and salaries, \$300 million spent on the purchase of goods and services from over almost 2000 Victorian businesses down the supply chain and, for the government, over \$50 million in state payments, always a very important element of those state taxes.

We know we have seen a huge raft of new state taxes under the Andrews government. I think we are tipping the scales on 50 new or improved, apparently –

David Davis: Fifty new or increased taxes.

Melina BATH: Yes, new or increased. I certainly will not call them improved – new and improved headaches for the Victorian public. But our state is certainly an expanding, hopefully, supplier of mineral sands and rare earths, and when we look at the change that is occurring in our state in terms of renewable supply chains, we are in a state of flux and we are in a state of movement. Certainly renewable projects are in the pipeline. Wind turbines of significant matter, size and quantity out off the Gippsland coast, off Ninety Mile Beach, are to be developed and potentially implemented by around 2030, 2032.

We know that there are photovoltaic cells going up on people's houses and solar panels and solar projects across the state and other very important mineral extraction for that. To do that, it has to come from somewhere. We had a renewable energies inquiry in the EPC, the Environment and Planning Committee, last term. I was on that inquiry, and I noted in doing some research that across the board Australia-wide – I could not drill down into those Victorian details – only 11 per cent of renewable componentry is actually manufactured on site in Australia. Hence we import roughly 90 per cent. If you look at it in terms of the global footprint, we are taking it from extractive industries overseas, transporting it across to Australia, no doubt on diesel ships, and then erecting it and installing it in country Victoria. This is important to understand when we look at the whole-of-life cycle and the environmental footprint – carbon dioxide and decarbonising are the words that are often used – and the importance of minimising that.

I live in Eastern Victoria Region. I am very passionate about my area, and certainly we know the Latrobe Valley under Labor is closing jobs down and closing industries down there. So we need to be looking at how we can advance manufacture some of those components for the renewable sector that is coming our way. You may have heard me speak yesterday in relation to the Latrobe Valley Authority and their so-called transition plan that came out. It was a lovely fluff piece of promotion about the Latrobe Valley Authority, and there was not one direct action. There were many worthwhile commentary pieces in there, but there was not one direct action, time line or road map. They spoke about them, but they did not actually give the community any certainty on them or investment for potential industries to come in or the expansion of existing ones. So I put that on record.

We are in a state of flux. We do need these raw ingredients – these various minerals and mineral sands: copper, zinc, gold, base metals, lithium and the like. We need these, and wouldn't it be good if we could get the balance right in Victoria between the extractive industries and the mining and rehabilitation of the sites and issuing these with, where required, environment effects statements. When I first came here – I came in 2015, but around that 2016 time – I was up in East Gippsland with my dear colleague Mr Tim Bull the member for Gippsland East. Many of the interested community were involved in the Fingerboards critical minerals project there not far out of Bairnsdale, and many people were saying that there needed to be an EES. I very much commend my colleague Mr Bull for pushing for that environment effects statement on behalf of local residents. That mine at the time was looking at extracting zircon and rare-earth minerals to use in the production of magnets in electric vehicles. Again, that is another whole part of the new wave that needs to be accommodated – and wind turbines as well as batteries and other sources of renewable energy componentry.

The focus of the concerns of the community there was certainly on the impact on water availability with the Mitchell River. The area is home to valuable agricultural production. I have certainly been to

some of the farms out there. I have also been to the Mitchell River National Park, a state park, I think it might be, and the caravan park there. If you ever want to go and steep yourself in serene serenity at Mitchell park, it is a beautiful place to be.

David Davis: Serene serenity.

Melina BATH: Absolutely. You can also bring your dogs to the caravan park, walk down to the Mitchell River and float down there on a very hot day. I remember it was about 40 degrees when we went. It is such a beautiful place.

Back to the particular mine at the time I am speaking about, the East Gippsland shire was also opposed to this operation due to the potential effect on food production and farming. The Glenaladale area is certainly synonymous with farming.

In Victoria the government does need to get this balance right with extractive resources. We need those resources. We certainly need them to facilitate the various different projects that we see being undertaken across the state. Dare I say it, and I am not wanting to pump up the tyres of the government, but there is a lot of concrete being put down there and a lot of aggregate that is required. It has to come from somewhere, and that has to be done with a sensitive balance within this legislation.

The other really important thing that we understand is the financial gift that mining industries give back through taxes to this government. One of the great joys of being in this job is meeting fantastic people. I am slightly digressing from the bill, but it is really important to put on the record those very grassroots people in the PMAV, the Prospectors and Miners Association of Victoria. Many of them are actually retired mining workers who love their land and want to go out and prospect and mine. They have certainly been strong advocates for their industry and for their pastime to all levels of government over the many, many years. I thank them for their discussions with me over time.

One of the concerns that locals have, and I have had a number of emails on this bill in relation to concerns particularly from the Eastern Victoria Region and East Gippsland, comes from a gentleman. I will not read his name, but I will certainly read in that he comes from East Gippsland – he comes from Bairnsdale. He has written to me saying that he has worked for 30 years in the oil industry, in Bass Strait, and he has seen what happens in the resources industry when it is permitted to self-govern, self-regulate and self-police. He outlines his concerns about any removal of adequate stakeholder engagement prior to changes being passed and about accepting a written code of compliance. He has concerns about removing the current requirement for work plans to be adequately independently assessed by peers, the community and other interested stakeholders. He also is concerned about the human rights of landholders and communities. The thrust of his email to me is the need for open, genuine, adequate consultation in relation to mineral extraction in our state. Other members of the community have written to me certainly outlining similar points.

I am very pleased to have had a conversation with Mr Hodgett, the Shadow Minister for Energy and Resources, in this space, and he has already, in working with the government or challenging the government to come to a better position than it has, had that undertaking from the government. Indeed a letter has been distributed to him regarding the consultation and development of the regulations that underpin this bill. As we all know, the devil is in the detail, and the regulations can often make or break the positive holistic improvement moving forward in any situation but in particular in this bill and the mining reforms that it underpins.

The Andrews government certainly has a record of poor consultation, and I could make a list as long as my arm of the various industries, local community groups and education groups with which it has lacked transparency. One very real comment made to me only recently this week was from a stakeholder, not in the extractive industries, but it rang true: that the government needs to understand that notification is not consultation. They very often, as a rule, look to notification; they tell various stakeholders what is going to happen rather than actively engage with them.

Within this I have got some questions, and I have been having a conversation with my Eastern Victoria colleague Mr Tim Bull about this bill. I will raise a couple of questions in the committee-of-the-whole stage. We need positive consultation. We need it to be a two-way street, and if that can be arranged and committed to – there is always a question there – throughout the regulatory process, then there are many merits in this bill moving forward.

Michael GALEA (South-Eastern Metropolitan) (11:07): I also rise today to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023. The purposes of the amendments in this bill are to address the statutory endorsement process, and they do so through three fundamental changes to the existing act. Firstly, they remove work plans and replace them with a general duty to minimise harm. The current work plan arrangement has received criticism for being costly and also for being generally inefficient, especially when the work plan is subsequently rejected during the planning stage, resulting in significant costs to the operators without prior indication from the relevant authority at local council regarding barriers and obstacles they may face in receiving that planning control approval. Considering the discussion surrounding this bill, I think it is really important to note that under the current regulatory arrangements projects receive statutory endorsement, often with little or no community input. These amendments will place community input at the front and centre of this planning process.

The Earth Resources Regulator (ERR), the state regulator in this space, will continue to have input into the processes to ensure the site is safe and minimises the environmental impact of any such application. This bill takes into account that endorsements currently are based on the project's operation and often do not adequately consider if the location is appropriate for the type of development being proposed. So this bill introduces a three-tiered risk system to work alongside the project risk assessment, and this new system will ensure a primary duty to minimise and eliminate the risk of harm. The second reform is to introduce a new interim system for minor variations in work plans, and the third reform establishes transitional arrangements to bring those rehabilitation plans and bounds into the new regulatory framework as well. Rehabilitation is undeniably an area where strong regulation is needed. Ensuring mines and quarries provide, update and invest in comprehensive rehabilitation plans is entirely necessary, and I am sure I do not need to go into detail as to why it is so entirely necessary. The key reforms of the bill will modernise this regulatory framework, enhance community confidence and improve the approach to risk management and site rehabilitation. The replacement of work plans will significantly improve risk management and simplify the process.

At the same time, these measures will also establish a more substantial duty towards safety and community consultation within the framework regulations. Community confidence in operations will also be strengthened by providing more consistent and more transparent decision-making and regulatory activities. I would like to reiterate that none of these measures will change the breadth of the risks that the current Mineral Resources (Sustainable Development) Act 1990 seeks to mitigate. Risk to public safety, environmental factors, infrastructure and land and property are all the purview of the risk management regulatory arrangements established by this act.

To provide some further context, the new system will effectively consolidate the thousands of work plans under the current arrangement, many of which operate under different instruments due to the various intricacies and inefficiencies within the current work plan system. Most mines and quarries face similar requirements and challenges in relation to environmental concerns, community safety and infrastructure as well as neighbouring property concerns. Replacing these work plans with a standardised and consistent risk assessment framework will address the lack of transparency that thousands of varying work plans unavoidably present us with. The inconsistencies in the application of these work plans, the challenges around updating them and the difficulties in their enforcement will be addressed by the amendments within this bill.

The subordinate instruments will also be transparent, consistent, easily enforceable and updatable. With over 1200 work plans lodged with the Earth Resources Regulator, this just reflects the fact that operational risks in mining and quarrying are managed in large part through each site's separate work

plan. It is not hard to see how the current system lacks adequate transparency and consistency. The current system as well, in which work plans receive what is known as a statutory endorsement, does not have a parallel outside of the mining and quarrying industry. The delays and cost increases caused to the industry by the current arrangements do not benefit the community. However, they do lead to costs being carried over to other sectors, such as construction, which also rely on the end products of mining and quarrying. Under the reforms in this bill, the statutory primary duty will form the basis for a new outcomes-focused, risk-based regulatory framework to drive high standards of performance, best practice and a more straightforward approval process for industry and community to be across and to understand.

I do also wish to acknowledge the many people who have reached out to me with different arguments on this bill. I have not had quite the chance to respond to each and every one of them yet, but I have greatly appreciated the concerns raised and have read them in some detail. I am happy to say that I am confident that community input and community decision-making will still play a very big part in this new process. Streamlining and simplifying does not mean removing consultation – in fact this bill actually provides the opposite. As I have already stated, community input will basically play a very different role, because currently it does play a very little part in relation to the work plan statutory endorsement process. The new arrangement will establish community input as the first step before a new project can be approved by the planning process. The ERR will continue to weigh in during this process to ensure site safety and the minimisation of any potential environmental impact as well. The new duty model provides a straightforward and transparent risk management system. This reform will take place in 2027, allowing for an extensive four-year period to develop the appropriate regulatory details that will work in tandem with the duty model when it is operational. This process will be open to community input and public scrutiny, allowing for more significant community input into the industry than has existed for some time.

I would also like to pick up on earlier comments made by Mr Davis suggesting all sorts of things, like that we are abandoning the consultation process. Nothing could be further from the truth. I know that there are long speaking spots on these bills sometimes, but that does not mean that members of the opposition should just be making up all sorts of fanciful theories as to the things they think are not happening or are happening when, if they had actually checked the bill and if they had actually checked the budget papers and seen that this consultation is already funded, they would have seen that that is all well and truly already in place.

As members who have actually looked into this process would know, the government has already committed to a comprehensive consultation process. Nothing has changed with that. That is still underway. The Minister for Energy and Resources also confirmed and recommitted to this in the second-reading speech in the other place. The government will be undertaking the comprehensive consultation process with local government areas, councils, stakeholders, industry and especially community groups on the development of the regulations that will underpin this bill across the four years leading to the bill coming into effect, as I say, in 2027. I also do draw members' attention to the 2022–23 state budget, which also outlines and confirms this funding.

This bill will enable greater community input during that planning process. In addition, as the government creates the regulatory details there will be consultation undertaken with the community and with stakeholders during the four years before the reforms take effect. Already in the development of this bill there has been broad consultation with industry, as I say, with government, community groups, environmental justice advocates, landowners, traditional owners and the wider community. That means there has already been extensive consultation, which will see us transition to this duty model, and there will be further consultation on the regulatory details. Once it is in place, consultation will be baked into the planning process's first step. Throughout there has been – and will continue to be – consultation at every stage of this process. Despite this, I understand that there have been some misinterpretations, such as by those opposite, who like to draw an inference without even bothering to engage with the substance of a bill and say that we are not consulting when quite demonstrably we

are. So it is important to note that the environment effects statement process will remain the same and the consultation arrangements will also remain the same. It has been already said that the measures will enhance this process.

Creating a standardised statutory duty and codes of compliance and standards will improve consistency between sites and provide transparency for the community regarding those compliance obligations that industry must meet. Clear and consistent requirements will make it easier for concerned community members and key stakeholders to understand if an operator complies with the risk management requirements. This bill will also get rid of the opaqueness of 1200 separate work plans, making it easy for regulations to be updated as they will not have to be individually applied to the plans that cover each individual mine and quarry.

I would also like to raise the matter of enforcement. This bill will enhance the ERR's, the Earth Resources Regulator's, enforcement options, including measures that increase the maximum penalties available under the act for instances of non-compliance with the statutory duty and requirements. Under the measures in this bill a duty holder will commit an offence of breaching the statutory duty if they fail to minimise the risks of harm posed to the environment, members of the public, land, property or infrastructure as far as reasonably practicable in carrying out the work under a licence or work authority or in relation to the rehabilitation of land, and the Earth Resources Regulator will be ensuring compliance with the general duty. These maximum penalties include jail time for aggravated offences, with a more robust enforcement regime, including increased penalties for non-compliance and jail time for those egregious breaches, as I said.

The Mineral Resources (Sustainable Development) Amendment Bill 2023 will enable high standards of performance, best practice and a more straightforward approval process for the industry. The bill will require new operators to carry out an initial self-assessment of risk when applying for a risk tier determination by the ERR. Ultimately the ERR will still make the final determination of the risk tier. That is clearly defined in clause 38AAG of the bill, which reads:

The holder or former holder of a licence must, before carrying out any work under the licence, apply to the Department Head for a determination of the risk level for that licence.

So the regulator will have the final say in determining the risk tier, and if someone desires to create a new mineral mine or quarry, their risk tier is assessed and ultimately will be determined by the regulator.

Councils – now, I do not mean any disrespect to the many people in this room who have come from local councils. I note there are at least two in the room from the Western Victoria Region, Ms Ermacora and Mr McCracken, who I know are still fierce advocates for councils. They do perform a very important role, but it is fair to say as well that each council has different specialities, different needs and different requirements, and it is not fair to expect all councils to be able to be adequately equipped to deal with the intricacies of the current work plan system. Taking this regulatory role away and transferring it to the ERR will provide a simpler, more streamlined process and will support our councils in their core work as well. But as it stands the role of councils will not change significantly, and they will still have some significant influence and involvement in these processes.

The three key reforms of the Mineral Resources (Sustainable Development) Amendment Bill 2023 will modernise and update the regulatory and risk assessment regime for the mining industry in Victoria. It will remove costly inefficiencies as well as enforcement and transparency issues that currently exist. In past debates I have often discussed the diversity of our economy and the strength that it gives us. Today the mining industry of course is much smaller than it was 150 years ago. However, it is still a very important part of our economy. The material from our quarries and mining supports the construction of hospitals, schools, transport infrastructure and housing. While some may wish to remove mining from the economy altogether, Victorians will still need our schools, our hospitals and our homes, and in doing so we must ensure that the environmental, property, health and safety risks are managed, reduced and if possible entirely removed through a responsible regulatory

approval framework. The tranquillity of our natural spaces – the ‘serene serenity’, if I can quote the previous speaker Ms Bath – is something that is very special in our state too, and this bill will not adversely affect the beautiful landscape that we have in any different way than is currently the case.

The framework should in meeting these requirements also be able to operate efficiently and successfully, and this bill I do believe will support these goals. For those reasons – and also just in case I actually kick anything else over while I am speaking in my contribution today – I will conclude my remarks there, I will pick up the bin that I accidentally just knocked over earlier in my speech and I commend this bill to the house.

Bev McARTHUR (Western Victoria) (11:22): I rise to speak – at least I will try – on the Mineral Resources (Sustainable Development) Amendment Bill 2023. I understand the motivation of this bill. Mineral resources are vital to the continued development of our state. They are quite literally the building blocks of the Big Build projects the Premier and his ministers like to visit for media conferences and boast about – or at least those Big Build launches which do not involve fake, mock-up versions of the projects. They are probably just plastic and cardboard – what a joke. You now do photo opportunities in front of mock-up projects to be dismantled after the cameras leave, as happened yesterday. What is next? We have got mock-up projects. Cardboard projects we have got.

The government’s stated aim of dealing with falling approvals and the diminishing minerals pipeline is a good one. To do a proper job of fixing up Victoria’s roads alone would require a vast amount of aggregate, not that we have got much evidence the government is planning to do that. We now need a tank to get around our roads. Even a four-wheel drive will not cut it.

Ingrid Stitt: Come on, Bev.

Bev McARTHUR: No, that is right, Minister. If you want to come out to country Victoria, you will get stuck in your EV. You will do a hell of a lot of damage.

A member: Take her for a tour.

Bev McARTHUR: Yes, she would like that. To do a proper job of fixing up Victoria’s roads alone would be a great thing, as I have said, but for continued building projects, public and private, large and small, the work of Victorian quarries and mines is essential. I have real concerns about whether this bill can improve the situation. In fact I have spoken to operators and representatives who are worried it may make it worse.

My first concern is a general one. This is a bill which strips away the existing system and replaces it with a newer and apparently more streamlined process of approvals. The removal of the work plan and its statutory endorsement before the planning permit is the cornerstone of the bill. It is claimed this will reduce unnecessary cost and delay, but is that realistic? Ironically, the statutory endorsement of work plans was only introduced in 2012 and at that time was described in the minister’s second-reading speech as being ‘a streamlining of the referral process’ no less. But this bill in 2023 is now reverting to the pre-2012 process and yet is also claimed by the minister to deliver a simpler and more flexible regulatory framework by streamlining processes. They cannot both be right. You cannot have it both ways. It really is a case of ‘Back to the future’. I can understand the cynicism of those who have been involved in the industry for decades.

My general concern on this is the degree to which this bill removes the existing system, which however imperfect it may be is well established and understood, and replaces it with quotes like ‘more flexible approach’. The problem there is that there is no certainty. Operators are told to take the word of government that it will all be fine. Yet again in this house we see a bill which is more about regulation than legislation. The real effect of it will not be known until later. It will be enacted by departmental officials and staff at the regulator, and we will have little to no democratic oversight. This is simply not good enough. I can fully understand why the Victorian Limestone Producers Association, the

VLPA, and the Construction Material Processors Association, the CMPA, have expressed their reservations. They have seen it all before. So have I, actually.

In numerous incarnations we see legislation by regulation in this place. 'Take us on trust,' you tell us; that has not gone well. It takes years to establish new systems, especially when they are as new as the general duty required in this bill. In theory this might require less work for operators, but at the same time, with the whim of regulators, it might require even more work. Even in the case of rehabilitation plans, uncertainty is introduced. Yes, they may be a good idea, but if they are to be constantly reviewed, how does that provide any security for the businesses implementing them? They have done what they needed to do, spent what they needed to spend; how can they budget or plan?

My small specific doubt about this bill rests on its reversion to council-led assessment of projects. This flies in the face of the trend in government policy in other areas, in the renewable sector and in the housing development sector, specifically onshore wind but renewable energy more generally. This industry has been recognised as critical to the state, and so it has been brought under direct ministerial control. Surely the extractive industries are similarly critical and their operation should also be streamlined by application to the Minister for Planning rather than dealing with individual councils across Victoria.

As a former councillor I understand the dangers. Councils will not have the expertise or the funding to employ qualified officials to make environmentally important safety-critical judgements. It is a cost- and effort-shifting move by government, and the consequences will be appalling. You are actually just shifting your job onto local government yet again. It is not just the resources. Councils may well be biased, as we have seen in numerous cases in the past which have ended up successfully legally appealed. For base political reasons, local councillors will be granted a greater ability to block schemes which could be state critical. I cannot understand this logic.

Of course applications can be appealed to VCAT, but this is hardly streamlining the process. The value of a statutorily approved work plan ticked off by the Earth Resources Regulator to a successful VCAT appeal has already been shown. Applicants could show VCAT the regulator's preapproval, enhancing their chance of success. A VCAT senior member's decision as recently as June this year noted:

In this instance a draft work plan has been statutorily endorsed. This signifies that many matters such as **potential** impacts to biodiversity values of the subject land and its surrounds, **potential** amenity impacts from noise, dust and vibration, and quarry operations have been assessed and found to be acceptable by the relevant authorities under the MRSD Act regime.

That system will now disappear thanks to the removal of the regulator's current role. I should also add briefly that in some rare cases the bias may be in the other direction. What happens when councils operate a quarry? Are they fair judges of commercial opponents?

In short, I have considerable concern about the lack of detail on the regulatory model which this bill will create. There is less certainty, and there is real scope for it to become a nightmare for operators. The general duty model is unclear, as is the detail of the regulations which the minister can make on so many aspects of operation. The removal of the statutory endorsement by the regulator of work plans is another concern, given the lead role now delegated to local councils. If there was a problem with the regulator, would it not have been better for the regulator to be reformed and better resourced rather than this new step in the dark?

In conclusion, the only way I believe this legislation can genuinely deliver its objective is to work through deep and honest consultation with industry. The department and regulators must work through proposed regulation with operators before it is enacted and remain open to their realistic advice. In this regard I am reassured by the commitment provided by the minister to the Shadow Minister for Energy and Resources, and I hope to draw out more on the government's plans in questions.

David LIMBRICK (South-Eastern Metropolitan) (11:31): I rise to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023. Isn't mining wonderful? During the

debate in the other place members from across the chamber almost without exception talked about all the wonderful products that are only available due to the modern mining sector. Advanced medical technology, the phones in our pockets, the cars we drive and the products that fill our homes are all possible due to mining. And it is not just consumers that benefit from innovation and the global trade in minerals, it is every single Australian. We are one of the wealthiest nations in the world, and this is not due to the leadership of our political class; we have simply had the luxury of the enormous rivers of wealth generated from the minerals and resources sector. Without this enormous wealth we simply would not have been able to afford the ridiculous size of government, the bloated bureaucracy and the money splashed around or promised by the red, green and blue socialists. Economic reality still has to land at some point, and the absolutely dire state of the Victorian economy has led to a small degree of reality and fiscal prudence coming through from the government. This bill unfortunately does not slash red tape, but it does streamline a complex regulatory framework that is difficult to navigate. I will not be opposing it, as it does seem like a genuine attempt to improve the ability for new mining projects to be approved, and we are going to need them.

To our good fortune, as the world is shifting away from fossil fuel energy production a whole new resource boom is underway. While many environmentalists, including some that have graced these chambers, seem to think that we can power the world with rainbows and unicorns, unfortunately stable nuclear fusion remains beyond our reach. It is minerals and resources such as gas that power the world – yes, even for weather-dependent energy sources such as solar and wind. The federal government have recognised this with the establishment of the Australian Critical Minerals Research and Development Hub. There is recognition not just in Australia but with all of our strategic partners that ensuring a stable supply of the minerals required to power the 21st century is absolutely critical. Without lithium from Australia all of the advanced batteries in our phones, cars or homes either would not be possible or might be more difficult to obtain – or, for those with environmental concerns, possibly they would be obtained with greater environmental consequences.

Various think tanks and international bodies are producing comprehensive briefing documents to help business, policymakers and the public understand the scale of the challenge in shifting to new methods of energy production and transmission. The World Bank produced a report in 2020 titled *Minerals for Climate Action: The Mineral Intensity of the Clean Energy Transition*. The report notes that mining for several critical minerals such as graphite, lithium and cobalt will need to increase production by around 500% to meet increased demand through to 2050. And more recently, KPMG published a report in May this year titled *Resourcing the Energy Transition: Making the World Go Round*. One of the key components of this report is the supply chain risks related to rare-earth elements. It notes that China currently supplies 98 per cent of the EU's rare-earth elements. But what are these rare-earth elements? What are we actually talking about? They are elements like cerium, which is used to coat wind turbine blades, and neodymium, which is used for magnets in wind turbines and electric motors.

There are those who are fierce advocates for weather-dependent energy and – rather contrarily – fiercely opposed to sourcing the materials needed to deploy it. It is like banning logging in Victoria: it does not actually reduce the amount of logging, it just shifts it offshore – out of sight and out of mind. Whilst I think that regulations are often overly burdensome, complex and costly, it is beyond doubt logging and mining conducted in Victoria is better managed and more responsible than in many other jurisdictions. That said, we are also missing opportunities. If we really want to reduce the environmental impact of energy production, there is no better solution than nuclear energy. About a golf ball's worth of uranium can provide all of the energy needs of a person for their entire life. Nuclear requires the least amount of mineral resources and has the smallest land footprint and the ability to provide safe and clean power for us all.

Sheena WATT (Northern Metropolitan) (11:36): I am happy to join the speakers before me in rising to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023 and in doing so acknowledge that when it comes to the resources industry the Andrews Labor government is doing what needs to be done to expand opportunity, not just here in our cities but in our regional

communities. Regional communities, as we well know, are the heartbeat of our state, and we know, as do so many other Victorians, that this state is community-driven. With this bill and the changes that this bill proposes we will be giving the Victorian community confidence in the mining and resources industry by establishing a risk-based framework. This framework will provide consistency and transparency in the way that decisions are made and in the way that regulatory activities are undertaken, giving Victorians confidence in this vital industry and our partnerships with the communities and workers that make it possible. With material costs for infrastructure and housing rising, it is essential that our resources industry can be as flexible and streamlined as possible so that we can ease the pressures on Victorian industries and also the households that rely on them every single day.

Establishing the framework as presented in this bill will provide consistency and transparency in the way decisions are made and how regulatory activities are undertaken. These changes have come from wide consultation with local government, industry and the broader community, including representatives of Victorian traditional owner groups as well as environmental justice groups, landowners and others during what can only be considered a very extensive development of this bill over many years. They form the basis of a new outcomes-focused, risk-based regulatory framework to drive high standards of performance, best practice and a simpler approval process for industry and communities to understand. With this reform before us in the bill today community input will be the first step before a new project can be approved via the planning process. The Earth Resources Regulator will continue to have input into this process to ensure a site is safe and minimise environmental impact. It will improve, simplify and strengthen our industry.

I would like to take a moment, as is only right and proper, to acknowledge the minister in the other place the Honourable Lily D'Ambrosio, the Minister for Energy and Resources, and the work that has been done over many years to make Victoria the epicentre of economic growth – and that cannot be overstated – under her watchful, diligent and entirely capable eyes. The minister in Victoria is leading the way in our resources and minerals legislation, with environmental sustainability, ease for business and best practice all at the forefront of the minister's work, and for this I cannot commend her highly enough. These kinds of changes to industry continue to make Victoria a state that attracts and retains opportunity. Others in this chamber have made commentary as to their perceived belief in the uncertainty of the future of the minister. I will just say that, for my part, I am entirely confident that the minister will remain for many years to come.

I could take what remains of my time, the 11 minutes, to speak to the critical reforms being led by the minister not only in the resources portfolio but across her other portfolios, whether it be world-leading climate change targets or the revival of the SEC – one that I know members on this side are entirely excited about – or I could talk to the enormous work that she undertook as the Minister for Environment and Climate Action during the former Parliament. But I sit here now with the new Minister for Environment, and I am sure, given that she works each and every day to build on her legacy, she will have some things to say in the next little while. But one thing that I am entirely happy to say is that the zoos and conservation works in our world-class facilities are second to none and they are at the forefront of our work around conservation and preservation of our beautiful, pristine environment.

I will bring myself back to the bill and share a quick reflection. When you speak about the mining and resources industries and where they are from, many Victorians are shocked to learn the extent of the operations in our state. People do not often think of Victoria as a state with a booming resources industry, but how wrong they are. Victoria has a long and proud history of being a state where we welcome the minerals and resources industry, and this government is no exception to that. Indeed this building, as described so beautifully by our colleague Ms Bath, is a monument to that.

This government knows the importance of this industry more than any, whether it is our gold, rock or sand work. It is incredible, the work of our quarries. I have had the fortunate opportunity to talk to a range of leaders in this industry over the last little while, including the traditional owners, and I will

say that this government will continue to support its work, its resources and the benefits it brings to our state. Streamlining our minerals industry also allows us to get the resources we need for something dear to my heart, and for so many, and that is the Big Build here in our state. Out of our beautiful operations, I will say that there is –

Bev McArthur interjected.

Sheena WATT: Thank you, Mrs McArthur. The truth is that the most ambitious and significant projects are being delivered in Victoria's history with the Metro Tunnel, the West Gate Tunnel, the level crossing removals and the Regional Rail Revival and including some beautiful sites across the Northern Metropolitan Region. But all of these projects take resources. They take concrete and they take steel. They take resources that are coming from Victoria, that are keeping Victorians in work, and with this bill we will ensure that the Victorian resources industry stays strong and delivers what this state needs, not for just today but for the future and for generations to come.

I have said a number of times how entirely excited the community of the inner north is about the upcoming removal of the eight dangerous and congested level crossings along the Upfield line. They will be freed up, making space for – I do not know, what have we got? – native greenery, some beautiful community spaces and of course some shared user paths and some trees and shrubs.

Bev McArthur interjected.

Sheena WATT: Well, you know, it is beautiful to see the artwork, the community and the vibrancy that is coming from our level crossing removal projects. If you have the good chance to come to Coburg and Moreland stations and the areas in between, you will indeed see that. I have spent much time celebrating this space with the member for Pascoe Vale in the other place, and it is true that the community is growing and thriving because of our world-class works to remove the level crossings right across the state. We can expect the same facilities when they come to Brunswick, and I look forward to welcoming this as just another part of the more than 100 level crossings that will be removed across Victoria.

The resource industry is not just about level crossing removals; there is also something that I am entirely excited about, and that is community batteries. I had the good fortune to join the minister at the launch of the community battery in North Fitzroy.

Bev McArthur: It wasn't plastic, was it?

Sheena WATT: It was not plastic. It is a beautiful, beautiful sight of the real renewables revolution that is happening right now in our state. It is just one of the 100 community batteries that are going up across Victoria, which are being welcomed not only in the cities and the big smoke but also in our regional communities as well. These batteries, delivered in partnership with local organisations and communities, benefit consumers and of course the electricity grid. Victoria is leading the way in battery storage, and this government will triple the number of Victorian homes that have access to this crucial extra storage. I know lots of conversations are happening. I hear it is a very powerful project, and the community, Mrs McArthur would be very happy to know, are absolutely buzzing with the news. It is just another one of the incredible programs brought to us by the Minister for Energy and Resources and Minister for the State Electricity Commission. We are seeing Victoria lead the pack in renewable energy technology, and with our renewable energy targets, community batteries and indeed the new renewable-powered SEC Victoria, we are primed for a future that is strong and that we can be proud of. We are decarbonising faster than any other jurisdiction, and that is a mighty good thing.

There are of course some that say that consultation has not been done on this bill – I am going to take a moment to stop talking about community batteries and talk about community consultation – and nothing really could be further from the truth. I have the good fortune of being connected to a range of organisations through the work that they do with First Nations communities and have had the good fortune of being involved in the Aboriginal economic development council for I think around 2½,

almost three years. I have seen firsthand the work that has been done to enable and unlock opportunities for First Nations communities in mining and resources in the state, and I thank the good folks there at the department who have outlined just how broad those opportunities are. Through that, I have built relationships with some organisations that I know are very keen to see reform to the way we do things, because opportunity abounds in our state.

Of course the government has taken very significant steps to consult widely with government, industry and the broader community in the development of this bill. This bill is not something that came out yesterday – it is a number of years old. As I said, the Aboriginal economic development council has been considering mining in our state and resources excavation for a little while now, and I thank the members for the work that they do. The government has already committed to a comprehensive consultation process – nothing has changed. In preparing some remarks I had the chance to look at the minister's second-reading speech, where she outlined that the government will undertake a comprehensive consultation process with the LGAs, stakeholders, industry and community groups on the development of the regulations that underpin the bill across the four years leading to the bill coming into effect. It is worth noting and reminding everyone that that will not be until 2027, so time is certainly on our side. The government has already committed, in the 2022–23 state budget, funding to begin the consultation process, and I am sure work is underway to plan that in the weeks and months ahead.

There is a lot to be excited about for economic opportunity in regional Victoria, including in mineral resources and extraction industries. For Victorians this is just another example of how we are strengthening local industry and doing what needs to be done to deliver opportunities and also jobs, frankly – and not just any old jobs; these are safe and secure jobs, and that cannot be overstated. I have spoken a number of times about workplace safety, and I know all too well the commitment that we have from workers and workers representative organisations in these industries. I have had the good fortune of meeting with some of those organisations as recently as last month.

This bill will enhance opportunities for our state right across all areas. I cannot say there is all that much happening in the Northern Metropolitan Region, but I have heard from my other colleagues that represent regional Victoria that there is so much more that can and should be done. With that in mind I will let others speak to what the particular impacts will be in their communities, but I will say –

Evan Mulholland interjected.

Sheena WATT: There is a quarry. I do know there is one. I was speaking to that, thank you, Mr Mulholland. But I will just say that there are more across regional communities, and I know that there are a number of speakers on the speaking list that do represent our regional Victorian communities that are very eager to make a contribution on this bill. I welcome the opportunity to hear from them later on in the debate on the Mineral Resources (Sustainable Development) Amendment Bill 2023.

Georgie CROZIER (Southern Metropolitan) (11:51): I rise to speak to the Mineral Resources (Sustainable Development) Amendment Bill 2023. Ms Watt has spoken about members who are keen to speak on this bill, but let us not forget what this industry does for Victoria and what improvements it makes for Victoria. I am reminded as I look around this magnificent chamber, with the gold leaf of the gold rush days, of when gold was discovered in Ballarat in 1851 and how in our great state this city – a city of its time – was known as marvellous Melbourne during those boom times. We saw the economic drive and growth of the state, where immigrants came in and really shaped our city and our state. Let us not forget about those years not long after settlement, which were an important part of the history of this state. Too often we are mocked for the great work that was done by those people, the immigrants who came to this country and came to this state and built this state. I want to put it on record: look at this magnificent building that we are privileged to work in and the extraordinary effort that was put in over those years by those people that were driving the economic boom and really set us up to be recognised. I am sick and tired of those naysayers who keep mocking what has happened

in this country and in this state by those people that came before us and built this great state. Unfortunately, it is this government that is taking our reputation backwards, and we have seen that in recent weeks, with the scrapping of the Commonwealth Games. Our international reputation has been trashed. I say this because this industry is important.

Obviously we are speaking to this bill, and I just heard Ms Watt talk about the consultation process. Well, there was a letter to the Shadow Minister for Energy and Resources from the embattled Minister for Energy and Resources Ms D'Ambrosio. I mean, she has got a lot to answer for with the latest revelations this week, with members being signed up who were dead, under her watch, in her branch. Nevertheless, I will read in her letter to Mr Hodgett:

As stated in my second reading speech, the Government plans to undertake a comprehensive consultation process with LGAs, stakeholders, industry and community groups on the development of the regulations that underpin this Bill across the four years leading to the Bill coming into effect in 2027. The Government has already committed funding in the 2022–23 State Budget to begin the consultation process.

We needed to get that in writing because we do not trust the government, because their consultation process has been a sham on too many occasions. I was pleased that the shadow minister did get that confirmation in writing, and I understand that the minister will also confirm that during the committee stage when we get to that.

Of course what this bill is to do is change the title of the act and remove requirements relating to work plans and make consequential amendments, but really what it is doing is establishing a modern, general duty and risk-tiered regulatory framework for mineral and extractive industries and setting out the transitional arrangements to move towards that approach from the work plan approval process. That is what it is designed to do. It is around removing some of those aspects that provide difficulty or barriers in terms of trying to get through the process.

As I said, we have got a lot of companies in this state that do mining. I note that even on the government's own website, the Earth Resources website, they talk about coal and how coal is important to powering our state and that the majority of our power does come from coal. What we have seen is this government banning gas in households in six months time. What a ludicrous notion that is. It is just unbelievable to think about these kneejerk reactions to so many things, whereas they are not doing a proper transition to renewable energy, as they state. This is not responsible policy. It is absolutely kneejerk, and it is again –

A member interjected.

Georgie CROZIER: No, the Indian community and the Chinese community – a lot of multicultural communities – are not happy with the government's decision. Again, in six months time there will be no new gas connections into homes. It is just ridiculous.

Nevertheless, I will get back to this bill that we are speaking to before the house. I know that Mr Hodgett has done a lot of consultation with the industry. I want to place on record my thanks for the work that he has done. He has spoken at length to many, many stakeholders. I was listening to Mrs McArthur, who likewise has done extensive consultation with those stakeholders affected in her area, in Western Victoria Region, and others who are concerned about what the government might do around how they will approach this in terms of the regulatory framework, how that will impact decision-making and how that will flow on to impacts for the industry.

It is imperative that we have strong economic drivers such as these industries here in Victoria. We need a sustainable industry focus. We need investment in this state. We need confidence in this state. This state is running out of control. The last thing we need to do is have companies fleeing the state because of a lack of confidence around fiscal management, policy direction, consultation and the like. I think this government have shown that they cannot be trusted on a lot of these issues because of how they have operated. I note that that is why it is important that there is clarity. As I said, Mr Hodgett has sought that confirmation from the government to ensure that that consultation process will take place.

Despite what the government MPs might say, the government certainly has a track record of saying one thing and doing another. So I am pleased that Mr Hodgett has been able to do that.

In closing, as we approach question time, which is almost upon us, again I say that this bill is about modernising the regulatory approval process for exploration, mining and quarrying industries in Victoria. Those industries are vital to the economic growth of this state. They are vital to those communities out in the regions where jobs are created and where we can do so much good.

I put on record again: let us not forget the history of our state and what has happened in this state with the gold rush days, the exploration and how Melbourne was regarded as one of the finest cities in the world, with that wonderful wealth creation and the tremendous immigrants that came to this great state, that helped build this city and build this state. That should never be forgotten. I will not have a bar of those that talk otherwise, that continually mock those that have come to this great country, whether it was 100 years ago or 100 days ago. We are all Victorians, we are all Australians, and we should be proud of the history that this state has. In terms of the mining industry that has built this state, we should never forget that as well.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Kindergarten funding

Matthew BACH (North-Eastern Metropolitan) (12:00): (241) I have a question for the Minister for Early Childhood and Pre-Prep. Minister, local councils are reporting Labor's botched free kinder funding model is causing kinder cuts and closures. As local government run and sessional kindergartens close their doors, private operators will increasingly be the only option. Privatisation by stealth is the outcome of your policy. Is it the intention?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:00): That is just a complete nonsense of a question. Dr Bach shows his lack of understanding of the way that the early childhood sector operates in this state if he suggests for a minute that record investment in early childhood education to the tune of \$14 billion is privatisation by stealth. Really, you cannot make this stuff up. I actually think that one of the great strengths of our early childhood sector in Victoria is the diversity of the different kinds of models that are being delivered. We have high-quality kindergarten programs being delivered in long day care by private and community providers and by not-for-profit providers. We have community-run kindergartens, sessional kinders and parent committee run kindergartens that thrive. We have local government providers that do amazing work. In fact many of our local government partners in terms of rolling out this reform are not only holders of the assets as landlords of the facilities but also providers of kindergarten services. To suggest that somehow this is some kind of privatisation scheme is just laughable, Dr Bach. It is absolutely laughable.

Wherever I go around this state, whether that is in regional Victoria, in rural Victoria, in metropolitan Melbourne or in our regional cities, people say to me they cannot believe how much this government backs in early childhood education and care, both the teachers and the educators, the committee-run and the not-for-profits and those in local government. There was a \$1.8 billion investment in the last state budget, including \$1.2 billion for infrastructure so that we have the modern fit-for-purpose kindergartens right across the state that we are going to need as we transform early childhood education and care.

Matthew BACH (North-Eastern Metropolitan) (12:03): I do thank the minister for her response. Minister, as more councils advise that Labor's botched free kinder funding model will force cuts and closures in their jurisdiction, which is a fact – like Mornington and Monash – will the minister commit to a thorough audit to ascertain how many closures of council and community-run facilities will occur?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:03): I thank Dr Bach for that supplementary question, which again kind of doubles down on the inaccuracies and misinformation that he is peddling. It is just extraordinary that he would be, as the shadow, as the person putting himself forward as the alternative minister, actually running down kindergarten services and running down and destabilising these important reforms. Local government is a very important partner in the government's work in this area, and I have very constructive discussions with local government –

Members interjecting.

Ingrid STITT: Yes, I have. I have had very constructive discussions with many, many councils, including Knox, including Mornington, and what I can say to you is that –

Members interjecting.

The PRESIDENT: Order! The minister is answering. Can we do it in silence.

Ingrid STITT: I will finish with this: there is nothing more important than these reforms for the children of Victoria.

Medicinal cannabis

Rachel PAYNE (South-Eastern Metropolitan) (12:05): (242) My question is for the Attorney-General. In New South Wales the Department of Communities and Justice administers a medicinal cannabis compassionate use scheme intended to assist with delivering compassionate care for terminally ill patients. For those registered with the justice department scheme, New South Wales police officers are empowered to use their discretion not to charge adults with a terminal illness for possession of certain amounts of cannabis, specifically not prescribed medicinal cannabis, if they are registered with the scheme, as well as up to three registered carers. So my question is: will the Attorney-General consider implementing a similar scheme in Victoria?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): I thank Ms Payne for her question. There is obviously some merit in a program such as that. Obviously we are big supporters of medicinal cannabis for a variety of treatments, and for those that are terminally ill in particular I am pleased that there is greater access to medicinal cannabis. What you are talking about is not legally prescribed cannabis for the terminally ill. My understanding is limited of how that program works, but it enables police to use their discretion, which in my mind would make it a police program and not an Attorney-General program. I would also be interested in knowing how often it is exercised, because I understand that you are only eligible if you nominate and it is in your home. There is merit in it, but it would be interesting to see if it is actually used as opposed to, I suppose, just the signal that it sends that medicinal cannabis is probably preferred. But with the discretion that police are allowed to exercise in that state it would be interesting to see how often they do and whether there is a gap here that needs to be met. I am actually more than happy to have a chat to Minister Carbine in relation to Victoria Police's view of such a scheme.

Rachel PAYNE (South-Eastern Metropolitan) (12:07): I thank the Attorney for her response. I also acknowledge that it may be that it is capturing carers as well, so some people may not have that access, based on cost-prohibitive medicines. By way of supplementary I ask the Attorney-General: what other steps are being taken to ensure compassionate access to cannabis for Victorians?

The PRESIDENT: I do not think it is a question for this minister's responsibility, and I am not too sure if the supplementary was in line with what was asked in the substantive. The minister can answer any way she likes, but she looks like she does not want to answer. Sorry, it is not for this minister.

Ministers statements: regional development

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Equality) (12:08): I rise today with a great deal of pleasure as Minister for Regional

Development to talk about the regional package of more than \$2 billion to make sure that our rural and regional communities can shine now and into the future. Next week marks the first of a series of further forums and discussions across rural and regional Victoria, beginning in Shepparton – and I have been to Shepparton and continued to have conversations with local government and sporting and community facilities in recent months – to talk about community-based discussion, partnerships and opportunities for collaboration that will inform the way that the \$2 billion regional package will be delivered.

We are able to bring forward these elements of the package, which include \$550 million for permanent sporting infrastructure; \$1 billion for social and affordable housing in rural and regional Victoria, which incidentally builds upon an investment of more than \$1.25 billion in housing across rural and regional Victoria; \$150 million for regional worker accommodation; and \$170 million for tourism, sports programs, marketing and our visitor and events economy, as well as our First Nations economic development fund and work for multicultural organisations and funding there, making sure that our wonderful Tiny Towns program can continue for rural and regional Victoria with an additional \$10 million and making sure that we deliver every single one of the permanent and upgraded sporting facilities across our regional hubs and more. Wonderful conversations, and they will continue.

Energy policy

David DAVIS (Southern Metropolitan) (12:10): (243) My question is to the Minister for Environment. Minister, I note the Andrews Labor government's decision to ban natural gas connections to new builds and ask: did the minister or your department consider the role of green hydrogen delivered by the gas pipeline network in both supporting Victorian families and businesses and providing an alternative mechanism to deliver green hydrogen?

The PRESIDENT: If anyone wants to raise a point of order, they are free to. But it is not for the Minister for Environment; it is for the minister for energy. If you want that question directed to the minister for energy, I am sure the minister will accommodate that and send it to that minister.

David DAVIS: On a point of order, President, my question was: did the minister or her department? She can answer 'No, it's not my responsibility' if she wants to, but the question is a very simple one: did she or her department? It necessarily involves her.

The PRESIDENT: Do not let me paraphrase it too badly, but my understanding was that what you were asking is: did the minister or her department consider something that is not within their responsibility?

David DAVIS: There is an environmental impact. Was she involved? Did she have anything to say? Did they look at this? Did they examine this? She can just say no. It is a whole thing: it includes planning, it includes energy, it includes environment.

The PRESIDENT: Mr Davis, what about I put the question, and if the minister says it is not her responsibility that will probably be the answer.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:12): Just because I am in the same department as Minister D'Ambrosio, it does not mean I am responsible for energy policy under the general order, and I would advise Mr Davis to more appropriately direct his question to the minister for energy.

David Davis: On a point of order, President, many of these policy areas touch a number of different areas, and in this case I am asking whether she had any involvement or not. She can say she did not, but –

The PRESIDENT: A more than acceptable answer from a minister is: 'That is not my responsibility under the executive order.' That is an answer, so she has given an answer. You can ask a supplementary, but I do not know how you actually will be able to pull that one off. Over to you.

David DAVIS (Southern Metropolitan) (12:13): Does government policy see any role for green hydrogen delivered via the gas pipeline network?

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

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:14): Thank you, President. This is not in my portfolio of responsibilities. Again, I would invite Mr Davis to direct his questions in question time to the correct minister.

North East Link

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:14): (244) My question today is to the Minister for Environment, and it relates to the ecosystems surrounding the North East Link toll road project, which is cutting a devastating path through parts of my region. The Koonung Creek wetlands are at the site where this toll road will meet the Eastern Freeway. My community is deeply concerned that this precious wetland and the recreation parkland surrounding it will be lost to the North East Link toll road project and that the fragile native plants and animals will be destroyed. Minister, what assurance can you give that the fragile ecosystem of the Koonung Creek will be protected?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:15): I thank the member for his question and his interest in these issues. Obviously with major infrastructure projects there is a planning process undertaken, which includes assessing environmental impacts. I do not want to sound like a stuck record, but they are matters for the planning framework. But I am more than happy to see whether I can provide some information in relation to the wetlands that you have specifically asked about through my department.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:16): I thank the minister. Minister, as I drive along Manningham Road west on my way to my electorate office – I should say I would rather be on the train. That is something that Doncaster has been waiting for for a very long time. I think it is about 120 years, but anyway. Driving through the North East Link project zone feels like driving through some sort of scorched earth hellscape.

Members interjecting.

The PRESIDENT: Order! I did not hear a word of the question, so I do not know how the minister would have been able to respond. Do you mind going from the start, Mr Puglielli. And if he says he is in his car, do not say anything.

Aiv PUGLIELLI: Thank you, President. As I was saying, Minister, as I drive along Manningham Road west on my way to my electorate office – not on my bike and not on a train, because we are still waiting; it is something that we have been waiting for in the area for a long time – driving through that project zone for the North East Link toll road project feels like driving through some sort of scorched earth hellscape. It is truly bleak to see bare earth, huge towering machinery and consequently a natural ecosystem that has been devastated. I just cannot see how it is going to recover in this area. Noting your prior comments, Minister – I have seen your government's commitments to replacing, for example, tens of thousands of trees that will be ripped out for the sake of this toll road – will your department report on the impacts of the loss of biodiversity along this toll road?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:17): I thank the member for that supplementary question. Of course there is a lot of infrastructure going on in our state, and an important consideration of any large infrastructure project is going to be around amenity and improving the amenity once the infrastructure is in place. So I think your supplementary is very much in the lane of the transport infrastructure minister, but as I have already given you a commitment to see what information I can get for you, I am sure she would be happy to provide some details about what we are going to be doing in the area of replanting once that project is complete.

Ministers statements: prison programs

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:18): I rise today to share details of another excellent corrections initiative that is focused on addressing Aboriginal over-representation in our justice system. With support from our government, the Wadamba prison-to-work program is helping Aboriginal people on remand to find employment once they are released from custody. The program supports Aboriginal people to find employment when they are preparing for release from the Dame Phyllis Frost Centre, the Metropolitan Remand Centre or the Marngoneet Correctional Centre. We know the importance to people of finding employment and a safe and secure job for all Victorians, but that can mean so much more for people leaving our custodial facilities. Having a job is a key factor in preventing recidivism, or reoffending as you may put it, so we know it is important and that is why we are investing in it. Just in the last quarter Wadamba has supported 33 new participants preparing for release as well as helping another 20 in our community correction services to find work. Wadamba works with employees and training organisations to develop skills, provide real work experience and match people leaving custody with available jobs.

I wish to share a couple of examples with the house of people that it has made a difference to. A young woman on remand was supported into employment with a regional water authority and also given the opportunity to undertake a certificate III in business administration. Another example is a young man in this program who was able to take the opportunity with the skills provided in this program to get a job with Lendlease's Indigenous traineeship program. He is now working in our government's \$1.1 billion redevelopment of the Frankston Hospital. There are dozens more such stories. What we know is that employment is key to stopping people reoffending, and that is why our government is making investments where it is needed most. We are doing what matters.

Energy policy

Rikkie-Lee TYRRELL (Northern Victoria) (12:20): (245) My question is for the minister representing the Minister for Energy and Resources. In light of the government's rather sudden decision to ban gas connections in newly constructed homes in 2024, after having been blindsided by this decision, it has come to my attention that a number of small-scale operators have already incurred unnecessary expenses and project these to grow exponentially in the coming year. To ensure supply can fulfil demand, some gas appliance distributors had already prepurchased their expected annual sales requirements from manufacturers. They are now going to be saddled with significant excess stock. In all its infinite wisdom, did the government plan for this eventuality?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:21): I thank Mrs Tyrrell for her question. I will pass it on to the minister for energy, and in accordance with the standing orders a response will be provided.

Rikkie-Lee TYRRELL (Northern Victoria) (12:21): Will the government consider subsidising the loss of revenue to the affected businesses?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:21): I thank you for your supplementary, which I will also pass on to the minister for energy for a response.

Corrections system

David LIMBRICK (South-Eastern Metropolitan) (12:21): (246) My question is for the Minister for Corrections. It is my understanding that upon release from prison there are sometimes delays for ex-prisoners who had been receiving opiate substitution therapy in prison in receiving it upon release. This can lead to people going into withdrawal. Sometimes this delay can lead to people going back onto heroin. Obviously this is not desirable and presumably affects recidivism rates. What actions is the minister taking to correct this situation?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:22): I thank Mr Limbrick for his interest in this important matter of drug and substance abuse and the effect it can have in the community and on reoffending for people upon release from custody. Strictly speaking, as the corrections minister I am in charge of people whilst they are in custodial settings and on corrections orders. Alcohol and drugs in the community are more a matter for the Minister for Mental Health Gabrielle Williams in the other place. Having said that, as the Minister for Corrections, we are focused on improving health outcomes for those in our custody. We obviously have new health contracts in place with improved services that we are providing because we know people that come into our custodial settings have more complex needs and substance abuse is quite common.

I can say in terms of what we do provide – because I understand your longstanding interest in this matter – that we do provide people with supports upon their release into the community. They will be provided with scripts. They are provided with material support to access treatment. That includes support with transport and dispensing, because we know they need that support immediately. We want to continue the health services as they are released into the community. It is really embedded into their release planning. There is always more we can do, of course.

David LIMBRICK (South-Eastern Metropolitan) (12:23): I thank the minister for his response. On a related matter, it is also my understanding that sometimes prisoners suffering opioid addiction are unable to access substitutes upon incarceration and are forced to undergo medically unsupervised withdrawal. What actions is the minister taking to ensure that this dangerous scenario does not occur?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:24): I thank Mr Limbrick for his interest in this very important public health issue. What I will say is that as a government we obviously know, anecdotally but also from speaking to people, experts in the field, that it can be sometimes difficult for people to connect with pharmacologists in the community for a range of reasons. That is why as a government we have looked at this. Like I said, it is more in the mental health space under Minister Williams in the other place. That is why the government has made an investment of \$10 million in this year's budget for pharmacotherapy clinics across our state so that more people can access these services. There is obviously a lot more we are doing. They fall not necessarily in the corrections portfolio, because obviously we help with the release planning, provide them with scripts and provide them with opportunities and transport so they can get the support they need. It is more in the alcohol and drug space, but we are making investments so that people can access pharmacists in the community that are willing to help them to a greater extent.

Ministers statements: care leavers redress scheme

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:25): Last week I had the opportunity to visit, along with Care Leavers Australasia Network, otherwise known as CLAN, the Australian Orphanage Museum in Geelong with the member for Lara in the other place. I thank Leonie Sheedy OAM and Dr Frank Golding OAM for welcoming me to the museum and sharing with me the exhibits on display as well as their own personal experiences. The Australian Orphanage Museum helps ensure we never forget the traumatic experiences and lifelong impact of historical institutional care, and it provides an opportunity for reflection. I would like to acknowledge the important role of the museum in capturing and honouring the experience of care leavers.

President, as you are aware, the Andrews Labor government is fully committed to a proper acknowledgement of the experience of care leavers as well as the Victorian redress scheme. We will build on CLAN's efforts to ensure that the experiences of care leavers are formally recognised and acknowledged. I would like to thank CLAN for their critical role in advocating for care leavers and the Victorian historical care leavers scheme over so many years. We recognise the children that grew up not knowing their family, the children that were placed in orphanages, children's homes and

missions and the children that experienced physical, psychological and emotional abuse or neglect and the lasting impacts of their grief and trauma, which continue today.

I know that the Department of Families, Fairness and Housing is hard at work preparing for the commencement of the scheme and is working with organisations such as CLAN on a co-design and consultation process as well as the delivery of hardship payments. We know that time is precious. The Victorian government will continue to fund CLAN to provide advocacy services, advice, information and support for care leavers. Leonie and Frank, thank you again for your longstanding and ongoing dedication to this important work. We conclude by acknowledging today the many care leavers who have passed away. Although they are not with us today, their voices, their stories and their experiences will never be forgotten.

Eastern Victoria Region roads

Jeff BOURMAN (Eastern Victoria) (12:27): (247) My question today is for the minister representing the minister for roads in the other place. Minister, in this year's budget the government announced \$780 million for regional roads but has not released any detail. In my electorate of Eastern Victoria, the state of so many roads is so bad that Google Maps will soon be giving names to the potholes and listing them as features of significance. Can the minister please provide details of which roads in Eastern Victoria the government is going to fix so that residents can make decisions about whether to name their local potholes or can start to look forward to not seeing them?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Equality) (12:27): Thank you, Mr Bourman, for that question. I will pass that on to the minister in the other place and secure a response for you in accordance with the standing orders.

Jeff BOURMAN (Eastern Victoria) (12:27): I thank the minister for forwarding that on. Minister, the towns of Drouin and Warragul in my electorate are bursting at the seams, as they are areas where ordinary Victorians can get affordable housing. Road infrastructure is seriously lagging behind. Can the minister please advise what plans are in place to build arterial roads to take the pressure off working families in Drouin and Warragul?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Equality) (12:28): Thanks, Mr Bourman, for that supplementary question. Noting that the first question related to the condition of roads and the second question related to population growth in Drouin and Warragul and the request for infrastructure upgrades, it may well be that there is a broad-ranging answer that you are looking for. What I will do is seek an answer for you on that supplementary question as it relates to Drouin and Warragul and to that planning and infrastructure and have that provided to you in accordance with the standing orders.

COVID-19 vaccination

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:29): (248) My question is to the Minister for Emergency Services. Minister, what is the medical advice that has been provided that excludes non-vaccinated firefighters from returning to work?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:29): I thank Mrs Hermans for her question. However, Mrs Hermans is fully aware, because we have addressed this topic on a number of occasions in the chamber, that as Minister for Emergency Services I do not have a role in relation to the workplace settings in relation to vaccination. It is an employment issue that you could write to the commissioner about. It is not something that I have involvement in. It is not something that I would seek to involve myself in.

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:29): Thank you, Minister. Minister, why are you not stepping in to sort out the discrepancy in relation to vaccination status between the fire services and other emergency services agencies, such as police, so that like unvaccinated police, who have returned to work, unvaccinated firefighters can too?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:30): Mrs Hermans, we just had a big debate yesterday about integrity and the appropriate behaviour of MPs and ministers, and there are certain things that I should not direct agencies to do. This is a matter for them, and they are responding to it. There is no role for me in relation to this matter.

Ministers statements: South West TAFE

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:30): Free TAFE has changed lives throughout Victoria. It has provided quality education and skills and training so that people get the qualifications for a great career. This was absolutely on show when I recently visited South West TAFE Hamilton with Jacinta Ermacora, my fellow member for Western Victoria. We had the pleasure of meeting nursing students who were just so passionate about their studies and their future careers. Their personal stories really epitomised why the Andrews Labor government established free TAFE in 2019. Student nurse Bryan recalled how he had lost his job and retrained to work in aged care, and it was there that he discovered a real passion for supporting patients with dementia. Thanks to free TAFE he is studying nursing. Christina, another student, said that free TAFE had changed her life. It has given her the opportunity to follow her lifetime dream of becoming a nurse. As a mature age student she can now fulfil her career goals after raising a family.

Free TAFE is delivering the skills and training needed in regional communities. South West TAFE do an exceptional job of empowering people to gain the skills they need in their own communities. In addition to the delivery of courses across their campuses, they have just unveiled their new mobile nursing skills lab. It is a fully kitted out hospital room with external classroom capacity. I congratulate CEO Mark Fidge and all of the team at South West TAFE, who ensure that there is access to great skills and training where it is needed most. This is free TAFE at work in regional Victoria.

Written responses

The PRESIDENT (12:32): Minister Shing will get responses for the substantive and supplementary questions to the minister for roads under the standing orders. Minister Stitt will get, for Mrs Tyrrell, both answers from the minister for energy under the standing orders. I appreciate Minister Stitt offered outside the standing orders to see if she could get some more information for Mr Puglielli's question both from her and from the minister for infrastructure.

Bills

Independent Broad-based Anti-corruption Commission Amendment (Ending Political Corruption) Bill 2023

Assembly's rejection

The PRESIDENT (12:33): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that the Assembly has rejected 'A Bill for an Act to amend the **Independent Broad-based Anti-corruption Commission Act 2011** in relation to the meaning of corrupt conduct and for other purposes'.

Samantha RATNAM (Northern Metropolitan) (12:34): I move:

That the message be made an order of the day for the next day of meeting.

Motion agreed to.

David DAVIS (Southern Metropolitan) (12:34): I desire to move, by leave:

That the matter be debated forthwith.

Leave refused.

Constituency questions

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (12:34): (350) My question is for the Minister for Crime Prevention in the other place Minister Carbin. Last week I visited Prahran police station to meet with Inspector Stamper and Senior Sergeant Perrin. We chatted about the importance of community-focused policing and engaging with key stakeholders like local councils and religious and youth groups. Recently I asked the minister to visit Camberwell police station. I am pleased to announce that a few weeks ago he took up my request to listen to the hardworking men and women who keep the City of Boroondara safe. I am proud of our record \$4.5 billion investment in Victoria Police and the \$1.2 million in crime prevention projects in my community of the City of Port Phillip. Only the Andrews Labor government is doing the groundwork to keep my community safe. So my question to the minister is this: please provide an update on the crime prevention programs that are designed to keep my community safe.

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:35): (351) My constituency question is in relation to the Shrine to Sea bike path. This was a thought bubble by the former member for Albert Park Mr Foley, who went to the 2018 election with a half-page press release and committed \$13 million to this thought bubble.

David Davis: He's got a good job.

Georgie CROZIER: Oh, he has – another one, Mr Davis. The idea was provided to VicRoads. They handballed it to Parks Victoria. They did not know what to do with it. Now it has ended up in the Department of Energy, Environment and Climate Action. There has been little consultation on this thought bubble – the Shrine to Sea bike path. There has been no business case and no plan, and the community quite rightly have been outraged about what has gone on in relation to the entire process. What I have been asked by a constituent this morning via a phone call is: how much has actually been allocated and already spent of that \$13 million?

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:36): (352) My constituency question is to the Minister for Public Transport. Minister, in the middle of a severe cost-of-living crisis the government raised Myki fares last month, increasing daily fares to \$10. In my constituency Monash Uni postgrad students have raised with me that not only has the fare rise impacted students that were already struggling with costs but the postgraduate students face the unfair situation that they are ineligible for student travel concessions, unlike in New South Wales, where travel concessions are available for undergrad and postgrad tertiary students. At the time of announcing the fare rises the government said they:

... know that many Victorians are dealing with cost-of-living pressures.

... and we'll continue to provide a range of discounts and concessions so that the cost of travel is fair for all Victorians.

Minister, given that statement, will you extend public transport concession fares to postgrad students, and if not, why not?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:37): (353) My question is for the Minister for Energy and Resources in the other place. Minister, what is the government doing to support the increasing use of electric vehicles in Victoria, especially in rural and regional areas? Last month the Flinders charging station was officially opened thanks to the Destination Charging Across Victoria program. This program makes it easier for Victorians to charge their electric vehicles by creating an EV fast-charging

network at tourist destinations and regional towns across the state. Many of these charging stations are in Eastern Victoria, including Mallacoota, Paynesville, Sale and Korumburra. This investment will make the uptake of EVs in regional areas easier and cheaper and ensure that location will not be a barrier to the adoption of electric vehicles. Additionally, it will boost regional businesses, giving travellers a convenient reason to stop in and see the best that Victoria's regional towns have to offer. I am proud to be part of a government that is investing in regional Victoria, and I am excited to see the benefits that this policy brings to communities in Eastern Victoria.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:38): (354) My constituency question is for the Minister for Agriculture. Minister, you have forced the closure of our sustainable native hardwood timber industry. Over recent weeks I, along with my Nationals Gippsland colleagues, have had multiple meetings with people who are impacted by Labor's disastrous decision. Contract haulage and harvest contractors in my Eastern Victoria electorate and their staff are in a terrible state of limbo on standdown servicing loans on millions of dollars of stranded equipment. They deserve fair compensation, including stranded assets compensation, forgone revenue and worker support payments. Associated forest contract businesses such as civil operators and firewood licence holders and silviculture, haulage, mechanics and other supply chain businesses will also be heavily impacted by this forced closure. They deserve recognition and compensation as well. Will you make formal offers to the haulage and harvest contractors, and will the associated businesses be compensated for the percentage of their business that has been dedicated specifically to the native timber industry?

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:40): (355) My constituency question is for the Minister for Local Government. My constituent is a resident of Greater Dandenong city. As a young university student, she is rightly frustrated at the lack of public library facilities in her area. Greater Dandenong has one of the lowest public libraries per capita ratios in metropolitan Melbourne and is one of the highest population growth areas, so my constituent asks: what is the minister doing to encourage improved library access for the young and rapidly growing population of Greater Dandenong?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:40): (356) My constituency question is for the Minister for Roads and Road Safety. I was recently contacted by a constituent who provided advice regarding the dangerous state of several roads in my electorate due to terrible road surfaces. One of the roads mentioned by my constituent was a section of the northbound lane of the M39 Goulburn Valley Freeway near the intersection of Aerodrome Road at Mangalore. The Goulburn Valley Freeway is one of Australia's busiest roads, being part of the Melbourne to Brisbane national highway. The road is also the direct route to Melbourne for people travelling from Shepparton and the Goulburn Valley. My constituent has reported that the northbound lanes near Aerodrome Road have many potholes and are a danger to road users. Will the minister order the immediate inspection of the road surface of the northbound lanes of the Hume Freeway near the intersection of Aerodrome Road at Mangalore and ensure the repair of the road surface where required?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:41): (357) My question is to the Minister for Education. Minister, Streeton Primary School in my region, like thousands of schools around Victoria, is in urgent need of repairs. I have followed Streeton Primary School council's efforts to secure these repairs since I visited the school in April and spoke with parents from the school council. After many months of back-and-forth with the department and significant disruption for students and staff in the meantime, Streeton has finally been approved for some limited funding, and yet the saga continues. The Victorian School Building Authority has only opted for the bare minimum. Rather than a full

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carpet replacement, a number of classrooms will be stuck with the worn, stained carpet that was laid down 15-odd years ago. Minister, it goes without saying that in Victoria parents should not have to take on the responsibility of advocating for very basic repairs for their children's schools. Given that the VSBA has refused to budge on this matter, will you advocate to the department for Streeeton Primary to receive a full replacement of carpet across all three blocks?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:42): (358) My constituency question today is for the Minister for Higher Education, and I refer to a survey of 563 students by the Zionist Federation of Australia released recently that found 56 per cent had experienced antisemitism at university, while 28 per cent reported their teachers had ignored or engaged in antisemitic behaviour, and 66 per cent of the respondents who attended Melbourne University reported experiences of antisemitism, as did 57 per cent from Monash and 48 per cent from Deakin. So I am asking the Minister for Higher Education what action she will take to fight antisemitism in our universities. Specifically, the organisation is seeking a meeting with Labor Party members. They want to set up a meeting, a briefing, and I ask: will you set up such a briefing for Labor Party members, who appear not to quite understand how significant this antisemitic behaviour is?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:43): (359) My constituency question is for the Minister for Racing. Graham last raced at Healesville on 14 May this year, where he suffered a horrific fall before rolling onto his neck and back. The on-track vet only recommended 21 days of rest. I confirmed that he did not receive further vet treatment despite visibly limping when he was rescued by my team on 26 July. Graham has since seen an experienced vet, undergone extensive testing and a visit to the emergency vet, which has revealed that he has experienced severe untreated trauma, had sedatives in his blood, has been living in immense pain and needs either extensive surgery or an amputation. Healesville is a straight track, deemed safe, yet dogs continue to die and be severely injured there. Will the minister explain why Graham received such a severe injury on the straight and apparently safe Healesville track?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:44): (360) My question is to the Minister for Environment. Minister, my constituents in the Hampton Park, Lynbrook and Narre Warren South areas have approached me with their strong concerns regarding the recent decision made by Casey council, which is under the administration of this government, to nominate Hallam Road landfill tip as a significant site for waste recovery – a full-scale commercial waste and transfer facility. Although the site has not yet been approved, it has been given rezoning as a significant site for waste recovery. Without public consultation from local residents this site, which is in close proximity to residential areas and poses potential health and wellbeing impacts, is fundamentally inappropriate and poses risks that should not be ignored. Will the minister advise the house when a decision will be made and meet with me and local residents to listen to their very real concerns before any further action is undertaken?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:46): (361) My question is for the Minister for Police. Following the Victoria Police community sentiment survey, which had almost 11,000 responses, four key areas were identified by the people of South Gippsland and the Bass Coast. The things that they most cared about were: one, safety of their property and possessions; two, issues relating to drugs and alcohol; three, safety in public areas; and four, road safety. Top ideas across the state that were given relating to this were: people want more police presence and patrols in public places and on roads; more CCTV and security cameras and better lighting on streets and public places; and more work to address drug-related crime. The communities of South Gippsland to the Bass Coast deserve to feel safe. They

have raised their concerns, and my question to the minister is: what actions are going to be taken to address them?

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (12:47): (362) My constituency matter is actually for the Minister for Early Childhood and Pre-Prep, and it relates to the Blossom Park Kindergarten in my electorate in Mill Park. This kindergarten has been the recipient of some modest funding for outdoor play and learning areas. However, the \$120,000 is currently the subject of a plan; it has not yet been rolled out. When will this kindergarten see this important investment? I have had the great privilege recently of spending more time in Mill Park. I have noted some of the fabulous early learning facilities in that part of the world and wonderful teachers. I am not sure if the current member has spent as much time recently at early childhood facilities as she should have done, though there is bipartisan concern that we should have services in this state from cradle to grave, and at this particular kindergarten those younger members of our community I believe need a little bit more support, a little bit more oversight, just to ensure that this important investment is rolled out in an appropriate way.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:48): (363) My question is to the Minister for Police. Constituents have raised concerns that Victoria Police is negotiating with Police Association Victoria to amend clause 184 in the enterprise bargaining agreement to increase the mobility of one-member police stations for deployment and rostering. The concern is that if the mobility clause is passed, one-member stations may end up backfilling vacancies to meet the staffing requirements of 24-hour police stations and eventually be forced to close. There are 108 one-member police stations in Victoria that provide a valuable service in regional communities. As well as deterring and responding to crime, people feel much safer knowing there is a police presence in the town. One constituent shared how their local police officer is involved at the local school, which teaches students not to fear police. They describe him as a well-respected member of the local community, and they depend on him. Can the minister please assure these local communities by confirming that one-member police stations will remain?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:49): (364) My question is for the Minister for Treaty and First Peoples and concerns the progress of the Eastern Maar recognition and settlement agreement, RSA, the negotiation of which was first announced by Attorney-General Martin Pakula in November 2017. The government is keen to stress that such negotiations are done between the state and traditional owner groups and, as such, that local councils are not party to the final agreement. But the recently published deal with the Barengi Gadjin Land Council includes a local government engagement strategy, which the state government promises to assist in pushing forward. Minister, given the shock of Western Region councils at the belated publication of this document, which is certain to affect them enormously but over which they had no say, can you confirm by what date the Eastern Maar RSA will be completed and whether you will consult local councils and indeed the wider community and the farming sector before it is finalised?

Bills

Mineral Resources (Sustainable Development) Amendment Bill 2023

Second reading

Debate resumed.

Adem SOMYUREK (Northern Metropolitan) (12:50): I rise in support of this important piece of legislation. It is an important piece of legislation because it provides a regulatory framework. It is a step in the right direction of providing a regulatory framework that will allow our important mineral resources sector to be able to prosper, to grow and to unlock its potential. The mining industry has

potential certainly to drive economic growth; it has potential to drive jobs and export growth. With the global transition to renewable energy, the demand for critical minerals, which Victoria has in abundance, is set to skyrocket. The minerals are essential for the production of batteries and turbines and solar panels as the world moves towards a more sustainable future, and Victoria is perfectly placed to take advantage of that. It is important that we do unlock the potential of another sector of our economy.

Let us have a look at the last 14 years or so of the Victorian economy and the Australian economy. We paid the price during the resources boom for not diversifying our economy enough. We were a manufacturing state. Sure, we had a big services industry too, but a lot of our employment came from the manufacturing sector. When the Australian dollar reached 111 US cents in about July 2011, our manufacturing base was completely polarised. We had job losses every day in the media. We lost a lot of our heavy industry. We could not have imagined losing some of the industries that we lost. I have got to say, looking at it from this vantage point, losing some industries has made Victoria much more efficient – we are allocating our resources much more efficiently – but there are some industries we just should not have lost, such as the auto manufacturing industry. It was arrogance from Joe Hockey that caused the auto industry to leave Australia's shores. You cannot play chicken with an industry that is courted throughout the world, and that is exactly what Joe Hockey did. That is a salutary reminder to any politician, particularly to this Premier: do not be arrogant, because it is costly. At the end of the day, it is costly to the people of Victoria and Australia. I will get back to why the auto industry remains an important industry – it would have been a very, very important industry at the moment – a little bit later on.

When we were in opposition, the Labor Party at that point had some very, very hardworking shadow ministers with great vision who went out and looked at ways that we could diversify our economy. We came out with a bunch of policies that, if we were elected to government, we were going to produce higher up the value chain to identify sectors which were sectors of the future and industries of the future. Clearly what we saw during that period of the two-speed economy was that we could not compete with low-cost economies in the region. We had to play to our competitive advantages, which meant we had to produce higher up the value chain. We had our competitive advantages there in that we have got a well-skilled and educated workforce. We have got second-to-none innovation infrastructure in Victoria, built by the Bracks–Brumby governments. It sort of died a little bit with the Baillieu–Naphthine governments, and it has not been invested in by this government. This government has become a one-trick pony, and we will be paying the price if this government does not wake up to the fact that we need to keep investing in our innovation infrastructure.

I talked about the auto industry before. The auto industry is not like the other heavy industries that we lost. At that time we were emotionally invested in some of the industries that we lost, but the auto industry truly was a strategic industry. It would have been very important now, because the auto industry – building a car – requires a lot of innovation and a lot of technology, and the innovation and the technologies that stem from building a car help right across the economy and the sector. We lost a lot of firepower in terms of innovation by losing the auto industry.

We always knew the Australian dollar was going to come down. The big auto companies asked for payroll tax holidays, for example, knowing that the Australian dollar was going to come back, so they could actually sell the fact that the Victorian government and the Australian government were interested in the auto industry and really did want it to remain here. Well, it has gone, and that has hurt this state a lot.

What our reliance on our manufacturing sector showed us is that when things go wrong we need to make sure that we have got a diversified economy. That is why this bill is very important. There is a lot of untapped potential in the mineral resources sector, and any bill or any government policy that gets out of the way and provides a regulatory framework to allow the sector to grow is good. That is what this bill takes one step towards doing.

In terms of consultation, this government does not consult. It just does not consult, and that is from the man at the top. This is a guy that does not consult his cabinet, does not consult his caucus. He makes decisions in the shower in the morning, or the mad king makes decisions by sitting on the crown each morning. That is just the way it is. We are going to have to live with that, and hopefully, if he goes soon, the Labor Party caucus will press the reset button on how government should be done in this caucus. But we cannot stop policy being implemented or bills being passed because this government does not consult. It just does not consult. The state needs to keep going.

Yes, there are some people accusing the government of not consulting on this, and it probably has not consulted anywhere near enough. But that is just the way of the world with Daniel Andrews, and we are going to have to cope with it until he leaves sometime in the near future, I am informed. With all that, this is a good bill. It is a bill that is overdue, and I commend the bill. I will not be supporting any amendments to the bill.

Sitting suspended 12:58 pm until 2:04 pm.

Jacinta ERMACORA (Western Victoria) (14:04): I speak on the Mineral Resources (Sustainable Development) Amendment Bill 2023, and as we all know mines and quarries play a pivotal role in Victoria by bolstering the economy, aiding population growth, economic advancement, infrastructure advancement and the path towards net zero emissions. These resources are essential for constructing the new homes, roads, rail systems and public facilities required to accommodate the growing population, which is particularly significant for regional Victoria.

Our mineral sands and gold reserves – which were very ably referred to by Ms Bath earlier as \$6 million worth of gold in this chamber, mined in Victoria, no doubt – along with the ongoing mining operations and exploration industries contribute approximately \$6.3 million to the Victorian economy annually, consisting of 3.2 per cent of the state's industrial output. This represented 30 per cent of economic growth in the 2021–22 financial year. The \$23 billion construction industry in Victoria benefits from the 535 quarries producing \$786 million worth of materials annually, not to mention the industries' contributions towards Victoria's transition to sustainable energy through critical minerals.

The importance of the mineral and extractive industries cannot be understated, which brings me to why this bill is integral to ensuring Victoria continues to benefit while providing a modern fit-for-purpose regulatory framework that considers community safety, environment and cultural heritage. The bill seeks to amend the Mineral Resources (Sustainable Development) Act 1990, known as the MRSD act, which is a key act for regulating Victoria's minerals and extractive industries. The primary aim of the original act was to promote economically viable mining and extraction while aligning with the state's economic, social and environmental goals. However, as with all legislation that is more than 30 years old, the MRSD act is outdated, overly complex and prone to misinterpretation. This has led to applications taking an inordinate amount of time to be approved or varied, therefore slowing the supply of an essential resource. This results in slower expansion of infrastructure due to a lack of materials and a subsequent increase in the cost of materials. This also slows the pace of economic growth.

This bill plans to overhaul the regulatory system to enable a prosperous mining and extractive industry at the same time as ensuring communities have their say, environmental restoration is strengthened and risk is assessed in a modern, fit-for-purpose way. This means that low-risk activities will no longer be burdened with the same regulatory weight as higher risk, complex activities. This will be achieved through a modernised work approvals process by rewriting the existing obligations to operators to lodge a work plan and replacing it with a statutory duty to minimise the risks of harm.

The bill will also simplify the regulatory framework by making the approvals process more flexible. The framework involves implementing a risk tier system, where applications are assessed on a standardised basis from the outset. There will not be any need to review the risk tier unless a significant change occurs or the regulator identifies a review is necessary. This will open the door for greater

transparency for operators, who can follow the regulations and guidelines with more clarity. In the past, approval was granted at a fixed point in time. This meant that the mines and quarries could operate for years under the same conditions their original work plan approved even though over time environmental, cultural and community attitudes changed. By implementing the risk tier system, the bill aims to implement a statutory burden that must be complied with by operators throughout the life of the project, and the introduction of a risk tier system allows for a proportionate level of compliance depending on the scale and risk of the operation. Whilst all operators must meet the same high standards of compliance, because of the diversity of operations the level of regulatory burden varies. For example, higher risk operations will have more stringent regulations through specific fit-for-purpose licence conditions and greater compliance obligations, while lower risk operations will need to comply with a simpler code of compliance.

From the perspective of the community, this transparency allows for greater input when responding to proposed works and having their say about how they may be impacted by the operation. It removes any perceived secrecy around the requirements that operators must comply with. Transparency is always in the community's best interest. The community benefit of this bill is significant. The reforms are specific in their intention to increase community engagement and the transparency of the approvals process. It gives the community a chance to have a say at an earlier stage. This earlier engagement process is of the utmost importance as surrounding communities are often impacted by or care about the work of the mining industry.

In the past, the first step of technical approval took place behind closed doors. It was then forwarded to the relevant local government for approval through their planning scheme prior to the completion of the technical work. This gave councillors the impression that an enormous amount of work had already been done and that they really perhaps only needed to rubber stamp it, or, the opposite impression, they felt obliged to rubber stamp it because the technical work supported the application. This is where the change will occur with this act. It will bring these two processes out into the open and parallel to each other where communities can have their say at the earlier technical phase as well. Once this bill becomes law, these processes will become, as I said, parallel to each other, providing better involvement for communities and other stakeholders and more transparency at the earlier stages.

I do understand that concerns have been raised in the community in relation to the low-impact exploration. There have certainly been emails in my inbox. The government is committed to maintaining low-impact exploration in its current form. The bill is not intended to change that. We do have to work through how the process will work to mirror the current process. In practice the regulator may decide to adopt a simplified approach and apply that more flexibly in terms of the type of exploration covered by the new code. These matters will be explored during the transition and implementation phase in consultation with industry, the Crown land minister and landowners.

I want to stress that the amendments will not change the scope of the risks that operators will be required to consider, such as public safety, environment, infrastructure and land and property impacts. The operators will still be obliged to identify the risks and implement strategies to minimise and/or eliminate the risks in order to operate under a licence. The government worked hard in drafting this bill to protect the successful components of the current act while cutting unnecessary red tape. This involved a rigorous consultation process which involved the broader community, environmental groups and traditional owner groups over a number of years.

Despite the removal of the work plan process, the government has made sure to include consequential amendments to the Aboriginal Heritage Amendment Act 2016, the act that manages and protects Aboriginal cultural heritage, to ensure that the cultural heritage management plan requirement process is maintained. The CHMP will be tied to the risk tier determination process which is required before the work is undertaken. It strengthens protections for Aboriginal heritage through a continued consultation process with traditional owners in the same way as I raised earlier – throughout the operations rather than just in the initial stages like the former work plan provided for.

Protection of Aboriginal sites is a serious commitment of the Andrews Labor government. It is vital that we avoid what happened in Western Australia. As I am sure you are all aware, the Juukan Gorge was famous for being the only inland site in Australia with evidence of continuous human occupation for over 46,000 years. The cave had significant archaeological and cultural significance and was regularly used. Sadly, the cave was obliterated by Rio Tinto in May 2020. This is a sad case of a board that was based overseas and federal cultural heritage legislation that was full of holes. Despite the board having full knowledge of the significance, they utilised one of the federal legislative loopholes and blew it up. This is what you get with old, outdated legislation and a former federal government that placed a higher priority on pillaging the landscape for profit than respecting the deep significance of the Juukan Gorge for the Puutu Kunti Kurrama and Pinikura peoples. I have not been there so I cannot pronounce them correctly, but I would like to show them the respect that they deserve. Rio Tinto's blasting of the site was to gain a measly \$130 million worth of iron ore and was actually legal at the time, but it was certainly morally bankrupt. Under these changes in this bill with the consequential changes in the Aboriginal Heritage Act 2006, scenarios like the Juukan Gorge cannot happen in Victoria.

I also want to address the benefit of this bill for the environment and our net zero emissions goal. The reforms in this bill will enable more efficient production of resources that are crucial to manufacturing of renewable energy infrastructure and technologies. Additionally, the construction industry needs materials to repair and build key infrastructure to protect our communities against the impacts of climate change, such as floods, bushfires and rising sea levels. But of course I know the matter that is of most importance to many people here today maybe is, 'Can I still fossick and prospect recreationally?' Of course – just do not go near certain rivers and streams which will be specified in regulations after a review of the current publicly available list by the department.

Victoria relies on its mining industry not just economically but also for its supply of key ingredients for renewable and emerging technologies. Like other industries, mining needs to be accountable to the environment, to communities and to First Nations people. We rely on our mining industry to be legitimate in the way that it operates. Without community and environmental confidence, it will be difficult to meet the demands we as a society place on the products they provide. By increasing local availability of these key resources, Victoria can take advantage of an established critical mineral industry which would boost our economy as global demand for our resources grows. This bill succeeds in crafting a newer, cleaner and more transparent regulatory framework for the mineral extraction industry, and I commend it to the house.

Nicholas McGOWAN (North-Eastern Metropolitan) (14:19): I rise today to speak on this bill, and I think it is important that in doing so I also give voice to those people who perhaps do not have a voice here at present. On 1 August in fact I raised a question in this place in respect to the consultation around this particular bill. When I did that, I did it on behalf of local constituents of mine in my electorate, coming from Boronia, Doncaster, Ringwood North, Eaglemont, Montmorency, Wantirna, Ringwood East, Bayswater, Burwood East, Eltham, Heathmont, Chirnside Park and Mitcham. Since that time, however, I have received quite a large number of further concerns and letters – some of them form letters, others articulate, precise – all of them with one thing in common, and that is they are appalled at this government's lack of consultation. By that I mean public consultation, not stakeholder consultation necessarily. So that becomes an emerging theme for this somewhat chaotic government in its, I hope, dying days. We have seen this already of course with the closure of the forestry industry. We have seen this of course with the upheaval of the gaming industry and the changes declared and made overnight, presumably without half of the caucus knowing about this prior. We have seen this in terms of the cancellation of the Commonwealth Games; we need not cover that ground. We have also seen this of course with the overnight banning of gas in new homes in Victoria.

I suppose also what concerns me personally is the sort of gobbledegook language employed by this bill – and that is intentional. It is something I have railed against for many years. That is to say that this is not law by legislation; rather, it is law by regulation. The great difficulty I have with that is the

devil is in the detail. I have seen this over very many years in this place. It is a tactic many governments have used. They give very little detail to begin with, and we all have to just trust with good faith that the regulations, the codes of conduct, the guidelines – God forbid, the guidelines – actually reflect the intent of the bill itself. And of course if anyone has any problem that, well, you have got to go to court. So there we are. What an absolute something-or-other show; I will not use the word this place. But that is usually what we end up with.

I have some very serious concerns in this regard that this chaotic government yet again is without actual proper consultation. I have listened to the speakers today. Each one of them has stood up and referred to consultation and tried to water those claims down, but in actual fact even when you read the second-reading speech in the other place of the Minister for Energy and Resources, it is very clear that very little or none has been done. In fact, they intend to do it after the bill becomes an act. Well, what an ultimate insult to the people of Victoria. That is to say, ‘We’ll have the law first, then we’ll talk to you about it.’ That is not consultation, that is a farce. That is a complete, complete disregard for public input and complete contempt for the people of Victoria, I would say.

I thought I would do justice to at least two of my constituents by reading their letters aloud, because, while I do not necessarily agree with all their views, nor do I necessarily agree with what they say in their entirety, I think the gist of what they say is healthy and good for democracy. One in particular says:

Dear Mr McGowan

I am writing to bring to your attention the proposal to re-vamp the Mineral Resources (Sustainable Development) Act, 1990 and to highlight some of the major concerns and issues with this that need to be addressed.

It is distressing that a number of people are basing their understanding of the proposed changes on the content of the speeches in Parliament. These do not accurately portray the proposed changes, nor reflect their impact. For example, the claim that the changes will lead to greater transparency in the process is not supported, nor is the assertion that community consultation and engagement will be improved. The proposed changes to the legislation need to be read in conjunction with the original Act to understand how appalling the proposal is for all the stakeholders involved (with the exception of mining and quarrying companies).

As a landholder within Kalbar’s (now re-badging itself as Gippsland Critical Minerals) proposed mineral sands mine project area, I have first-hand experience of the inadequacies of the current regulatory framework, as well as of the lack of integrity, appalling conduct and poor judgement of mining companies. I have taken the trouble and time to read and study both the current Act and the proposed changes, and the latter will make the situation worse rather than better. In summary:

- There has been no regulatory impact statement released on the proposed changes.
- There has been no facility for public comment on the proposed changes; it appears the only “stakeholders” consulted were the mining industry and not landholders, community or interested and expert organisations.
- The removal of the requirement to submit work-plans makes any attempt to evaluate a proposed project’s impacts impossible. How can a project’s impacts be assessed when there is no detailed description of the actual works?
- Evaluation of proposed projects will become the responsibility of planning departments. This is likely to be delegated to a local government level. Neither the planning department nor local government has the expertise to evaluate the complex and multi-faceted range of impacts of mining proposals. If delegated it leaves approval decisions in the hands of unqualified and inexperienced staff, in an environment where personal connections and influence are often a higher priority than a project’s merit. This is not a suitable situation for the evaluation of highly complex projects where the impacts are multiple, interactive, broad-reaching and often long-term and subtle.
- Penalties are imposed for breaches of the Act; however multiple breaches may be considered (and penalised) as a single breach [12E(1) Multiple Offences]. This means that it is more economically favourable to breach the act than it is to comply. Rio Tinto’s destruction of the Juukan Gorge is a clear case in point. The proposed changes actively encourage companies to break the law.
- Although the requirement for “rehabilitation plans” remains, the penalty for a failure to rehabilitate is trivial. A one thousand penalty unit fine (equivalent to \$192,100) [Part 6 Duty to Rehabilitate

Land] is minor slap on the wrist compared with the hundreds of millions of dollars required to rehabilitate a mine site. The proposed changes actively encourage companies to break the law.

- There is no requirement for stakeholders or local communities to have input into the rehabilitation plan. Landowners are required to be “consulted”, but their input can be simply ignored by the project proponents. “Consultation” by mining companies is generally just stating what is going to happen (and the landowner has to “get over it”).
- Rehabilitation plans generally focus on making the site “look OK”, and are not based on function. Farming is about a practical functioning landscape – no soil subsidence, top-soil depth, good fertility (as measured by soil tests), active biology in the soil, appropriate pasture species ... The natural environment requires good ecosystem functions, active and diverse soil biology, appropriate mix of vegetation species and ages, habitat ... Neither mining company staff nor the Earth Resources Regulator’s staff are qualified or experienced to assess rehabilitation.
- Many worked-out mines in Victoria are in “Care and Maintenance” mode. This is a mechanism by which mining companies leave mines un-rehabilitated and indefinitely defer the rehabilitation costs under the pretence that the mine will become viable again in the future (e.g. Iluka’s Douglas mineral sands mine). The proposed changes to the legislation do nothing to close this much-used loophole.
- The majority of the “controls” on the mining companies are based on “self-assessment” and information provided by the proponent. The multiple failures of judgement and “self-assessment” by mining companies throughout Victoria’s history prove that this is an unreliable basis on which to place our landscape, environment, waterways and communities’ safety. A case in point: Kalbar’s self-assessments of risk were revealed by the EES process to be extremely faulty on **49 grounds**.
- The “Human Rights” of the mining companies have been addressed (according to the Minister’s statement). However there has been no consideration of the Human Rights of impacted landholders, communities, the environment or local businesses. These stakeholders’ human rights are violated regularly under the current regulatory framework with no repercussions to the mining companies (e.g. right to privacy), and will continue to do so under the proposed changes.
- At a meeting between our business partners, the Director of ERR and the Head of DELWP’s Assessment Department the question was asked as to which department was responsible for ensuring mining companies told the truth. Disturbingly the answer provided was “Neither, and it doesn’t matter because it will come out in the EES.” How will the Head of Department assess a project’s level of risk when the proponent is not required to provide truthful and accurate information? How can we trust the “self-assessment” of organisations not required to be factual, and where there is a history of misleading information (as evidenced in The Fingerboards EES reports)? Not many mines undergo the EES process to be subject to a high level of scrutiny. Not many communities can afford the legal and technical costs to defend themselves from unprincipled companies and inappropriate proposals.
- There is no check by the issuing authority on the landscape and local communities prior to the approving of a licence as to whether mining is appropriate or possible within that environment, e.g. proximity to intensive food production industries, availability of water, soils highly prone to erosion, proximity to sensitive/vulnerable ecologies ...
- The proposed changes are intended to reduce “red-tape” and make it easier for junior mining companies to become established without onerous regulatory oversight. Our local community’s experience of Kalbar has clearly demonstrated that the junior minor companies lack technical expertise, long-term commitment to a locale and community, financial resources to repair any damage they cause, and respect for the local communities, landholders and the environment. These junior mining companies require very high levels of oversight as they are prone to take shortcuts through ignorance, lack of finances or in the name of expediency.
- Transparency of decision making processes and mining company approvals will be totally lost. At present interested parties can obtain a copy of the approved work-plan and observe whether activities are in compliance. With no work-plans there is no means for a third party to assess whether activities are appropriate, whether risks have been considered and mitigated, and to what degree “where practicable” has over-ridden community and environmental safe-guards.
- The definitions of “where practicable” and “minimise” are very vague and leave large loop-holes for project proponent. Who defines what is “practicable”, when risk has been “minimised” and based on what data?

- While planning applications require a description of the activity to be undertaken, this is provided in very general terms. Frequently “the devil is in the detail” which can only be determined from highly detailed descriptions of the activity, i.e. work plans.
- The information available to the public in a planning application is more concerned with where the works will be undertaken than with what will be undertaken. This leaves communities in ignorance and in danger.
- Most of the actual detail is to be provided in a yet-to-be-written Code of Conduct. It is impossible to fully assess the impact of the proposed changes without a copy of the proposed Code of Conduct; in essence approval is being sought for a blank cheque.
- Reliance is being placed on an “expert regulator”. The highly damning Victorian Auditor General’s report into mine rehabilitation casts doubt on all levels of the current regulator’s competence, technical skills and administration. Giving a dubious regulator more responsibility is ludicrous.

Victoria’s history –

and I can continue on here –

has been strongly influenced by the gold-rush of the 1850’s. This has left us with a legacy of dangerous mine-shafts, rivers and the Gippsland Lakes contaminated with mercury, soils in some areas so contaminated with toxic heavy metals that home-owners cannot safely grow vegetables (according to a report by Federation University’s Department of Practical Ecology), the ongoing sagas of mining company bankruptcies (e.g. the Benambra and Bendigo mines), and mines left in “Care and Maintenance” to avoid rehabilitation costs (e.g. Douglas mineral sands mine in Western Victoria). We are now experiencing a “Critical Minerals” gold-rush; will we not learn from the damage caused by the past?

I respectfully respect that you:

- **Ask for full public input into the proposed changes –**

I think I have done that –

- **Request that communities, landowners and the environment be provided with more rights and better safeguards –**

that I support –

and

- **ask for the current proposed changes to be scrapped.**

Well, that remains to be seen, and sadly on my side of politics we do not have the numbers. But nonetheless, I finish:

The proposed changes to the Mineral Resources (Sustainable Development) Act, 1990 ... are a betrayal of communities, landowners and the environment. The fact that the legislation is being rushed through in record time with no public consultation shows its proponents are aware the changes would not withstand public scrutiny.

Yours sincerely ...

and I will withhold the name but happily provide that to anyone who cares to ask. I think that summarises the concerns.

What I should make clear, as I said from the outset, is while I do not necessarily concur with some of the assertions, I think what is evident from that is that particular individual put a great deal of detailed thought and consideration into their remarks and very, very, very many of them – in fact too many of them – have merit. Yet again we have come to this place for this entire week to use our time, sadly when we do not have the numbers – and politics is a numbers game – when things like this can be rammed through and we here have no truthful visibility of what is going to take place, because the legislation is, as I said, legislation by regulation, not law by legislation. The sad reality is the unforeseen consequences of this bill could be stark.

I look forward to asking some questions in the committee stage, because I think that is at least where we can try and get some answers to the questions that are being posed by some of my constituents and

some of the questions that I also have, but I should also put on the record that I am not anti-mining. That would make me a complete hypocrite. I live like everyone does, and I like to fly my planes, I like to drive my cars and I like to use the products that we all gain from the mining sector. But what I think is abundantly clear both from the comments I have read out loud today and also my own sentiment is that we want that to be done in a way that is safe and we want that to be done in a way that is responsible. Perhaps most of all we want that to be done in a way that is sustainable for our environment so we are not causing immense damage – well, not only immense damage, we are not causing damage – to the environment to the extent that is humanly possible. If all we do is keep taking from the environment and damaging it, at some place, at some time that will all catch up with us and we will wonder why.

David ETTERSHANK (Western Metropolitan) (14:33): I rise to speak to the Mineral Resources (Sustainable Development) Amendment Bill 2023 on behalf of Legalise Cannabis Victoria. I thank Mr McGowan for his thoughtful contribution. I think that was terrific; thank you. We want to start by acknowledging that the Victorian economy benefits hugely from the mining industry. According to 2021 data from the Minerals Council of Australia the value generated by this industry in Victoria is in excess of \$1 billion, including \$152 million in wages and salaries, over \$300 million in purchases of goods and services and almost \$50 million in state government payments. However, to put this in some perspective, that \$1 billion is roughly the size of the illicit cannabis market in Victoria on an annual basis, which to date has not been considered worthy of regulation, merely prohibition. But I digress. I shall return to my subject, to wit, the mining industry.

Beyond this financial benefit, minerals and extractive resources provide necessary materials for housing, construction, renewable energy infrastructure and manufacturing, but there are also well understood and multifaceted negative impacts associated with resource extraction – climate change, deforestation, pollution, the loss of biodiversity, displacing people from their homes, dividing communities and damaging people's health, to name but a few.

To exemplify this point we can look at any state in Australia, because directly or indirectly so many of our nation's people have suffered some form of harm from the consequences of mining gone wrong. By way of example, let me just share two words that have been repeated in this chamber on multiple occasions: Juukan Gorge. To expand their iron ore mine in WA, Rio Tinto blasted caves that showed 46,000 years of continual occupation and gave a 4000-year-old genetic link to present day traditional owners. They did this despite regular meetings with traditional owners and regulators prior to that happening, prior to that blast going ahead. So I guess I share Ms Ermacora's distress at what happened there, but I draw a very different conclusion from that.

Closer to home we see Fosterville Gold Mine's inability to self-assess risk having disastrous impacts on Axedale and Goornong farming and urban communities. We see it in mine worker injuries and deaths, in noise pollution, in dust emissions, in acid mine water drainage, in heavy metal contamination, in degraded groundwater quality and in earth tremors. With this well understood, we must pay very close attention to this attempt to streamline approval processes and self-regulation for this industry. We have heard from community groups, concerned constituents and many other members of the public primarily from regional and rural settings sharing an array of concerns on this bill. I think we share Mr McGowan's experience in that regard.

We have, I guess, three major concerns with this bill: the new self-assessment model, the regulatory role of councils and the ambiguity of further regulations. First, in respect to self-assessment, this bill removes the requirement for the Earth Resources Regulator's statutory endorsed work plan and replaces it with a manifestly less prescriptive regulatory model. Under the current process, a work plan would generally outline the proposed activities to be undertaken, and it functions as a repository of information relating to matters such as environmental management, community engagement, health and safety, reporting obligations and more. The government makes very valid criticisms that the current processes employed by the Earth Resources Regulator lack transparency, and we endorse that concern. But if you want to enhance transparency, you can pull back the blinds, you do not need to

bulldoze the wall. The proposed new model will include a self-assessment process and a duty to minimise risk to the environment and people from mining activities. That is a given. Applicants, however, will assess how much risk their mine poses to the environment and to the community and then decide for themselves how they will manage those risks before jumping directly to planning permissions and bypassing the work plan stage. This means that any pushback or appeals process on a self-assessment and council's decision on it will not be aided by a work plan endorsed by the Earth Resources Regulator.

Further, under this model there is a clear incentive to under-report and self-assess in the lower range. A self-assessment of low risk means that miners can commence work according to a code of compliance and will not need to prepare a rehabilitation plan to be approved by the department. I want to come back to rehab in a minute. We have heard stories from stakeholders that speak to just how problematic a self-assessment regulatory approach to this industry will be. We heard, for example, the story of a landholder that informed a mining company that the ground was too waterlogged for exploration activities. The mining company's risk assessment was that this was not a problem and they insisted on access. The result was extensive and permanent damage to the land in question from the 20-tonne drilling rig, which became bogged and had to be dug out no less than 15 times. We understand the government believes that the existing process is unnecessarily costly and inefficient, creating delays and adding cost to industry, but why risk rushing such environmentally sensitive applications through when the consequences of getting it wrong are so severe? We should be seeking every opportunity to identify risk well in advance of a final approval being issued.

Turning now to our second point of concern, under this new process councils will become responsible for approvals for planning permission, with the Minister for Planning as the referral authority. Councils will have to assess the environmental hazards, the health risks and a complex range of long- and short-term impacts. Basically, they need to assess both the direct and indirect impacts on community, environment and business. They are to do this without a work plan and have to rely on an applicant's self-assessed risk plan. They are to do this without technical, geological or environmental expertise and resources – something that is essential to properly assess mining applications. Now, this is just a little bit bizarre. If we are to believe what we have heard of proposed changes to the building planning framework, this government does not trust local councils to approve the building of a block of flats, but apparently it considers them competent enough to approve extraordinarily complex mining projects. I mean, the mind boggles at this inconsistency.

Further compounding these concerns is the requirement for councils to provide ongoing monitoring to enforce compliance with the new duty in the scheme for an unwritten but not legally binding code of compliance. Let us remember that we will have rate-capped councils doing this. One must ask: with what money and with what highly skilled technical human resources will they be doing this? There is a real concern that these changes could burden councils and inadvertently lead to less due diligence and less evidence-based decisions. It is then even more perplexing that the government has said that these reforms will not significantly change the role of councils in respect of mining and extractive industries. We understand that assurances have been provided by the government to the opposition proposing a comprehensive period of consultation, including with local government, but we have not sighted that, so please forgive me if I do not feel particularly reassured.

The government also said that the Earth Resources Regulator will continue to be a lead regulator for the industry, although how this relationship with councils will operate in the future remains entirely unclear. Mr McGowan rightly referred to the importance of rehabilitation plans as part of the mining process, but we know from previous Victorian Auditor-General reports reporting specifically on the question of rehabilitating mines that historically this regulator has repeatedly failed in its role to ensure that land is progressively rehabilitated and returned to premining or better conditions. The government has foreshadowed further changes to the Victorian planning provisions, local planning schemes and related documents to clarify the process for this decision-making, which will be subject to community

consultation. We welcome this community consultation, but the gap we see in this bill between legislation and regulation appears to be a mountainous one.

I concur with Mr McGowan: we have also been inundated with calls for further community consultation on both regulation and implementation, and we would like to see the government listen to those calls. I would say these are not your classic short-form bulk emails. These are really well thought through and considered letters from primarily rural and regional constituents.

We believe that consultation should happen first and then this bill should be brought back to this place. That is why we will not lend our support to this bill at this time. One of Legalise Cannabis Victoria's pillars is 'Save our planet', and this principle is front and centre in our deliberations on this bill. So to this end, we will be supportive of proposed amendments that will encourage greater consultation with local governments, environmental organisations and regional communities likely to be impacted by mining and exploration. Broad consultation, transparency and accountability are important, and we do not want to settle for less.

Sonja TERPSTRA (North-Eastern Metropolitan) (14:46): I rise to make a contribution on this bill, the Mineral Resources (Sustainable Development) Amendment Bill 2023. I will quickly just give a brief overview of the bill. I have had the benefit of listening to Mr Ettershank's contribution and Mr McGowan's and others today. So just to perhaps address some of the concerns that have been raised, the bill will essentially improve the management of risks associated with minerals and extractive operations by replacing the existing obligations on operators to submit and comply with a work plan specific to each operation with a primary duty to eliminate or, if not possible, to minimise the risks of harm so far as reasonably practicable. It will also simplify and improve the flexibility of the regulatory framework by streamlining approvals to commence works after or concurrent with the time the right to the mineral or stone is granted. It will also strengthen community confidence in minerals and extractives operations by establishing a risk-based framework to provide consistency and transparency in the way that decisions are made and that regulatory activities are undertaken. Importantly, these reforms do not change the scope of risks that this act seeks to mitigate – risks to public safety, the environment, infrastructure, land and property – but instead modernise and strengthen the approach to managing those risks. So it is not a magic wand – it does not wave a magic wand and take all those risks away – but it is attempting to address and perhaps streamline some of the ways in which those risks are managed.

Currently operation risks in mining and quarrying operations are largely managed through work plans, and we have heard a lot of discussion about work plans here in the chamber. Each site has its own individual work plan, with over 1200 work plans lodged with the Earth Resources Regulator (ERR). Work plan proposals receive a statutory endorsement from the Earth Resources Regulator, which operates as an internal preapproval step prior to planning permission and final approval of the work plan. This is unique to planning applications by the mining and quarrying industry, and it is unnecessary and costly and inefficient, creating delays and adding cost for industry without providing any benefits to communities.

The statutory primary duty will form the basis for a new outcome-focused, risk-based regulatory framework to drive high standards of performance, best practice and a simpler approval process for industry and the community to understand. With this reform community input will be the first step before a new project can be approved via the planning process. The Earth Resources Regulator will continue to input into this application to ensure a site is safe and minimises environmental impact.

The regulatory details that support how the duty model operates will be developed over a four-year period before the reforms take effect in 2027. The development of the regulatory details will be open to community input and subject to public scrutiny to ensure communities can have their say on how the industry is regulated. Penalty units, including jail time, will be strengthened to ensure that industry operates at the highest standard, consistent with community expectations.

In regard to some of the criticism that has been raised during the debate that we are in fact scrapping oversight and transparency requirements, this is not the case. In fact the introduction of the standard statutory duty and further subordinate instruments, codes of compliance and standards not only improves regulatory consistency between sites but provides clear visibility to the community of the compliance obligations that industry must meet.

The duty provides a default constant obligation to manage risk regardless of it being identified in advance, and importantly it ensures that the standard that industry must meet can evolve and strengthen over time as new controls become available. With the same duty for every site across the state the regulations become simpler to enforce, and this frees up additional resources for compliance, increasing government oversight of mining and quarrying operations. The bill also expands the Earth Resources Regulator's enforcement options, increasing the maximum penalties available under the act for instances of non-compliance with statutory duty. This includes jail time for aggravated offences. It is very clear that this bill will drive high standards of performance, best practice and a simpler approval process for industry and community to understand, strengthening oversight for projects.

Directly from clause 38AAG of the bill:

The holder or former holder of a licence must, before carrying out any work under the licence, apply to the Department Head for a determination of the risk level for that licence.

The bill requires new operators to carry out an initial self-assessment of risk when applying for a risk tier determination by the ERR. That self-assessment will be based on prescribed criteria and information, but ERR will make the final determination of the risk tier. If someone is wanting to create a new minerals mine or quarry, their risk tier is assessed and ultimately determined by the regulator.

In terms of the environmental assessment, the forms do not change the Minister for Planning's ability to require projects with potentially significant environmental impacts to be assessed through an environment effects statement process. This does not change. As we have seen previously and are continuing to see, all the new mineral sand mining projects currently being progressed in Victoria have been referred for an EES.

The government consulted widely with local government, industry and the broader community, including representatives of traditional owner groups, environmental justice advocates and landowners, during the development of this bill over a number of years. The bill purely creates the enabling framework for transitioning to a duty-based model, every aspect of which will be set in regulation, codes, standards and guidance material. These will be subject to a public consultation process before they come into effect in 2027 so industry and community can have confidence in the standards set.

I just want to go into a bit more detail about the duty-based model, which better protects the environment, as I was talking about. I know there was some discussion in the chamber earlier about this. As I was saying, some people think that the model will not provide an appropriate ongoing framework. In fact I guess the criticisms are that it is going to be a model that will provide less protection. The statutory duty incentivises industry to continually mitigate environmental risks that arise from mining and quarrying before those risks manifest, as I said earlier, but it will shift the focus from administrative compliance to addressing live risks. So again it is an ongoing duty as opposed to perhaps one that might be at a point in time. Unlike a work plan, which represents a commitment to addressing risks identified at a single point in time unless the work plan is varied, the statutory duty is a standalone perpetual duty that encourages a more dynamic approach to risk management to address any emerging risks and evolving expectations. It also gives greater operational control to licence and work authority holders to innovate to manage emerging risks.

As I said, sometimes risks evolve over time. They are not static, and they can change and are often dynamic. We think introducing this duty-based model gives more of an incentive to act to continually mitigate those risks. The reforms also incentivise industry to operate safely through the threat of

significantly greater penalties. As I said, we are increasing those penalties, and that correlates to the potential harm caused, unlike the penalty for a breach of a work plan, which does not scale according to the harm caused.

Further rehabilitation plans and bonds will be preserved to ensure rehabilitation is completed, with additional requirements for the regular review of plans and improved flexibility to vary plans after a licence of authority has ceased. This will enable rehabilitation to be varied where necessary to produce better environmental outcomes regardless of whether a licence or work authority has ceased. The new regime will require a supporting approach to compliance and enforcement, which will be considered during the implementation of the reforms.

In terms of the bill and how it contributes to climate action and energy transition goals, the reforms that are being introduced are expected to enable more efficient production of materials essential for manufacturing, renewable energy technologies and infrastructure needed for the global transition to net zero and to achieve Victoria's renewable energy aspirations and enable delivery of the government's climate change objectives, net zero emissions by 2045 and interim targets. I note in Mr McGowan's contribution earlier he talked earlier about how he likes to drive his car, he likes to fly his planes and all these sorts of things, and the bottom line is so much of what we do in life does relate to our use of minerals and other resources that we get from the ground. But we recognise that there are ways in which we can perhaps do things better. Introducing some of these duty-based obligations and ongoing obligations to look at how we can mitigate climate action and improve our energy transition goals forms part of the rationale for improving this bill and introducing changes to this regime.

Extractive materials are also needed to construct and repair critical infrastructure and built assets to mitigate and respond to the impacts of climate change, from flooding and bushfires to coastal inundation. Renewable energy technologies such as energy storage, batteries, solar, wind and zero-emission vehicles are mineral-intensive, and shortages in mineral supply can impact the speed and scale at which these technologies are deployed. Victoria has globally significant mineral sands deposits containing demonstrated resources of titanium, zirconium and rare-earth elements as well as further opportunities for copper, antimony, high-purity alumina and silica. Increased local availability of critical minerals would support the manufacture of technology and infrastructure, with an established Victorian critical minerals industry also having the potential to help meet future global demand. Whilst I know there has been criticism of this bill in the chamber, we see that some of these reforms are necessary. Whilst we need to streamline any regulatory environment, we know that it is important to ensure that there is a robust framework to ensure that our environment is protected from the impacts of mining.

When will these changes commence and come into force? As I said, these will come into force in 2027, but the reforms will change the process – the 'how' if you like – for managing the risks associated with mining and extractive operations. The scope of the risk regulated – which is the 'what' – to the environment, to members of the public or to land, property or infrastructure will be unchanged. The most noticeable change will be the introduction of the statutory duty, as I have spoken about, which will require licensees and work authority holders to minimise and eliminate risks associated with mining and extractive industries as far as reasonably practicable. As I have said, this will replace work plans lodged by individual operators. The planning permission process administered by local councils will become the start of the work approvals process. After planning permission is granted, operators will still need regulatory approvals from the ERR before commencing works, including determination of the risk tier for the operations, approval of rehab plans and lodgement of a rehabilitation bond.

As the reforms create a more streamlined and less individualised system, the focus of regulation will shift from the approvals process to compliance and enforcement of the statutory duties, strengthened by greater penalties. As you can see, there is a robust framework that is being proposed by the introduction of these reforms. We think it strikes the right balance between allowing mine operators to do what they need to do and ensuring environmental protections by allowing appropriate

enforcement and the penalties to be increased should there be any breaches of the framework. I commend this bill to the house.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (15:01): I thank all members for their contributions on this important bill. The bill does ensure that our regulatory system is better able to meet the increasing demands for our resources while strengthening protections for community and the environment. The bill will, as many of my colleagues have said, improve the management of risks associated with minerals and extractive operations by replacing the existing obligations on operators to submit and comply with a work plan specific to each operation with a primary duty to eliminate or, if not possible, to minimise the risk of harm so far as is reasonably practicable. These are concepts that we are familiar with in other legislative frameworks.

It will also strengthen community confidence in minerals and extractive operations by establishing a risk-based framework to provide consistency and transparency in the way that decisions are made and that regulatory activities are undertaken. Importantly, these reforms do not change the scope of risks that the Mineral Resources (Sustainable Development) Act 1990 (MRSD) seeks to mitigate – risks to public safety, the environment, infrastructure, land and property – but instead modernises and strengthens the approach to managing those risks.

The current legislation is difficult to understand. It is inflexible and is part of the broader framework which sees industry subjected to very lengthy delays, overlapping regulatory requirements and risks that are inconsistent with decision-making. The overlapping regulatory scope and requirements lead to additional costs and delays for industry operators and erosion of social licence and community trust in the regulatory process.

I note that there have been a number of items raised during the debate which I just want to take a bit of time to address in summing up. I think that the Greens are a little guilty of trying to whip up angst in communities about this issue, saying that the first someone will hear about a new project is when they start digging. Not only is this completely false but it does show somewhat a misunderstanding of the bill. Under the reform community input will now be the first step before any new project can be approved via the planning process. The Earth Resources Regulator will continue to input into this process to ensure a site is safe and minimise environmental impacts. As other speakers have noted, the current process of statutory endorsement is unique to planning applications by the mining and quarrying industry, and currently projects can receive statutory endorsement with little or no community input. Now this will happen first, ensuring communities can have a say in where these developments should go.

Some have made the incorrect assertion that this is somehow a reduction in regulation and oversight of the resources industry, and that is incorrect. The introduction of the standard statutory duty and further subordinate instruments, codes of compliance and standards and the like not only improve regulatory consistency between sites but provide clear visibility to the community of the compliance obligations the industry must meet. The duty provides a default constant obligation to manage risk, regardless of it being identified in advance. Importantly, it ensures that the standard that industry must meet can evolve and strengthen over time as new controls become available.

With the same duty for every site across the state, the regulations become simpler to enforce and free up additional resources for compliance, increasing government oversight of mining and quarrying operations. This bill also expands the Earth Resources Regulator's enforcement options, increasing the maximum penalties available under the act for instances of non-compliance with the statutory duty. This includes jail time for aggravated offences. It is very clear this bill will drive high standards of performance, best practice and a simpler approval process for industry and community to understand, and that will in turn strengthen oversight for projects.

There have also been a number of assertions that companies can self-assess their risk, and this is simply not accurate. I will quote directly from new section 38AAG of the bill:

The holder or former holder of a licence must, before carrying out any work under the licence, apply to the Department Head for a determination of the risk level for that licence.

The bill requires new operators to carry out an initial self-assessment of risk when applying for the risk tier determination by ERR. That self-assessment will be based on prescribed criteria and information, but ERR will make the final determination of the risk tier.

There have also been a number of contributions in relation to consultation. The government consulted widely with local government, industry and the broader community, including representatives of traditional owner groups, environmental justice advocates and landowners, during the development of the bill over a number of years. The bill purely creates the enabling framework for transitioning –

Nicholas McGowan interjected.

Ingrid STITT: On a point of order, Acting President, the government has given a commitment to the opposition that I, as the minister responsible for taking this bill through the committee stage, will put these commitments on the public record. I would ask you to remind Mr McGowan that I should be able to do that so that the record is clear.

The ACTING PRESIDENT (John Berger): Minister Stitt to continue, please.

Ingrid STITT: Thank you very much. As I was saying, the bill purely creates the enabling framework for transitioning to a duty-based model, every aspect of which will be set in regulation, codes, standards and guidance material. These will be subject to a fully public consultation process before they come into effect in 2027 so that industry and the community can have confidence in the standards set.

Specifically in regard to local government, workshops were held with the Municipal Association of Victoria, local government professionals, along with a number of local governments with a spread across the regional and metro council areas, and those with mining and quarrying operations. These include the Bass Coast, Benalla, Moorabool, South Gippsland, Cardinia and Wyndham, and these workshops were held in January and February of 2022.

The role of the councils will not change significantly in respect of the mining and extraction industries because of the reforms. That is, councils will become involved in the works approval process at an earlier stage, but Earth Resources Regulator will continue to be the lead regulator of the resources industry and responsible for enforcing compliance with the MRSD act. ERR will be made a determining authority in relation to planning permissions, receiving referrals of applications for mining and quarrying planning permission and specifying conditions to be included in any subsequent permit issued. If ERR is not satisfied with the proposals, then councils will need to refuse the permit. ERR's role, like that of other referral agencies, contributes relevant technical and regulatory expertise to assist councils in assessing and making their approval decision and informs the nature of any conditions that are attached to the permit. It does not place any additional burden on local government.

The operation of this model and how it interacts with local government will be worked through in detail alongside local government throughout many consultation processes. The government plans to undertake a comprehensive consultation process with LGAs, stakeholders, industry and community groups on the development of the regulations that underpin this bill across the four years leading to the bill coming into effect in 2027. The government has already committed funding in the 2022–23 state budget to begin the consultation process.

The bill ensures our regulation is better able to meet the increasing demands of our resources while strengthening protections for community and the environment. It will reduce the cost of important materials we need to build the new infrastructure and new housing across the state. It will help place Victoria firmly as a key player in the renewable energy supply chain by helping to responsibly unlock

our critical mineral potential. It increases transparency and community input by removing opaque and confusing licensing systems and replacing them with a clear statutory duty to remove or, if not possible, to minimise the risk of harm so far as reasonably practicable. It means our regulatory system is better able to keep up with the high standards expected of it. And it does not weaken regulations, it strengthens them. I commend the bill to the house.

Council divided on amendment:

Ayes (8): Katherine Copsey, Moira Deeming, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): Matthew Bach, Melina Bath, John Berger, Lizzie Blandthorn, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Amendment negatived.

Council divided on motion:

Ayes (29): Matthew Bach, Melina Bath, John Berger, Lizzie Blandthorn, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Noes (8): Katherine Copsey, Moira Deeming, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:22)

David DAVIS: I have a number of brief comments I want to make on this purposes clause, and then I have a specific question I want to ask the minister. I just want to begin by saying I note the minister has made a number of comments in the summing up and those comments in part relate to the agreement of the Minister for Energy and Resources to write to the Shadow Minister for Energy and Resources David Hodgett laying out the commitment to consultation, which I read into the chamber earlier in the day, so it is on the record. I thank the minister for that letter and the Minister for Environment in the chamber here for agreeing to reiterate some of those points in her summing up.

I do want to reiterate, too, on the record that it is my belief that we would not have got to that position if there had not been across the chamber an understanding that there did need to be enhanced consultation, and I pay tribute to Dr Mansfield's work there too in ensuring that there was across the chamber, other than I might say the government, an understanding that the consultation had been seriously short, seriously inadequate, and there was the case of the multiple reasoned amendments. In the event Mr Hodgett, our shadow, came to an agreement with the minister and those commitments were made, but I do not believe that would have occurred without the support of others in the chamber.

In my contribution I draw attention to what I would say is broader than this bill, which is a developing trend, and indeed a developing trend around the Westminster world, that bills would come through

establishing a head of power and then a set of regulations underneath it, rather than prescriptive and clear powers, rules and arrangements in the legislation itself.

It is a developing debate around the world as to whether this is the ideal way to go, and there are obviously arguments for and against. But at the same time I put on record my inherent caution about establishing heads of power with large regulatory powers. This is not intended to be critical directly of the minister, the current minister. There are other criticisms I would make of her, and they would relate to her office and matters in the northern suburbs, but that is a separate point. This is not intended as a criticism of her, because when we make legislation of this type it has got to be, as it were, foolproof for any minister. A future minister might have quite a different view from the current minister and might not honour some of the commitments that have been made.

The first question I have for the minister is: do these commitments stand no matter who the minister may be? That is the first question. And the second question is related to that. If this framework is established, the regulations will be produced, hopefully with the consultation commitments honoured. I want to know that the regulations are disallowable in the normal way.

Ingrid STITT: Thanks, Mr Davis for your question. Yes, those commitments around the consultation will stand. That is because we have given that commitment and placed it both on the record in the form of a letter from the minister to the relevant shadow and also on the record in the Legislative Council. But the bill does create that enabling framework for transitioning to a duty-based model, and the details of that will be set out in the regulations and other subordinate instruments. So of course there will be that further consultation with stakeholders to carry out the design and develop those details following the passage of the bill as part of the regulatory impact assessment process. In terms of your question about whether the regulations would be disallowable in the normal manner, yes, they would be.

Sarah MANSFIELD: Just with respect to consultation that has taken place in the development of this legislation, a number of members referred to several years of consultation with a broad range of groups. Are you able to tell us specifically who the government consulted with in developing this legislation?

Ingrid STITT: I will take a bit of time to go through that to make sure that it is fully appreciated that there has been extensive consultation. The Department of Energy, Environment and Climate Action consulted with stakeholders within the state government, with local government, with industry and with the broader community, including representatives from traditional owner groups, environmental justice advocates and landowners during the development of this bill. That has been over a number of years. So there were extensive consultation processes that took place in 2021 and in 2022.

The engagement with industry focused on the four main peak industry bodies for the minerals and extractives industries. That was the Minerals Council of Australia, representing the larger mining operators; the Association of Mining and Exploration Companies, which is the smaller miners; Cement, Concrete and Aggregates Australia, which is the larger quarries; and the Construction Material Processors Association, which is the small to medium-size quarries. Consultation also took place with several specific industry bodies.

The government – I think I mentioned this in my summing up – provided briefings to representatives from local government, the Municipal Association of Victoria (MAV), the catchment management authorities, representatives from registered Aboriginal parties who expressed interest in hearing more about the reforms and some environmental and landholder groups.

In terms of local government, there were a number of workshops that were held. I have already gone to them, but for the purposes of the committee stage I will repeat them. It was the Municipal Association of Victoria and the Local Government Professionals Inc., along with a number of local governments in both regional and metro council areas that have mining and quarrying operations in

their municipalities: Benalla, Bass Coast, Moorabool, South Gippsland, Cardinia and Wyndham. The Department of Energy, Environment and Climate Action and Resources Victoria engage regularly with local government on a number of issues, and feedback over a number of years on how resources projects are approved has informed the bill. There were workshops held in January and February 2022, where councils raised concerns about the transition and how they will be supported during this, and the details of this will be worked through with every local government very closely over the next four years as we develop the subordinate legislation that sits under this framework. The council's role, as I think I have already indicated, will not change significantly in respect of mining and extraction industries because of the reforms.

In terms of what the consultation on the regulation process will look like, the government will undertake a comprehensive consultation process with LGAs, stakeholders, industry groups and community groups on the development of regulations that underpin the bill. As you are aware, the bill will be developed over a period of four years, with the bill coming into effect in 2027. That will include workshops with stakeholders including LGAs, industry, environment advocates and community groups. There will also be opportunities for full public consultation and input to inform the regulations, and the 2023–24 state budget has provided funding to create the regulations, including the consultation program. We will be starting this process in the coming weeks and will be getting on with it as soon as this bill passes this place.

Sarah MANSFIELD: Thank you for that response. Are you able to tell me specifically which environmental groups were consulted?

Ingrid STITT: Environment Victoria was consulted. We did approach Environmental Justice Australia to provide input into the new legislation, but they chose not to take part in the consultation process. We hope that they will choose to be involved in the process over the coming years to develop the regulations.

Sarah MANSFIELD: You mentioned a number of councils that were involved in the consultation and the MAV. We have heard from a large number of councils who have mining occurring in their municipalities who were not aware of the proposed changes to the legislation. Were all local governments who have mining in their municipalities consulted as part of preparing this legislation?

Ingrid STITT: One of the key peak bodies for local government was part of our consultation process, including those workshops I mentioned – the Municipal Association of Victoria, which represents a majority of councils in the state and regularly disseminates information to its members. I have cited the particular councils with mining and quarrying operations that were consulted – Benalla, Bass Coast, Moorabool, South Gippsland, Cardinia and Wyndham. But as I have indicated, Dr Mansfield, there is a consultation process that will be undertaken between now and 2027 which will give another opportunity for our LGA stakeholders to be fully involved in the development of the subordinate legislation, including the regulations. We understand that that is going to be a really important process because we need to ensure that local government understand the new framework that we are creating here.

Sarah MANSFIELD: Just on local government, the proposed amendments suggest that local councils will assess the planning permit applications without the benefit of an endorsed work plan or a work plan variation document. What evidence does the government have to demonstrate that all Victorian local governments have the required expertise and capacity to assess planning applications without this information?

Ingrid STITT: Thanks, Dr Mansfield. The bill will remove statutory endorsement, which is a process unique to planning applications made by the mining and quarrying industry, and the statutory endorsement process has been criticised as kind of a closed process that essentially provides that preapproval of a work plan before a permit is issued. Under the reforms that we are presenting to the chamber today, councils will instead be able to deal with these applications in the same way that they

would deal with any other permit application, so taking into account the views of relevant referral agencies when making a decision to approve or not approve or approve the permit with conditions is something that they are very familiar with because it is in keeping with the way in which they process a number of other sorts of approvals within local government.

As the determining referral authority, the Earth Resources Regulator will review an operator's planning application against the Mineral Resources (Sustainable Development) Act (MRSD) requirements and statutory duty obligations. If the ERR – it is a bit of a tongue twister, that; we will have to come up with a better acronym – is not satisfied with the proposals, then council must refuse the permit. There is going to be that agency oversight there, so removing the statutory endorsement and treating those applications in the same way as other permit applications will also ensure that there is that more open and transparent engagement with the community about how the sites are managed, and it is much more transparent using that framework.

Sarah MANSFIELD: Just to be clear, are you saying that councils will not actually need any special expertise to assess mining applications because they are somehow not any different to the regular applications for a permit that they might otherwise be involved with assessing?

Ingrid STITT: What I would say, Dr Mansfield, is that it will not really radically change the way in which councils would be required to deal with any of these applications because there will be that referral agency oversight.

Sarah MANSFIELD: Just further to that, then, will councils require any additional resources to undertake this work, and if so, has any provision been made for councils with respect to these resources?

Ingrid STITT: Dr Mansfield, because they will be relying on the expertise of the ERR, it is the same process as now. If you do not mind, I just want to check with the box, because this is something that would be subject to the consultation that is being undertaken over the next period.

The ERR are responsible for that expert advice to councils, so we do not believe that this will result in any additional burden on council resources, but of course all of these issues will be, I am sure, thoroughly ventilated during the four-year consultation that will be undertaken to develop those subordinate legislation.

Sarah MANSFIELD: The bill proposes to remove the requirement for mining operators to submit a work plan. Approved work plans are the only document currently that the community could access – they have to pay a \$30 fee – but they detail the mining and quarrying projects. This is the only way they can access it without request under the Freedom of Information Act 1982. Has the government considered the implications of removing community access to information about mining projects?

Ingrid STITT: Dr Mansfield, I am going to take my time to debunk some of the misinformation around this issue, because this is not how the bill will operate. With this reform the community input will now be the first step, before new projects can be approved via a planning process. This brings the quarrying and minerals projects into line with any other development. Earth Resources Regulator still continue to be the lead regulator for mining and quarrying operations, and currently work plan proposals receive a statutory endorsement from ERR, which kind of operates as an internal preapproval step prior to planning permission and final approval of the work plan. This occurs before the project enters the planning process, so this means that projects can actually receive statutory endorsement under the current system with little or no community input. So one of the key aspects of this bill is that the community input will be the very first step. This increases the transparency and consultation, and it also ensures that communities will know about a project looking for approval far earlier than they find out about it now. That is the way in which the bill will operate. The community consultation occurs up-front as part of that framework.

Sarah MANSFIELD: Thank you for providing that clarification. Has the government conducted a legislative impact assessment on this bill?

Ingrid STITT: Dr Mansfield, the bill sets out the framework, but the subordinate legislation is what will underpin the framework, so there will likely need to be a regulatory impact statement (RIS) associated with the regulations that are developed through that process.

Sarah MANSFIELD: Will that be publicly available?

Ingrid STITT: Yes, and it will be conducted in the normal way.

Sarah MANSFIELD: The Victorian Auditor-General's Office released a report in 2020 on the Earth Resources Regulator and the rehabilitation of mines, and VAGO found that the Earth Resources Regulator was failing at every level – oversight, regulation and enforcement. A duty-based system relies on a proactive, thorough regulator in order to monitor compliance and enforce the law. Why did the government choose a duty-based system, considering the Earth Resources Regulator's poor history of enforcement according to VAGO?

Ingrid STITT: This is a similar framework to that which operates under the EPA legislation. It is a general enduring duty. Historically ERR have been criticised as not performing their functions to enforce statutory requirements. We acknowledge that the reforms do constitute a significant change to the framework and the regulatory approach, but moving from a regime that is largely based on ERR carrying out approvals to one where the industry have the flexibility to manage their operation in accordance with proportionate outcome-based regulations, reviewing and notifying the regulator of changes that impact risk, is not a concept that is new. It is a very well established framework under both, for example, the Occupational Health and Safety Act 2004 and also, as I have already mentioned, the Environment Protection Act 2017. So we think that actually this will mean that there are enhanced community safety and environmental outcomes, because that general duty is enduring and it does give the opportunity for continuous improvement as risk mitigation systems develop over time. So it is not a static system. It is one which, with that general duty, we think will enhance both the operations of the industry but also the regulatory oversight by ERR.

Sarah MANSFIELD: I guess my question was: given the ERR's poor record on enforcement and oversight and given that they have now got a greater responsibility to provide that oversight and enforce compliance because of that duty-based system, what is going to be done to improve their performance when it comes to compliance and oversight? I note that there are a number of penalties there and there was commentary from some other MPs about the potential inadequacy of those penalties, but regardless of the adequacy of the penalties, someone has to be able to detect non-compliance and enforce the law. The ERR have a poor record with this, so how can we have confidence that they will be able to undertake that role, which is particularly important in a duty-based system?

Ingrid STITT: The regulator will be supported to prepare for this change, and there will be a workplace capability and capacity review that will be undertaken in the second half of the transition period. The results of that review will be implemented to ensure that the regulator has the appropriate staffing, resources and skills and the appropriate structure to efficiently and effectively operate and enforce the new regulatory framework. That is very similar to the kind of capacity review and support that have been provided to other government agencies who have had similar legislative reform of this nature.

Sarah MANSFIELD: Minister, you referred earlier to the establishment of a general duty being quite similar to what is currently operating under the Environment Protection Act. I am interested in what evidence there is about the effectiveness of that duty in the Environment Protection Act in actually minimising or eliminating risk of harm to the environment or human health. How well is that working under the Environment Protection Act?

Ingrid STITT: Well, I do not know that we have come armed with the stats from the EPA. Perhaps you can ask me a constituency question about that or raise an adjournment matter about that, Dr Mansfield, and as the minister responsible for the EPA I would be very happy to provide you with that information.

The first part of your question related to moving to a duty-based model and how that would better protect the environment; I think that is the nub of the issue you were trying to get to. The statutory duty does incentivise industry to continually mitigate environmental risks that arise from mining and quarrying work before those risks manifest, because the duty applies to the operator. There is a very similar system in environment protection legislation. By shifting the focus from administrative compliance through having a plan to compliance around mitigating risk against that duty, it represents a commitment to address risk identified at a single point in time when you are talking about a work plan, and the statutory duty is standalone and it is perpetual. It encourages a more dynamic approach to risk management to address those emerging risks and evolving expectations. We believe that this is a much more rigorous system for compliance.

Sarah MANSFIELD: Our understanding is that the trigger for an environment effects statement to be conducted depends on the level of risk that the applicant feels applies to their project, with low-risk applications not triggering the requirement for an EES. Does that potentially create, I guess, something of an incentive to understate the risk of a project?

Ingrid STITT: Dr Mansfield, the reforms do not change the Minister for Planning's ability to require projects with potentially significant environmental impacts to be assessed through the EES process. DEECA will continue to work closely on any potential future legislative changes to the EES process as it relates to mining and quarrying. In the meantime the department will also consider the opportunities to improve interactions with the EES regime through non-legislative means during the implementation of the works approval reforms.

Sarah MANSFIELD: That probably goes to my next question, which was really about some of the feedback we have had from a variety of groups, including environmental groups and councils, that have expressed concern about the current EES process, particularly with respect to mines. Given the anticipated expansion of minerals mining throughout the state, they are particularly worried about the triggers and the process itself and do not believe that it is adequate to protect the environment and the communities. You mentioned that this may be up for review, but can you expand on that a bit more? As part of the consultation that you have outlined for this particular piece of legislation going forward, will that include a review of EES triggers and processes?

Ingrid STITT: Thank you for the question, Dr Mansfield. We do not think that it is appropriate to require an EES for every new exploration mining and quarrying operator. That would be disproportionate to the risk of environmental harm. It would create a significant burden in terms of both administration and cost for both government and industry, and it would effectively result in a decline in new exploration mines and quarry operations in Victoria. We do not intend to impact the industry in that way. But as I have already indicated in my previous answer, these reforms do not change the Minister for Planning's ability to require from the projects with those potentially significant environmental impacts an EES process to be undertaken by the proponent.

Sarah MANSFIELD: How will that risk be determined? You said that with projects with significant environmental risk the minister may require an EES to be performed, but who determines how much environmental risk is posed by a project?

Ingrid STITT: I am trying to be helpful, but this question is really outside the scope of this bill. It is a matter that sits with the Minister for Planning. There is no intention in the scope of this bill to change the current systems other than that we have indicated we will continue to work closely to try to make sure that those systems are aligned as best as possible.

Bev McARTHUR: Minister, why do you insist on pursuing legislation by regulation?

Ingrid STITT: Mrs McArthur, I do not actually accept the assertion contained in your question. We are not doing that. We are setting a framework in place that will have subordinate legislation to support it, which is not uncommon in these sorts of policy areas.

Bev McARTHUR: But if the members of Parliament and the community and the stakeholders in industry cannot see what you are actually proposing in detail, how is it right that you legislate in this manner?

Ingrid STITT: I think, Mrs McArthur, how I would respond to that is I would take you to the undertakings that the government has given about the consultation which will occur with not only the community but industry and stakeholders across the board, including local government and other organisations with an interest in these matters. This is not unusual, and the subordinate legislation, including the regulations, will be developed in the usual manner. To your point about how you will know, you will know because there will be that community and industry consultation process, and there will be an opportunity for significant input over the period of time that we have available to us before the legislation commences, which is in 2027.

Bev McARTHUR: Nevertheless this Parliament will not be the overriding body over the detail of the legislation. And yes, we are familiar that this is how the process is working under this government, and it really does appear to be not acceptable. But you have mentioned the word ‘consultation’, so I will go to a question on that: how much consultation has been done with existing holders of work authorities?

Ingrid STITT: Just, cheekily, to respond to your previous comment, your colleague Mr Davis did ask me about whether regulations would be disallowable in the normal manner, and my answer was yes, so it is important to remind you of that, I think. I have indicated to you that there have been consultations with a number of the peak industry bodies for mineral and extractive industries. I am happy to repeat the list if you would like me to, Mrs McArthur. We have already consulted, and intend to continue to consult, with the Minerals Council of Australia, which represents the larger mining operations; the Association of Mining and Exploration Companies, which covers the smaller mining companies; Cement, Concrete and Aggregates Australia, which is the larger quarries; and the Construction Material Processors Association, small to medium-sized quarries. And we have also consulted with a number of specific industry bodies. Of course when the consultation process begins for development of the subordinate legislation, there will be an opportunity for both peak bodies and individual companies with an interest in these matters to have their say.

Bev McARTHUR: I am pleased to hear that we can disallow your regulations. How many of these work authorities are held by small to medium enterprise businesses in this space?

Ingrid STITT: I know I have got that somewhere, but just bear with me, Mrs McArthur. As at 11 July 2023 there were 832 work authorities, but only 455 were operating.

Bev McARTHUR: How will the skills in assessing work authorities be transferred from Earth Resources Regulator?

Ingrid STITT: It will not.

Bev McARTHUR: Will councils be given any additional funding when these provisions are enacted? I think Dr Mansfield has raised that, but can you be specific?

Ingrid STITT: I am not in a position to really say at this point. But what I can say, Mrs McArthur, as I have already placed on the record, is there will be additional consultation that is undertaken with our councils, but the role of councils will not change significantly in respect of mining and extractive industries as a result of these reforms. The removal of the statutory endorsement will mean that planning permit decisions will be administered in the usual manner for councils, something they are very familiar with, and administered by the responsible authority. I think that it is fair to say that we believe that the impact on local councils will be minimal at best, and there will be, as I have said, the

opportunity for councils to continue to have input into the design of the subordinate legislation that will sit under the framework that we are debating today.

Bev McARTHUR: But, Minister, isn't a key change in this legislation the transfer of the application process to local government as the first step? That is the major change, isn't it?

Ingrid STITT: Mrs McArthur, we are not giving councils a regulatory role. They will just be responsible for making the planning decision. The regulation will continue to sit with the regulator, so there will be no change in the way in which you are describing it.

Bev McARTHUR: Thank you, Minister, for your answer. That seems odd, I must say – but anyway. Will the Earth Resources Regulator team within DEECA receive less funding?

Ingrid STITT: I do not believe so, Mrs McArthur, but that is not within the scope of this bill that we are debating in any event. We do not anticipate that there will be any changes to the level of resources available for the regulator.

Bev McARTHUR: If there is no actual saving of effort here, aren't we just shuffling the deckchairs on the *Titanic* given the impending shortages of staff in this space?

Ingrid STITT: No, we are not, Mrs McArthur. This is about creating a legislative framework which is modern and fit for purpose and based on risk mitigation. We are actually about improving the statutory regulation of this industry, so I do not accept the assertion contained in that question.

Bev McARTHUR: Minister, why is it, then, that you are taking the powers of planning away from councils in relation to renewables – and in certain cases, it appears, housing planning – but giving it back to councils in the area of extractive industries?

Ingrid STITT: I think you are conflating a number of different issues there, Mrs McArthur. We are not changing councils' role or powers in relation to the matters that are before us in this bill.

Bev McARTHUR: Minister, has a review been undertaken into work plans – that is, extractive industry statutory endorsement – where it has worked and where it has not worked, together with the reasons, prior to the decision being made for their removal?

Ingrid STITT: Mrs McArthur, we are bringing this reform to the Council, through the Parliament, because we have the view, as do a large number of people associated with this industry or who have an interest in these matters, that the current framework is outdated, complex and difficult to understand. We are unashamedly bringing forward reform that is more modern and fit for purpose, based on an enduring duty that operators need to comply with. That is not an unusual step, and these reforms I think represent a significant improvement in the way that these industries will be regulated.

Bev McARTHUR: What is the current backlog in applications for statutory endorsement?

Ingrid STITT: Mrs McArthur, I am advised that there has been a body of work undertaken to reduce the backlog, and I am advised that there are still a small number of applications on foot but that the backlog has been largely cleared.

Bev McARTHUR: Would you be able to give us the detail of that?

Ingrid STITT: I do not have that here, but I can see whether or not we might be able to provide some further information, Mrs McArthur, and take that on notice.

Bev McARTHUR: Minister, why not insist that the Earth Resources Regulator meet set performance criteria for statutorily endorsed work plans?

Ingrid STITT: Because the proposal before us today, Mrs McArthur, is to change the system from those work plans to a more modern, fit-for-purpose framework based on a general duty.

Bev McARTHUR: I go back to the council issue, Minister. Where is the evidence for reducing unnecessary cost and delay by transferring the burden for the framework on to local government associations?

Ingrid STITT: Sorry, I could not hear the last part of the question.

Bev McARTHUR: Where is the evidence for reducing unnecessary cost and delay – because you say you are streamlining the whole process, so the evidence that would tell us the cost and delay will be reduced – by transferring the burden for the framework on to local governments?

Ingrid STITT: Mrs McArthur, we do not believe that there is an additional burden. So that is the answer to your question.

Bev McARTHUR: So will councils be required to consider the state's best interest, given the shortage of supply of certain development-critical materials in the extractive industries space?

Ingrid STITT: I think you may be getting into areas that are going to be the subject of further work, but please let me just check with the box and I will come back to you.

No change for local government.

Bev McARTHUR: If a council, for crass political reasons, does not want to approve an application in its backyard, how will the state intervene?

Ingrid STITT: Mrs McArthur, the reforms will not alter the process of local councils seeking the views of potentially affected properties during the planning permit application process, so there will still be that framework. Local councils are accountable to their communities, as you would know very well, and councillors are elected officials, so it is expected that council will take into account their community's concerns and any relevant objections when considering any type of planning permit application, not just for a quarry or a mine of course. Ultimately council is empowered to determine planning applications and must do so in accordance with the Planning and Environment Act 1987.

Bev McARTHUR: Well, we all know that is not how it actually works. Let us look at another scenario where a council has a quarry of its own. Who assesses that?

Ingrid STITT: Mrs McArthur, it does not change the obligations on the council when it comes to applying the planning framework. I think I see where you are going with all of this, but there is no kind of shadow play going on here. There will be no change from the way in which councils currently process planning permits and they are required to adhere to the relevant legislation, and of course decisions can have appeal rights, as you would be well aware.

Bev McARTHUR: So can we be assured that these changes to this legislation will ensure we get more applications approved in a more timely fashion so we can have more extractive industries operating and more mines operating? Can you assure us of that?

Ingrid STITT: Well, we believe, Mrs McArthur – and I am sure you will be fully signed up to this – that removing the statutory endorsement process will significantly reduce the burden on industry and costs and delay. We believe that removing the need for an approved work plan and adopting a duty-based regulatory framework gives operators much greater flexibility. Over the long term the reforms are also expected to decrease the administrative and compliance burden on industry due to the increased uptake of things such as codes of compliance and standards. This is about improving the regulatory process. It is about taking the burden away from industry and minimising delays to applications.

Bev McARTHUR: Minister, we know that current appeals on planning permits reaching VCAT often rely on the Earth Resources Regulator's ticked-off statutory approval of the work plan. In this new system, how do you envisage applicants will demonstrate to VCAT that they have achieved the right level of compliance? Doesn't it actually make it harder?

Ingrid STITT: Well, that will be a matter for that applicant.

Clause agreed to; clauses 2 to 135 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (16:21): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (16:21): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Motions

Budget papers 2023–24

Debate resumed on motion of Jaclyn Symes:

That the Council take note of the budget papers 2023–24.

Tom McINTOSH (Eastern Victoria) (16:22): I have been looking forward to my opportunity to make my contribution, and there is so much to talk about in this contribution. I want to start with infrastructure because I think infrastructure is where this government has absolutely led our state and our nation. We know that people want to come to Victoria. We know the quality of life Victoria has. We know that it is a magnet, that people want to be here. As our population grows, for all of our families and for our communities we need to make sure that we have the infrastructure for them. That is what we are doing, and that is what this budget continues to deliver on. You talk to any Victorian and you mention something like the level crossing removals, and they absolutely know what you are talking about. Many, many, many of them will come and say what a local crossing has done for their life, what it has done for their productivity, what it means for their family, what it means to get to work or what it means to get to the local school ground. No matter which way you look at it, this infrastructure initiative, this infrastructure investment, has been an absolute boon for Victorians, and we have seen that reflected in the feedback we get from Victorians when we take the measure on that.

It is not only the boom gates, the level crossing removals, but the Metro Tunnel. There were so many naysayers about the Metro over so much time, and here we are running our first test train. I recently, with the fantastic member for Pakenham, visited the Pakenham depot there by Downer and the trains that are going to be running through the loop to Sunbury. There will be 70 high-velocity trains that will run through the Metro. It is going to increase the frequency of trains. These trains are new, being built in Newport, being built right here, maintained here, and it is just so incredibly exciting and speaks to what this government has done – invested, and invested with products that are built here to deliver for Victorians.

Of course when you talk about local products for Victorians you cannot go past the SEC. That has been such a huge part of the conversation of Victoria in the last year, the fact that this budget is delivering the SEC to get on and deliver 4.5 gigawatts of energy for Victoria – clean, affordable, dependable energy. We know how much Victorians absolutely got behind that idea of returning power to the people – power for consumers, not for profits. That really is at the heart of a Labor budget. It is about people. It is about our community. It is about our quality of life. That is what we look at. On every line item you look at, this government is delivering for Victorians for the quality of life we have so that it continues to improve. It is because since the first day this government were elected we have put our heads down and been willing to work every single day to deliver for Victorians and what it is they want.

From a cost-of-living perspective this budget delivers so much for cost of living. And of course one that is dear to my heart and dear to the hearts of so many is free TAFE. It is setting up the next generation of workers. It has been critically important at a time when the supply of workers, well-trained workers, trained adequately in appropriate areas to assist the productivity of Victoria, is so incredibly important. Not only are we giving free TAFE to workers, we are ensuring the supplementary things around that, like how apprentices can get free car registration so they can get to the job, so they can get that training and so they can become qualified and fully contribute to the economic outcomes of Victoria, contribute to their families and contribute to their local communities.

I talk about this so often in here: free kinder – what that does for Victorian families, what it does for this generation of kids now, what it does for them in the future both emotionally and academically and what it does for a whole generation of workers working in the early education sector who are building and growing their capacity and their ability to educate our kids, educate them in play-based learning. It supports our families. Families now know that three- and four-year-old children are going to get some of the best educational opportunities in the world. As they move through our education system through primary school, through high school and whether it be going into our TAFE system or into our university system, we are ensuring a generation of Victorians get incredibly high quality education to ensure the outcomes we will have when those young Victorians of today turn into the workers of tomorrow.

Of course when we talk about the workers of tomorrow, this side has a commitment to ensuring good conditions – good pay and safe conditions. That is again another thing that makes Victoria such a desirable place to live. Going to a job, getting there safely, getting paid well and getting treated well is the fundamental basis of what it is to be Victorian. It is a right of Victorians, and we on this side are very, very proud to respect workers, to treat them well and to ensure they go home to their families safely and that they have the finances to support their families in everything they do.

I notice McCracken on the other side seems to find that amusing, but I can guarantee we on this side do not find that amusing. We support families all the way, as we always have and always will. Something Mr McCracken, I imagine, will support – I would hope he does – is what we have done around V/Line fares, equalising what it is for regional and rural Victorians to get on V/Line and get the same price as what a metro customer does. I do not know, I think they forgot about regional and rural Victorians when they came up with their public transport commitments ahead of the election, but the Victorian Labor Party did not forget regional and rural Victorians. We are ensuring they can get anywhere in the state for the same price as someone in Melbourne can. And do you know what else it does? It gets people from Melbourne out into the regions and spending money, going to towns, having accommodation, enjoying all the wonderful things that our regions offer – the incredible things that we are proud of and that we sell. We ensure that everyone in this state, around Australia and around the world comes to enjoy them. We get to enjoy it, and everybody else should too.

I want to move on from cost of living now, and I want to talk about the investment that this government is making and will continue to make in housing. We have the infrastructure for our communities. We are supplying and ensuring affordable housing for our communities. This is a big issue. It is a big issue all around the world. It is one this government has a keen eye and absolute focus on, and the

\$5.3 billion investment is such an incredible commitment. Many throughout the region of Eastern Victoria – many, many houses – have already been delivered, and many more are continuing to be delivered. We ensure we have the infrastructure for communities. We are putting in the anti-inflationary measures to ensure that we are supporting people and families with their cost of living, their houses.

We also are ensuring their health. Health is critically important to us as a people, as a state, but also from an individual perspective. The investment we are making in people's health, particularly in women's health, is second to none, and we are absolutely leading in this space. It is not a niche issue. It is one we are standing up for and we are putting our dollars behind and we are putting our voices behind. Some of the investments in health – I talked about women's health. We have got 20 new comprehensive women's health clinics across the state, and I am very glad that two of those are there supporting people in my electorate, not to mention the mobile service that is going to support regional Victorians and a service that is dedicated to supporting our First Nations, our Indigenous, Victorians. We have got investments in our mental health and wellbeing centres because it is not just physical health, it is also the mental health of Victorians that we want to support.

You can see this flowing out of a deep commitment, things we are deeply committed to, when we talk about what we are investing in: in our women and in mental health, coming out of the royal commissions that were instigated years ago, and what we are implementing to deliver the changes that we want to see in Victoria for all of our people – as I said earlier – to continually improve the quality of our individual and community lives. Obviously we have got two big hospital upgrades in the eastern region of Victoria, which I am incredibly proud of. One that goes under the radar a little bit – but it should not – is the \$70 million investment for an aged care upgrade in Maffra, which is absolutely incredible for Maffra. It is incredible for the region that locals can get those state-of-the-art facilities close to home.

Schools and TAFE – I touched before on TAFE. Our education system is something that we on this side have always been proud to invest in and support because we know that when you invest in people you get the outcomes during the journey of that person's life and their family's life and our greater community's life and the benefits for our economy. Some of the schools that I have had the pleasure of visiting and talking to, with the millions of dollars of investments in schools, are Mount Eliza North Primary, Lakes Entrance Primary, Paynesville Primary, Leongatha Secondary College and Eastbourne Primary – millions and millions of dollars of investment in these schools to ensure that they have got the facilities they need to educate our kids. There is Rye Primary, \$200,000 – just a small one for a small playground, a fantastic thing for those local kids. Walking around with their principal Lachie and looking at what that is going to deliver for the kids was fantastic, on a smaller note.

Then of course, back on the skills side, there is the money that we are investing for our clean energy training future through our TAFEs. Five million dollars of that we know is for Morwell to ensure that huge demand – we talked about the SEC before – for workers, that huge requirement for the tens of thousands of workers that are coming into this system of renewables and offshore wind to deliver the clean energy that this state wants, the clean, affordable energy that Victorians absolutely backed in at the recent state election.

Community sport – it is so, so important to us. We have seen in the last few weeks that when you invest in community sport, you get incredible outcomes at all levels of our sport, not to mention at our national levels. The Matildas have been incredible. And you get there by investing at the grassroots, at the regional levels and at the state levels – all the way through – and that is what we are doing and what we have done in the past and what we are continuing to do. I myself have had the privilege to visit Lakes Entrance to meet with the council there, where we have \$800,000 for a new indoor sporting facility. The Buchan Football Netball Club has \$400,000 towards new netball court upgrades. There is \$350,000 for a pump track extension in Sale. There is \$150,000 for upgrades at the Bairnsdale Clay Target Club, and I can tell you they were very excited, when I dropped in out there, to know that

money is there to make the improvements to their club they have been wanting to do for some time. And there is \$120,000 for equipment upgrades for the Mallacoota gymnastics club.

All these things this government is delivering, whether it is the big picture or whether it is on the local level, like the kindergarten programs, where we have been able to go out and hear firsthand how much the community absolutely value our investment in early education, whether it is Sale, whether it is Leongatha, whether it is Foster, whether it is Mornington or whether it is Korumburra. In all of these places you visit, people really, really appreciate this investment in them, in their children, in their communities and in their families, and that is the importance of a budget that has community in mind, that wants to see our state grow, that wants to see it grow collectively, that wants to see equality of opportunity, that wants to see a fair and just state. It is that fundamental belief, that fundamental underpinning that sees a budget that delivers for Victorians and ensures that future generations of Victorians will have the prosperity we have today.

Sarah MANSFIELD (Western Victoria) (16:37): I was really hoping that we would see investment in May that would do a lot more to address the growing inequality we see in Victoria, but unfortunately this budget falls well short of addressing the root causes of poverty, homelessness and poor health that are impacting people's lives. People need affordable housing, access to health care and enough money to put food on the table, and as a responsible state government we should be able to deliver that as a bare minimum.

We are in the worst housing crisis of our generation, with homelessness continuing to increase across the state. With cost of living skyrocketing, paying the rent and keeping up with mortgage repayments has become a source of extreme financial distress for families and a range of different individuals in our community who are fearing they could be one rent increase or interest-rate hike away from being homeless. The electorate with the biggest increase in homelessness in the state over the past five years is South Barwon in my region, where it has risen by over 400 per cent, and in many other parts of western Victoria homelessness has dramatically increased, and they also feature in that top 10 of fastest rises in homelessness. In regional and rural areas the lack of affordable housing and rentals also has a major impact on essential services like health care, education, child care and emergency services. Meanwhile, we have plenty of houses sitting empty or only being rented out as short-term accommodation.

We all know how bad the housing situation is, yet this budget fails to acknowledge how serious the situation is for many Victorians. It fails to recognise that housing is a human right – a right that this government is blatantly failing to protect. We saw absolutely nothing in the budget for renters, but the Greens have not and will not allow Labor to leave renters out in the cold. We need rent controls, short-stay regulations and a massive increase in genuine public housing, and we will continue to push for it.

When it comes to health care, in the latest state budget we have once again been let down by Labor's underinvestment in preventative health. Australia fares extremely poorly when it comes to investment in preventative health, but it is the best value for money in terms of healthcare expenditure. For every dollar invested in prevention we save almost \$15 in healthcare costs. Over 30 per cent of chronic health conditions are preventable, and targeted interventions could reduce the burden on our hospitals and healthcare resources. Moreover, it is not just health dollars that you save when you invest in prevention, it is right across the board. People who are healthy are more productive, more engaged and less likely to experience poverty or require other government services. We need a genuine preventative health funding stream and a reprioritisation of health spending – maybe not so much on big, new, shiny hospitals that you can cut a ribbon and put a plaque on and more on meaningful preventative health programs and service delivery – because the way we are going, we will never be able to keep up with demand for hospital beds.

What we also should have seen in this budget, and what I will continue to push for, is greater investment in our community and primary health services so we can keep people healthy and keep them out of hospital in the first place. After prevention this is the next best value for money for our

health dollar. There is a huge body of evidence to show that health systems that deliver the best health outcomes and the most cost-efficient care have primary care – and I mean primary care in the broadest sense, not just general practice – as the cornerstone. The community health sector in Victoria delivers a holistic model of care that is now being touted as the way forward nationally in the review of Medicare funding, but we have had it here for 50 years. Unfortunately chronic underfunding and an under-appreciation of the role of community health in our state health system have meant community health centres have had to scramble for grants for basic infrastructure. For example, Cohealth in Collingwood has walls that literally have cracks so big that many rooms cannot be used for confidential consultations, yet they cannot access funding to address that.

My first job as a GP was actually in a practice co-located in a community health centre, so I got to see firsthand how it worked and the benefits for those who were served by it. I also spent time working at a service for people experiencing homelessness, and that too provided holistic services and supports based on individual needs, including social work and housing support, mental health care, podiatry and nursing care. In my electorate of Western Victoria I am aware of the important role that community health centres play in our rural areas, where they are often fundamental to the viability of their towns. We know that early intervention using the social model of health works. We know that when health care is team based and multidisciplinary it can provide better care and keep people out of hospital. We know it is far more cost efficient than the current fragmented specialist, hospital-heavy model. It saves money for the government by taking the burden off our hospital system as well as reducing out-of-pocket costs for patients. Given all the evidence, the question is: why isn't the Labor state government working to support and expand our community health sector rather than leaving it to barely get by?

Then we look at dental care. Over the next 12 months we will not see an increase in dental healthcare service funding for adults. This is desperately needed. The government's current public dental output services only a fifth of the eligible population, yet the government refuses to bring funding in line with population demand. The government's disregard for people who have the right to public dental access is made obvious by its own performance targets for wait times for public dental care. The performance target is 23 months – that is the target. How on earth is a 23-month wait for public dental care an acceptable performance target? At budget estimates the minister reported that the average wait time was actually 14.8 months, but if we look at the data more closely, especially across our region, we see discrepancies in access depending on where you live – another postcode lottery. In June 2023, if you lived in Warrnambool, the average wait time was 38 months for general care. Meanwhile we are struggling to recruit the workforce we need to provide public dental healthcare and to recruit and retain new public dentists in regional communities, and public dental chairs are just sitting empty. It is not good enough.

Prevention is the key in all areas of health care, and dental is no different. Seven per cent of people in Victoria continue to live without fluoridated water due to a lack of investment in fluoridation. Baseline oral health in these communities is shockingly low. We have been told that a dentist in the east Grampians can look in a patient's mouth and know that they are from Stawell by their poor oral health. Stawell's drinking water is not fluoridated. Evidence shows that good dental health is clearly linked to sustained general wellbeing, and on that front these communities are being left behind.

Lastly, I will address the environment. This budget disregards the urgent need to proactively address the imminent challenges posed by a changing climate. Core issues such as biodiversity loss and extended periods of drought as well as climate resilience all require action now, not later. Not only does it fail to invest enough in the environment, it actually cuts \$2 billion from the Department of Energy, Environment and Climate Action and its programs, which will leave the environment in an even more perilous state. We need to be investing more in our environment to make sure we are resilient to the impacts of climate change, not making cuts.

Disappointingly, there is no new funding for the return of real water to the environment. There is hardly any funding for water at all, with the lion's share of money going towards vegetation

management and converting a reservoir into a fishing and boating pool. The lack of consideration for the importance of our waterways for the whole of the state's collective wellbeing is beyond disappointing. With respect to the Murray–Darling, this state government has forced the Commonwealth government into granting a two-year extension to its offset mechanism, a mechanism that is already of questionable value. Without buybacks on the table and with no new money allocated our waterways are being denied the regular and sustained environmental flows that they need. This short-sightedness will leave Victorians vulnerable as we move to hotter and dryer climates. There is no farming and no communities on dead rivers.

Joe McCracken (Western Victoria) (16:46): Well, I am so pleased to make a contribution on this take-note motion. I noticed Mr McIntosh in his contribution before made the comment that the government are head down and working on delivering the budget. The only thing I would say is that they do have their head down, but their head is in the sand on this one. They are not really listening to regional Victorians, particularly in my electorate, about the negative impacts that this budget is having, because there are a number of things that are not funded. Where do I start? Debt levels – Mr McIntosh I know loves to be quoted. I did say to him before that I would quote him on his deep commitment, but the biggest and deepest commitment that this government has undertaken is obviously debt, which is massive. It is absolutely massive, and it is so unfortunate too because it is my generation and future generations that have to pay this off. Now, just at this point in time debt repayments are \$10 million a day, going up to over \$22 million per day at the end of the forward estimates. Imagine what \$22 million could fund just in one community. My community of Ballarat would love that.

Harriet Shing: It'd buy you a lot of friends on Facebook, Mr McCracken.

Joe McCracken: Maybe so. But imagine what that could fund in a lot of our regional communities. There are so many different community projects that we will be paying interest on instead of actually funding, so that is a great shame.

Bev McArthur: No more bike lanes.

Joe McCracken: No more bike lanes, as Mrs McArthur said. You might actually build some roads instead. One of the biggest things that have impacted the community that I come from in Ballarat is the cancellation of the Commonwealth Games, which was in the budget papers listed at \$2.6 billion, and weeks later we find out it was \$6 billion or \$7 billion, depending on who you ask. This is quite concerning given that \$6 billion or \$7 billion weeks ago was \$2.6 billion, so the big question is what is going on there. But the commitments that my community do need, which include a platform opposite Mars Stadium, are nowhere to be seen, which is a great shame, because this is the one thing that is probably needed the most.

Harriet Shing: There was a commitment.

Joe McCracken: There was no commitment at all to a Mars Stadium platform. There was no commitment at all made. This was something that we would have loved to see in the budget, but it was not there. What we did see in the budget was –

Harriet Shing: Five thousand seats and an athletics track.

Joe McCracken: Five thousand seats, but how are you going to get the people there? That is why we need a platform opposite, and it would have been great to see that – a great, visionary, forward-thinking plan, but, no, we did not see that at all. So sad. And the Ballarat people miss out. In fact the people coming to Ballarat miss out as well. It is just an absolute shame. I would love to be able to see some of the other benefits that were touted under the games, such as the remediation of the former saleyards, the now former proposed site of the athletes village on La Trobe Street there. This site was claimed to be remediated, levelled off and decontaminated. That work is all a big question mark now. We do not actually know what is going to happen to that site. When you talk to a lot of stakeholders, including the local council – I even spoke to them the other day –

Harriet Shing: The mayor is enthusiastic like you wouldn't believe. Des is mad for it.

Joe McCracken: He is hopeful that there is a positive outcome, but we do not know what the actual outcome will be, because the local ratepayers do not want to pick up the tab.

Members interjecting.

The ACTING PRESIDENT (John Berger): Order! There is too much noise in the chamber.

Joe McCracken: Thank you, Acting President. I do excite the opposition – the government, I should say. I know that much.

Members interjecting.

Joe McCracken: They are my opposition.

A member interjected.

Joe McCracken: It will happen sooner rather than later.

Sonja Terpstra: You will be in opposition for a very long time, trust me. Electoral Siberia!

Joe McCracken: It is cold. But things are about to warm up, I can tell you.

Sonja Terpstra: It's all that natural gas.

Joe McCracken: It will not come from natural gas, obviously. Natural gas is not on the radar, is it? No, we are all going to freeze now.

The next thing I want to talk about, which has not really been talked about as much as what it should have been, is the condition of our roads. I know that there is \$780 million or thereabouts in the budget allocated for roads, but the thing that is not really often explored in this is that half of the roads budget or thereabouts is not actually spent on roads maintenance, it is spent on the maintenance of wire rope barriers.

Bev McArthur: It's a disgrace.

Joe McCracken: It is an absolute disgrace, Mrs McArthur, because some of the roads that I have seen are just disgraceful. As I said earlier today, I was driving to Ballarat and there is a section of the Western Highway just near Ballan, between Gordon and Ballan, and you really do need a really heavy-duty tyre just to get through that stretch. The government have put signs down there to slow you down, but that is still really not good enough. It has been like this for a number of weeks – not just the last few days; it is weeks. To have a national highway in that condition is shameful.

Harriet Shing: A national highway?

Joe McCracken: It is state based. It is funded by the state as well.

A member: It is a national highway.

Joe McCracken: Yes, and it is funded by the state as well, as you would well know. When I talk to residents that is one piece of that highway that they always say to me needs work, but of course it has never happened. It has not happened, and it needs more work. I can also talk about other parts of the highway as well going towards the other side of Ballarat, towards Beaufort, Ararat, Stawell and beyond. It seems to me, though, the further you get out, the less maintenance is actually done. I have seen some parts of the highway between Buangor and Ararat – again, it was meant to be duplicated but that has not happened yet – that are in such poor condition you really do wonder if you can even risk putting your car on the road, because it is that dangerous.

I have got to talk about the power saving bonus. Oh, my goodness, I have never seen such a massive scam.

Harriet Shing: Did you apply for it?

Joe McCracken: I have not applied for it, no, because it is so bad. You have a system where the government take your money, through taxes, and then they make you apply to get your own money back. The only problem is that they pay expensive government bureaucrats to make that system happen. Wouldn't a better idea be to can the system and reduce taxes by that same amount? You would not be paying wages for people to give out the \$250 vouchers. You would not have to maintain a website. It actually is better for Victorians if you cut all of that rubbish out.

Bev McArthur: Think of all that data being collected, Joe.

Joe McCracken: You are quite right, Mrs McArthur: think of all the data that is being collected. For what purpose? We would love to know. The power saving bonus is not a good program, and the government should really consider the merits of the program given that it is actually a cost negative. It does not help people. There are far better options on the table.

Housing – oh, my God, where do I start with housing? The timber industry has been shut down. Local government is hamstrung because they cannot get any planning amendments through the minister's office – 18 months is probably the minimum that you would wait.

Bev McArthur: That'd be quick!

Joe McCracken: That would be quick – that would probably be a record actually – but we cannot expect to get housing supply on the market when we have such slow planning outcomes. We would love to see more support for that, but no wonder we are in such a housing crisis.

Free TAFE – this is another free thing from the government. Let me just say this very clearly: free TAFE is not free. TAFE is not free in Victoria. We have got a shortage of nearly 3000 teachers as well. I have had many TAFE students come to me and they have talked about the costs associated with going to TAFE. We are talking about things like travel, accommodation, uniforms, books, and they all are legitimate expenses that students have to incur because they go to TAFE. Now, this is sold publicly to TAFE students as being that TAFE is free. If you take it that TAFE is free, that means it does not cost a thing. Well, it actually does, but the students that have come into my office have said, 'Well, sorry. We thought it was free. It's actually not.' It is a very bad case of false advertising.

Look, there are a lot of promises made in this budget but with really not much delivery. In fact I have seen Domino's deliver better actually. So I hope that we can actually make sure that the true message of this bad budget gets out and that Victorians reveal what is actually happening and, more importantly, what is actually not happening

Sonja TERPSTRA (North-Eastern Metropolitan) (16:56): I rise to make a contribution on this motion, the budget take-note motion, and I am very pleased and proud to be able to do this because I get to talk about all the wonderful initiatives that the budget has funded in my region.

Bev McArthur interjected.

Sonja TERPSTRA: You see, this is the thing: those opposite seem to think that we do not spend money in non-held seats but we do, and I get to talk about it today so that is amazing. Thank you so much for the opportunity. I am going to start my contribution by talking about the amazing school upgrades that have been happening in my region. I am really pleased to say that Melba College in the state electorate of Croydon, which is not held by Labor, which might surprise you –

Harriet Shing interjected.

Sonja TERPSTRA: You would not know, because I have been working really hard to make sure that those kids who attend Melba College are able to get their school upgraded so they can learn in a fit-for-purpose, modern learning environment. So \$12 million will be allocated to Melba College to complete the upgrades to that school. I think it is at stage 3 now, and it is an important upgrade as we

progress to modernising and rebuilding that school. As I said, the Andrews Labor government have committed to funding to plan that next phase of the upgrade, and it will complete stage 3 of their master plan. Stage 3 will include a performing arts centre amongst other vital school infrastructure that will benefit students for many, many years to come. I was so pleased to see that that was committed to in the 2023–24 budget.

Of course my contribution would not be complete without me talking about one of the things that is very close to my heart, which is free TAFE, Acting President Galea, as you would know. I really love free TAFE. Despite all the doom and gloom that Mr McCracken talked about when he mentioned free TAFE, I can say that as somebody who has been around for a little while and someone who was a student of TAFE – I can remember going to TAFE myself and I can tell you – it did not cost anything. TAFE back in the day never cost anything, because it was about providing free quality vocational education and training, and that is what people actually seem to forget.

When those opposite want to pile on that free TAFE is no good, what they actually do not understand about free TAFE is that TAFE actually is about vocational education and training. We talk with industry so that we are supporting industry and business to say, ‘What skills do you need your workforce to have so they can be productive for you?’ That is actually what vocational education and training is. So the government says, ‘Come into our quality vocational education and training system, and we will train the workers that you need for the future.’ It seems to be lost on those opposite that that is actually a good thing and that business and industry ask us to do it and we work in partnership with them to do it.

In terms of free TAFE, one of the things which I have become aware of which is really popular is the certificate IV in veterinary nursing. A lot of women in my region found that that was a really good option for them, particularly women who are over 50. Their kids might have left home, and they might be looking to enter the workforce again and reskilling. A certificate IV in vet nursing is really, really popular, and that is on the free TAFE list. What I love about that course is it ticks so many boxes. It allows women to re-enter the workforce, to retrain and re-skill for free, and it allows them to work with animals. Let us face it, we all love animals. I had a picture earlier today with Sprite the Parliament pup, who I was told is turning 14 in the next few weeks. We love little Sprite; he is so gorgeous and up for a cuddle. Women in this place love our animals, and I know that being able to retrain and potentially work in the veterinary industry as a vet nurse is something that again gives economic independence to women if they have been out of the workforce for a long time. They can re-enter the workforce now that their kids are off their hands, and they can start earning an income and develop their own economic independence again. I love that initiative, and there are many, many others on the free TAFE list. There is funding to ensure that we expand our free TAFE list. I think we were at 70 courses earlier in the year, and I think we are now at around 80 courses. I absolutely love that. There are so many options.

Just recently we did our jobs, skills and training forum, which we held at Melba College. I spoke on this earlier in the week when I did my members statement. We had a number of fantastic employers that came to that and who are looking to employ school leavers who do not necessarily want to go off to university. I continue to have these conversations with young people all the time – that you do not need to go to university to have a well-paid, secure job. TAFE provides a great springboard to be able to get you into the workforce. If you do a TAFE course, you end up having a qualification and you leave that institution without any debt. If you go to university, you might have a large HECS debt, or whatever it is they call it these days, and you may not get a job. You may enter the workforce and you might have to go on for a period of time before you actually find a job that your qualification gave you access to, but it may not be a secure job, and that is the thing. Really, if you look at the jobs that are available and within reach to school leavers who want to undertake a career that requires a TAFE qualification, they are accessing well-paid, secure ongoing work, none of this insecure stuff, none of this poorly paid stuff, none of this casualised workforce kind of stuff. They are secure jobs. So I love

the fact that free TAFE really does provide that pathway to secure work and partners well with these jobs and industries that have skills shortages. These jobs are in demand.

I keep talking to young people. I say, 'You don't have to go to university. Don't worry about it.' I myself left school in year 10. I could not wait to get out of school. I had had enough. I wanted to go and work, and a lot of young people find themselves in the same boat these days. They have been at school, and they feel that they want to enter the workforce. They might enter the workforce and then work for two years in hospitality and get stuck there, and they are looking for a pathway out. That is what free TAFE does.

I have got some amazing TAFE institutes in my region: Box Hill TAFE, for example. Of course there is a campus at Box Hill, but there is also a Lilydale campus, which this government saved. When those opposite were in government, they wanted to close Lilydale TAFE. We mounted a campaign and saved that, so now that is a campus of Box Hill TAFE, and there is a very, very healthy stream of enrolments coming through into that TAFE, so I am really pleased about that.

We also have Swinburne University. It is a dual-sector university and TAFE campus there, and it offers amazing programs. One of the programs that I absolutely love, and I want to make sure this program continues – I think they were originally offering it at two campuses, but now I think it is just being offered at Croydon – is the Swinburne Young Mums program. I think I have spoken in this chamber about that before. Young women who have found themselves pregnant may not have found themselves in a position to continue their school education at school, so they come to Swinburne TAFE and they continue studying to complete their secondary schooling whilst also studying for a certificate II in retail. Child care is provided in the classroom for the women as they complete their education. When I went out there and visited, there were young babies in the creche and there were people taking care of them. I love that, because we know that if people do not complete their school education and become mothers and they do not have the support, they are at risk of not re-entering the workforce. So I love the fact that through TAFE we are able to support women in those circumstances to complete their secondary education and then also get a vocational education qualification under their belt. That is what Labor governments do. That is why I am proud to be a part of a government that understands that. It is about women's economic independence.

As we know, women today over 50 are the fastest-growing cohort of homeless people in Victoria, because we obviously take time out of the workforce to care for children. We do not have the same amount of superannuation that our male counterparts might have. Why is that? Because we end up undertaking unpaid carers responsibilities, and we end up being 10 years behind our male counterparts, so it is little wonder that then we do not have economic independence, so we cannot acquire the same amount of assets that perhaps our male counterparts do. And that means we are less able to acquire our own property, because we do not have the same amount of income or savings that men might have, because they have not taken the same amount of time out of the workforce due to caring responsibilities. As we know, most women do the bulk of caring responsibilities, and the bulk of those responsibilities are unpaid.

The other thing I want to talk about is another announcement, about 20 women's health clinics. I could talk and talk and talk for hours about women's health. I know, President, you understand only too well how important these women's health clinics will be to women in our region that we share, the North-Eastern Metropolitan Region. I am really pleased to say that there have been many other initiatives in this budget, and it really is a budget that recognises that women need to be supported. So there are things like public fertility services and care for more Victorian women and families. We know that we have made this a public service now through our health system.

Free pads and tampons in public places – so what we are doing is we are supplying free sanitary items across Victoria. Fifteen hundred sanitary dispenser machines with free pads and tampons will be installed in up to 700 public sites across Victoria, including courts, TAFEs, libraries, train stations and cultural institutions, such as the State Library Victoria and Melbourne Museum. We have already

made free pads and tampons available in all of our public schools as well. That is working to demystify any stigma that might be around periods and what they call period poverty. Some women cannot afford or do not have access to these sanitary items, because let us face it, they are quite expensive, and up until some time ago there was GST on pads. I reckon there probably was not any GST on Viagra or some of those things – unfair, right? It is completely unfair. So it was only appropriate that those sorts of things be publicly funded, because it costs a lot. It absolutely costs a lot.

A member: Ridiculous.

Sonja TERPSTRA: It is completely ridiculous. So like I said, the 20 women's health clinics that are being rolled out – I know that there are going to be a few of those. The Mercy Hospital for Women and the Austin Hospital will receive one. It is \$58 million to deliver on our commitment to create the 20 clinics. As I said, the Mercy Hospital for Women and the Austin Hospital, which are in Heidelberg, will be the beneficiary of one of those clinics as well.

There is so much more I could talk about – the hospitals that we are investing in. So just talking about the ones in my region, as I just mentioned, there is the Austin Hospital and then we also had a really large announcement, which was incredible, which is to completely rebuild the Maroondah Hospital, aka the Queen Elizabeth II hospital. Committing to a massive redevelopment and rebuild of that hospital will be amazing for people in the North-Eastern Metropolitan Region. People who reside in the state electorate of Croydon, a seat that we do not hold, will be able to access a brand new hospital very close to where they live, which is amazing. It is something that only those on the government benches over here would be able to deliver, so I am really grateful that we will be able to see that get underway.

The other thing that is amazing as well, and this is something that is really close to my heart, is that I was able to go and visit the Croydon Special Developmental School. One of the things I really loved about that was the announcement about rebuilding special schools. Going out to visit the kids and the parents at the Croydon Special Developmental School was amazing, but what I noted was that the plaque on the wall in the foyer of that school was from when Joan Kirner opened that school. I reckon that school had not had much of a lick of paint or anything done to it since then, so I was really pleased to be able to announce that that school, along with all the others in this state, will be upgraded.

The budget delivers a \$235 million package to help students living with disability, their carers and their families. The package provides \$122 million to support one of the biggest challenges for our families of children with disability – out-of-hours care. The budget expands the outside school hours care program to 30 special schools, giving more kids the high-intensity support they need. Since then we have also made announcements about upgrading hydrotherapy pools that are in some of these special disability schools as well. I know Croydon Special Developmental School has one. When I did go and visit that school, what I noticed in terms of the kids attending that school was that sessions in the hydrotherapy pool form a really important part of a child's education, because for kids with special needs – and some of them have not only intellectual disabilities but also physical disabilities – hydrotherapy forms a really important part of their therapy. So I was really proud to see that announcement being made. It really is a fantastic announcement.

There are so many other initiatives. I just want to talk about apprentices for a moment as well, because as I mentioned earlier this week, my son is an apprentice plumber and my daughter is about to become an apprentice electrician as well, and I am so proud of them. As I said earlier, I will have my home renovation needs completely covered, with the most expensive aspects of those hopefully being done by my children if the need ever arises. But like most kids, they probably will not want to do it. Anyway, the initiatives that are being provided for apprentices are also amazing, from even providing free rego for apprentices to a whole bunch of other things – mental health training programs that are going to support apprentices, including support for apprentices at smaller employers to access employee assistance programs, and for employers to improve their mental health and suicide prevention strategies.

What we know is there is a skills shortage in a lot of in-demand jobs and trades – the traditional trades like plumbing and electrical and building and those sorts of things. There are shortages in those, and it is really heartening to see support for those and to be encouraging kids to go and sign up to apprenticeships, like I said. At our skills and training forum the other day, I was encouraging kids to think about entering into a trade. *(Time expired)*

Lee TARLAMIS (South-Eastern Metropolitan) (17:12): I move:

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

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

Bills

Energy Legislation Amendment Bill 2023

Introduction and first reading

The PRESIDENT (17:20): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **National Electricity (Victoria) Act 2005** and the **National Gas (Victoria) Act 2008** and for other purposes'.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:21): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:21): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Energy Legislation Amendment Bill 2023 (the **Bill**).

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

Overview of the Bill

The Bill is an omnibus Bill that makes amendments to –

1. the *National Electricity (Victoria) Act 2005* to incorporate requirements the responsible Minister must comply with when making a T-3 reliability instrument under section 14JA of the *National Electricity Law* to trigger the retailer reliability obligation; and
2. the *National Gas (Victoria) Act 2008* to improve the civil penalty arrangements for a breach of a declared system provision prescribed to be a civil penalty provision under that Act and minor technical amendments to update references to the Gas Distribution System Code to the Gas Distribution System Code of Practice made by the Essential Services Commission.

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

The Bill does not raise any human rights issues.

Consideration of reasonable limitations – section 7(2)

As the Bill does not engage any human rights protected by the Charter, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter.

Conclusion

Accordingly, it is my view that the Bill is compatible with the human rights as set out in the Charter.

The Hon. Ingrid Stitt MP

Minister for Early Childhood and Pre-Prep

Minister for Environment

Second reading

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:21): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to managing the transition of the energy sector to achieve net-zero emissions by 2045 while ensuring the reliable supply of energy to Victorian consumers.

This omnibus Bill amends the *National Electricity (Victoria) Act 2005* and the *National Gas (Victoria) Act 2008* to deliver better outcomes to Victorian energy consumers in two ways.

First, the Bill will amend the *National Electricity (Victoria) Act 2005* to strengthen the Retailer Reliability Obligation (RRO) framework established under the National Electricity Law, which was recently amended to enable jurisdictional Energy Ministers to trigger the RRO.

The Bill will introduce Victorian specific decision-making criteria and consultation safeguards to be used in the event the Victorian Minister needs to trigger the RRO in response to an emerging risk of significant electricity disruption. The decision to trigger the RRO, will be made in consultation with the Australian Energy Regulator, the Australian Energy Market Operator, as well as the Treasurer and the Premier. It will ensure the decision is informed by the most up to date information regarding the energy sector and the broader economy.

The RRO puts in place responsibilities on retailers and large customers to secure contracts with electricity producers during periods of forecast lack of supply. This in turn encourages forward contracting – which importantly helps underwrite much needed new investment in electricity generation and avoid supply shortfalls.

Secondly, the Bill will improve the functioning of Victoria's wholesale gas market by enabling regulations to be made to increase the maximum civil penalties payable for parties that breach the rules. The change will provide additional flexibility to the Australian Energy Regulator and the courts in determining an appropriate response to instances of non-compliance and help ensure any civil penalties issued reflect the severity of the conduct and act as a deterrent.

This will ensure the compliance and enforcement regime is fit for purpose so that the Victorian gas market delivers better outcomes for consumers and align the level of civil penalties with those in place in other east coast wholesale gas markets.

Finally, the Bill updates several outdated references to the ESC Gas Distribution System Code in the *National Gas (Victoria) Act 2008*. This will help improve the accurate interpretation of the Act.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:21): I move, on behalf of my colleague Mr Davis:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.**Statute Law Amendment (References to the Sovereign) Bill 2023***Introduction and first reading*

The PRESIDENT (17:22): I have a second message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Interpretation of Legislation Act 1984** in relation to references to the Sovereign, to amend the statute

law of Victoria to revise language referring to the Queen and Her Majesty as a consequence of the death of Queen Elizabeth II and for other purposes’.

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

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:22): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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 **Statute Law Amendment (References to the Sovereign) Bill 2023** (Bill).

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

Overview

The Bill will update Victorian laws to reflect the demise of Her Majesty Queen Elizabeth II and the accession of His Majesty King Charles III.

While the *Interpretation of Legislation Act 1984* (ILA) contains provisions requiring Victorian laws be interpreted by reference to the successor upon demise of the Sovereign, the actual wording of each statute is incorrect unless specifically updated.

The Bill will also amend the ILA to clarify the operation of certain provisions and further future-proof legislation for demises or successions of the Sovereign.

Human Rights Issues

In my opinion there are no human rights protected by the Charter that are relevant to the Bill.

As such, there are no Charter rights limited by the Bill.

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

Second reading

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

That the bill be now read a second time.

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

During the more than 70-year historic reign of Her Majesty Queen Elizabeth II much of Victoria’s statute book was amended to reference “Her Majesty” or similar terms. With the accession of His Majesty King Charles III as Head of State, these references now require amendment.

While the *Interpretation of Legislation Act 1984* (ILA) does provide that references in legislation to the Sovereign are to the Sovereign for the time being, the actual wording of each statute on its face is still incorrect. These amendments will ensure that the State’s laws remain relevant and accurate.

The Bill will update Victorian laws to replace “Her Majesty” with “His Majesty” and similar terms, such as “her” to “his” and “Queen” to “King”, as relevant. There is no intention to change the effect of those laws.

The Bill does not update a number of references in provisions of the *Constitution Act 1975* (Constitution) to “Her Majesty” due to the need for compliance with important manner and form passage requirements in the Constitution. These include the need for a referendum to amend some provisions, and absolute majority and special majority passage requirements to amend other provisions. These provisions should be updated at the next available opportunity when there is a future change to similar provisions in the Constitution. In the meantime, the principles in the ILA will continue to apply to those provisions to ensure they are applied and read as being references to “His Majesty”.

To better future proof the demise or succession of the Sovereign, the ILA will also be amended to provide that unless a contrary intention appears, any reference to the Sovereign for the time being if it is a Queen or King is taken to be reference to “His Majesty” or “Her Majesty”, or “King” or “Queen”, as relevant.

As mentioned at the time of the Queen Elizabeth II’s passing by the government, her presence spanned countries, cultures, language and continents. That presence is also felt across Victoria’s statute book. While statute law amendment bills are required as a matter of good legislative housekeeping, this Bill, in a small way, acknowledges the Queen’s legacy.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:23): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

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

That the house do now adjourn.

Early childhood education

John BERGER (Southern Metropolitan) (17:23): (409) My adjournment is to the Minister for Early Childhood and Pre-Prep, Minister Stitt. Our early childhood educators play a vital role in shaping our next generation, and we owe a great debt to their hard work. That is why I am proud to be a member of a government that is putting its full weight and effort behind supporting them. Our Best Start, Best Life reforms include transitioning four-year-old kindergarten to 30 hours of pre-prep. Free kinder is now available for all three- and four-year-olds at participating facilities in Victoria and has benefited more than 140,000 children and families. I am excited to announce that over 97 per cent of kinders have opted in to this program, and of course we are establishing 50 government owned and operated early learning centres. Thanks to this program we are saving families money while giving more parents the opportunity to get back to work.

We have also introduced many other programs, like the culturally and linguistically diverse outreach initiative grants program. This has distributed \$3.5 million in vital funding to councils across Victoria to support children and families from CALD backgrounds to access kindergarten. We are backing in the workforce, investing almost \$370 million to attract and retain high-quality teachers and educators. In fact more than 3500 teachers who have joined our kindergarten workforce came to the job through government-funded scholarships. We have also partnered to fund the upskill program. This assists diploma-qualified early childhood educators to become degree-qualified early childhood teachers, and free TAFE has boosted the number of early childhood educators, with thousands of students enrolling. With pre-prep on its way, mark down 2025 in your calendar. It is going to change lives in our community.

I want to associate myself with these remarks yesterday, where Minister Stitt said:

There has never been more support for infrastructure and service provision in our state’s history in early childhood education and care – \$1.2 billion of investment in this state budget alone for infrastructure support,

a doubling of the capacity grant support for local government and also modular builds delivered fully funded by the Victorian government.

I cannot agree more. Earlier this year I visited the official opening of the Through Road early learning centre in my electorate, in Hawthorn. This fantastic local kinder has served the families of Camberwell for a generation, so it was great to celebrate its opening. I also had the opportunity to meet and listen to staff about what we can do to support their roles. That is why my adjournment to the minister is this: will the minister join me on a visit to a kindergarten in Hawthorn to see the great work our local teachers and educators are doing firsthand?

Safer Care Victoria

Georgie CROZIER (Southern Metropolitan) (17:26): (410) My adjournment matter this evening is for the attention of the Minister for Health, and it relates to an issue I raised in the house this week around sentinel events that have happened in Victoria's hospitals and the latest report released by the government, the *2021–22 Sentinel Events Annual Report*. As I said earlier this week, this report is actually very scant. It is lacking detail. It has got lots of half-blank pages and lots of pictures but nothing about the real issue at hand, and that is how many Victorians have died in our hospitals because of issues that arose through the course of their care. To improve the system we need to understand exactly what has gone on. I did also reference earlier this week that back in 2007 when the now Premier was the health minister he said:

It is vital that our services report on these events, so that we can learn from them and endeavour to reduce such tragedies in the future.

That is really what this report should be about. What have we learned from the terrible and tragic events that have occurred in our hospitals? Very little. This article that I am referring to, 'Surgery blunder among public hospital mistakes', from the *Age* in December 2007, goes through deaths from error, 38, including 11 suicides and three medication errors; procedures on wrong person or body part, 20; instruments left inside patient post surgery, eight; and other catastrophic events.

Yesterday in the lower house my colleague Emma Kealy asked on my behalf a question around Casey Hospital, where just a few years ago, 10 years after that report, there were six paediatric deaths and the government undertook a review. That was in 2016–17. I am pleased that the minister has written back to my colleague and said that all of the 41 recommendations and 51 actions from the review at the Casey Hospital have been implemented. But we have still got concerns. We have still got 767 findings, 556 lessons learned and 240 sentinel events, out of which 38 children have been affected, and the government will not tell us how many children have died. Out of those 240 sentinel events, how many Victorians have died? I think we have a right to know. I think we need to understand how many issues have gone on. How many medication errors? How many wrong body parts were operated on? How many children have died? Actually, there were 1149 recommendations, so the action I seek tonight is a full explanation of the 767 findings, the 556 lessons learned and the 1149 recommendations and a full, detailed account of how many children died and how many Victorians died.

Public housing

Samantha RATNAM (Northern Metropolitan) (17:29): (411) On Tuesday night a number of us attended the final vigil at the Barak Beacon public housing estate in support of Margaret Kelly and public housing residents everywhere. For six weeks on every weeknight without fail the community kept vigil with Margaret, the final resident of the Barak Beacon estate in Port Melbourne. It was home to 89 well-built public homes that provided shelter and, more importantly, a community for public housing residents – some, like Margaret, for over 25 years. People raised their families and made friends. They created a community. They knew each other and cared about each other's lives. But this neoliberal government does not seem to care. They have pursued their plans to privatise public housing in Victoria. For weeks on end the community kept vigil with Margaret in her plight to save Barak Beacon. They occupied, protected, painted and protested with every last drop of energy they had. I

want to thank all those who have attended and supported Margaret in any way. The vigils have been led by public housing residents and joined by advocates and community members from near and far.

This government hide behind a lot of PR spin and post-truth tactics, but the reality is they are currently demolishing public homes, with plans to hand over two-thirds of the public land to private developers for expensive housing and some community housing, with zero public housing to be rebuilt on the sites. They are outsourcing the provision of public housing in Victoria. A good government would be keeping public land in public hands so we can get on with building the 100,000 public homes we urgently need. Residents and public housing advocates welcome the development of this and other estates and in fact welcome more public housing to be built on these sites, but they have been united with Margaret in opposing the privatisation of public housing and public land.

Throughout Margaret's campaign to stop public housing from being privatised, the Victorian government have treated her with contempt and dismissed her genuine concerns at every turn. The minister has refused to meet with her. When she and other public housing residents attended the Parliament last sitting week to watch the matter of public importance debate in the lower house, government members accused members of the public of being set up to be there to pretend to be genuine community members. I see now that this is what the government members must have to do to manage the dissonance and the denial they must be experiencing. They have to convince themselves that the plights of people pleading to them are not real or genuine. They have to categorise Margaret as a troublemaker because it is easier to dismiss her. They do not have to care as much if they can label her as someone unworthy of attention. They labelled public housing residents and advocates who came to Parliament as 'pretenders' because they could not fathom that people actually experiencing housing distress could be fighting their government, who they so desperately need to believe are the good guys in this story. I have some news for the Andrews Labor government: you are not the good guys anymore. You are not the bastions of progressive thought or policy; you are neoliberal centrists, and your privatisation of public housing proves it. It is time to stop pretending. I ask the Minister for Housing to apologise to Margaret Kelly for evicting her from her home, a public home, of over 25 years.

Borough of Queenscliffe

Joe McCRACKEN (Western Victoria) (17:32): (412) My adjournment matter is to the Minister for Local Government, and it relates to the Borough of Queenscliffe and the community forum regarding the federal referendum around the Voice. The action that I seek is this: to seriously consider appointing a monitor to the Borough of Queenscliffe. The Borough of Queenscliffe announced in March this year, along with other councils, including the Geelong city council, that they would host public events for the Voice. Queenscliffe only invited supporters of the yes campaign, including an alleged journalist, Kerry O'Brien, who is reported to have fallen asleep at the event – so it was well worth the money! The event cost \$4000 and included expenses like travel and accommodation for these speakers, some coming from Sydney.

The local ratepayers, many of them, are outraged. Ian Royce in particular was quoted as saying the spend was 'outrageous' and 'utterly offensive'. He said that residents wanting to raise concerns with the council had been stonewalled – effectively they could not raise concerns. Others have said that the forum was an indoctrination session which has left locals filling hoodwinked. It is not the role of local government to be campaigning for one side or another on an issue which is a federal matter, let alone a state matter, particularly when there are massive, massive concerns in areas like planning, local roads, parks and gardens, having fair rates or, particularly in the Borough of Queenscliffe, coastal erosion. I would have thought these would be far higher order priorities than organising a community forum about the federal Voice.

David Limbrick: Stick to the roads and rubbish.

Joe McCRACKEN: Stick to roads, rates and rubbish – I could not agree with you more, Mr Limbrick. But I guess even if you are going to organise a forum, at least make it fair, at least make

it balanced and at least make it unbiased and invite both sides, because that is what it should be. If you are going to have a genuine community conversation about it, be balanced. There was clearly no attempt at that. It is blatantly obvious that it is directed –

Bev McArthur: They refused to allow Sarah Henderson to speak.

Joe McCracken: Mrs McArthur is quite right. They absolutely refused to have people who had a different opinion speak. Queenscliffe have clearly lost their way. I think the minister seriously needs to consider the future of Queenscliffe and consider appointing a monitor.

Formula One Australian Grand Prix

Katherine COPSEY (Southern Metropolitan) (17:35): (413) My adjournment this evening is to the Minister for Tourism, Sport and Major Events, and as I make this adjournment, too many in our community are not only struggling with the cost-of-living crisis but actively suffering. There is not enough affordable rental or public housing, so day after day more and more people and families slide into housing stress and into homelessness. People are risking their health because they cannot afford to take themselves to the GP or the dentist. And how many families would have loved to take their kids to watch the match on the big screen last night, but even though entrance was free, \$40 in train fares to get there was simply beyond their weekly budget.

So within this context of struggling communities, struggling mums and dads, what news did we read on the weekend? The *Age* reported that the Andrews Labor government continues shovelling money into corporate welfare – into the money-losing pit that is the grand prix, which seems set to continue its trend of posting astronomical losses year on year. We have known for 15 years that the costs of this event have always outweighed its benefits. In 2007 the Victorian Auditor-General issued a peer-reviewed cost-benefit analysis of the 2005 grand prix event, finding it was a net loser for Victoria's economy, reporting total costs of \$69.8 million that year and only total benefits of \$63.1 million. This year, in which we have both a cost-of-living crisis and a budget that has seen thousands of public sector workers being sacked, it beggars belief that this government expects Victorians to wear what is expected to be the grand prix's first-ever \$100 million loss, all for a four-day event that targets the elite. Now, unsurprisingly – but it is good to have it on the record – the *Age* reports that sources close to the grand prix negotiations confirmed that:

... a personal intervention by Premier Daniel Andrews to keep the race, resulted in Victoria paying an inflated price for an event that is this year expected to post its first \$100 million loss.

No wonder the Premier is so insistent on pumping up the tyres of the grand prix – the dirt from this dodgy deal is on his hands. Let us think about what \$100 million could bring for our hospitals, for our schools or in building public housing. Given the minister for tourism and major events also has the sports portfolio, perhaps he could think about sharing that with the Minister for Community Sport. Think about what \$100 million could do to transform community sport across the state and in particular in Albert Park where this event is staged and where facilities are crumbling. My adjournment to the minister is: cancel the grand prix, give the people back their park and advocate for investment in what will actually benefit Victorians – public housing, better public transport services and community sport rather than elite events.

Women's sexual and reproductive health

Trung LUU (Western Metropolitan) (17:38): (414) I rise today to speak about the shortfall in health services and clinics in the west, and the action I seek is for additional sexual and reproductive health hubs for women in the Western Metropolitan Region. Minister, I urge you to act on the shortage of sexual and reproductive health clinics and information services available in the west. Information from a review undertaken by the Victorian Auditor-General's Office shows a lack of access and information surrounding sexual and reproductive health services for women, especially in the Western Metropolitan Region. The audit also found limited access to services and a lack of understanding of major service demand and gaps, with a critical lack of clinics or hubs in the west which are designed

to assist with information and services. More worryingly, the audit found that the Victorian Department of Health cannot quantify the real health impacts on the community of this shortfall in services and clinics, especially on the very diverse cohort of my community, where there are existing challenges in communication due to language and cultural differences. This is of great concern to me regarding my constituents.

What figures show is the high demand for these services in growing LGAs such as Wyndham Vale and Melton. From Wyndham Vale alone from March 2018 to January this year it is reported 1600 calls were made to the 1800 number. There are 11 hubs in our state, yet there is only one in the Western Metropolitan Region. I understand that in 2021–22 the government allocated funding for three additional hubs in regional Victoria and to expand existing hub operating hours and the scope of services, but, Minister, further action is needed in my electorate in the west, with one of the fastest growing populations in the country. I urge the minister to get the Department of Health to understand the need and comprehensive analysis of the gaps and demands of reproductive health services in the west for my community and its diverse cohort of populations and to reinforce the lack of access to these hubs and services.

Video on demand

David LIMBRICK (South-Eastern Metropolitan) (17:40): (415) My adjournment matter today is for the Leader of the Government. On 6 September 2017 the Legislative Council Procedure Committee tabled its report on a proposed parliamentary video-on-demand service. The proposed service would provide streamlined internal access to Legislative Council video recordings and search functions to locate specific records. While this has been done and has been quite useful for my office, the report also recommended the implementation of a Parliament video-on-demand service and work towards the possible expansion of this service to the public. This change would bring Victoria up to date with other jurisdictions across the country. The Commonwealth, ACT, Tasmania and Queensland parliaments all provide a video-on-demand service for house proceedings and at least some parliamentary committee proceedings to the public through their respective websites, while the South Australian Parliament offers an internal video-on-demand service to its Parliament and some licence-holders.

The initial request from members of this house to the committee asked for the inclusion of committee hearings in the proposed Victorian video-on-demand service and for the service to eventually be made available to the public. Given the recent increase in public interest in matters currently before many of the committees of this house and the other place, the time for implementing this service is well overdue. It has been six years since the Procedure Committee recommended:

That the Government enter into discussions with the Parliament in relation to funding that would be required for the Department of Parliamentary Services to expand the video on demand service so that it is accessible by the general public.

All of us are here at the service of the Victorian people. Our wages are paid for by taxes. They have elected us, and laws are made which affect their lives. The very least that we can do is provide them with meaningful access to follow what happens here. My request is for the Leader of the Government to adopt the second recommendation of the 2017 Procedure Committee report on video on demand and work to establish a parliamentary video-on-demand service for the general public.

Inclusive education

Wendy LOVELL (Northern Victoria) (17:42): (416) My adjournment matter is directed to the Minister for Education. It concerns the cruel and heartless cuts made to the visiting teacher service by the Andrews Labor government. The action that I seek is for the minister to stop her callous attack on the visiting teacher service by reversing her decision to make redundant 85 teachers from the visiting teacher service and reinstating the teachers to the service immediately.

In commencing my contribution I thought I would inform the chamber of the role of the teachers from the visiting teacher service, as taken from the Andrews government's very own schools.vic.gov.au website. In the government's own words:

Visiting teachers are specialist teachers with expertise and experience in specific disabilities and impairments. They give schools and teachers guidance in supporting engagement and participation of students with disabilities and additional needs.

What a farcical piece of spin from a government and a minister who, with a stroke of her pen, recently sacked 85 of these same wonderful teachers from the visiting teacher service. No mention of that, but then Victorians should be familiar with the form of the Labor government when they say one thing and do the complete opposite.

These teachers are highly trained professionals – teachers of the deaf require masters degrees – working with around 3500 Victorian students who are blind or have low vision, are deaf or hard of hearing or are both deaf and blind. Visiting teachers provide essential support to the regular teacher who has a child with disabilities in their classroom. They are instrumental in helping students with disabilities to engage in learning and develop skills that prepare them for their future careers.

The decision to cut 85 teachers from the service will result in just 32 teachers being left to service the educational needs of Victoria's 3500 students with disabilities, an unacceptable and of course unsustainable scenario. I am informed that the visiting teachers perform most of their work in rural and regional areas. These are areas where there are less services available to families, which therefore makes this program even more valuable.

The minister's actions have been slammed by disability advocates and impacted teachers as well as parents of children with special needs, who now fear they will be unable to cope without this vital educational support. Cutting staff from the visiting teacher service directly impacts our most vulnerable students, and I urge the minister to immediately reverse this senseless and cruel decision and reinstate these vital teachers to the visiting teacher service.

Western Metropolitan Region bus services

David ETTERSANK (Western Metropolitan) (17:45): (417) My adjournment matter is for the Minister for Transport and Infrastructure. Reliable, affordable and accessible public transport is the hallmark of a civilised society. It allows people to access employment and education, health services, shops, entertainment and social activities. It promotes productivity and inclusion and reduces pollution and congestion. If you live in the inner or middle-ring suburbs of Melbourne, you probably take public transport for granted. If you live in the outer west, not so much.

The outer west has the fastest growing population in the state. This growth is pushing an already strained public transport system to the brink. The lack of reliable and accessible public transport forces people to rely on cars, with households needing multiple cars to get around, creating unwarranted financial stress on families and increasing congestion and pollution in the west. Those who do not have access to private transport face long and unpredictable travel times, with sometimes unbearable wait times for transport services. While we await the construction of major rail projects, buses could be and should be a good alternative, but they do not operate in the evening or on Sundays. Even at peak times, they are few and far between – literally, the average wait time for a bus is around 40 minutes.

There are solutions available to the public transport malaise in the west. The Melbourne Centre for Cities at Melbourne University released the *Better Buses for Melbourne's West* plan last year. It proposes replacing the current network grid with an entirely new one. The new grid would decrease the number of routes and increase the distance to bus stops but would dramatically increase access for residents and reduce the average wait time to around 10 minutes. We have it on good authority that the plan has been sitting in the in-tray of the Minister for Transport and Infrastructure for over a year now.

We know that the government is in the process of negotiating contract renewal for bus services in the west, so now would appear to be an opportune time to be discussing these routes. It is not a major infrastructure project that will cost tens of billions to implement. This is restructuring an already existing bus network for little cost to improve accessibility and wait times for literally tens of thousands of people in Melbourne's west. The action I seek is that the minister adopt the *Better Buses for Melbourne's West* plan and reshape our bus services accordingly.

Education system

Matthew BACH (North-Eastern Metropolitan) (17:48): (418) I was really saddened today to learn even more about the true impacts of Victoria's crippling teacher shortage crisis. I read this morning that Craigieburn Secondary College has in fact written to the Department of Education, given the fact that they find it so hard to recruit teachers, to say that the only way that they can carry on is to move to a four-day week, to send children home to be with their parents one day a week.

Some of the impacts of this crippling crisis are particularly bad in Melbourne's growing north and Melbourne's burgeoning west as well, but the impacts are felt right around the state. So my adjournment matter tonight is for the Minister for Education, and I would seek from her an update as to how many schools have sought alternative arrangements from the department, like Craigieburn Secondary College.

As a young Christian growing up, I used to ask myself from time to time, WWJD? Now, as the opposition's education spokesperson I find myself also asking the same question from time to time: What would James Merlino do? I had differences on points of policy with James Merlino; however, he was a good and honourable person. Since James Merlino vacated the most senior position in the Department of Education and that was given to Natalie Hutchins, we have had the schools tax smashing aspirational families – 42 per cent of Victorian families choose to send their children to an independent school – with school fees that will be higher in the order of hundreds and hundreds of dollars in the midst of a cost-of-living crisis. We have had cuts, as we just heard from Ms Lovell, to 86 – I think it will ultimately be 117 – teachers for children with special needs. We have also had the impending mass kinder cuts and closures through Labor's policy of kinder privatisation by stealth, but perhaps worst of all now we see this crippling workforce shortage.

It is all very well for Minister Stitt to chuckle over there, but I actually agree with Meredith Peace, the head of the Victorian branch of the AEU, who is running a stunning campaign in both our daily newspapers calling on the Premier – because Minister Hutchins will not listen, or if she will she lacks the clout that Mr Merlino had in government – to actually do something.

Today Victoria's teacher workforce shortage is worse than it has ever been in the history of our state. The education department tells us that today there are 2275 teaching vacancies across our public schools. There are further issues in our independent schools, but I want to focus tonight, as I so often do, on public schools.

Ms Peace is right. The government has done nothing to alleviate this crippling crisis. The numbers are bad enough, but the impacts are being felt first and foremost by Victorian children, children who experienced some of the world's longest lockdowns and who continue to have the worst learning outcomes that they have ever achieved. So I would like to know, and I dare say other Victorians would like to know: how many schools are in such a bad way as Craigieburn Secondary College, and what will this minister finally do about it?

Inclusive education

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:51): (419) My adjournment is also for the Minister for Education, and the action I seek is that she revise the disastrous decision made by the Andrews Labor government to cut the visiting teacher service – a service which has been delivered by 117 specialised teachers across the state, who provided tailored support to students with a disability

and in some cases life-threatening illnesses – and reinstate not only the program with all the teachers but actually increase it to have more teachers. As we know, 85 have been cut, and there are even rumours that the remaining 32 would also be being offered packages at this time. This callous decision to remove frontline teachers from schools takes teachers with specialist skills, such as teaching braille and Auslan, for example, away from the most vulnerable of our children, those that deserve the opportunity to experience a normal, happy education experience in the classroom – an inclusive education experience in the classroom. We have to remember that blind schools, for instance, were shut down so that children could actually be part of an inclusive education program. Now the support that they have in these schools is being cut, and that is simply not good enough.

These children rely on these teachers, and it is going to be a disastrous step backwards and a total, absolute disaster when the government's responsibility to these young people is letting them down so that they cannot even have an education. In fact we even know at this moment that there are families that are now having to homeschool, and they simply do not know what they are going to do. One mother that I met this week talked about her son, who had a broken arm because he cannot see where he is going. He does not have the support to be shown around in all the different areas and to know how he is going to be able to get along in every day of his school life. These children should not have to pay the price for Labor's economic incompetence.

At present the Department of Education, through the visiting program, has had specialised teachers that have been teaching one-on-one, supporting children with their special needs through an additional curriculum that has allowed them to be able to prepare for life and for vocational opportunities, and this is being taken away. Bright kids who should have the opportunity to have an education are now going to be in a situation where the average teacher simply cannot deliver. They do not know braille. They cannot put curriculum together in braille. No wonder we are losing so many of our teachers out of the education program. It is becoming an untenable situation.

On that note, I simply want to say that teachers are actually not getting paid enough for the work that they do. They work long hours. People think they have these long holidays. They work after school; they work weekends to prepare for children. And this is simply not being looked after by this government.

Recognition and settlement agreements

Bev McARTHUR (Western Victoria) (17:54): (420) My adjournment matter is for the Minister for Treaty and First Peoples and concerns the negotiation of recognition and settlement agreements between the state and traditional owner groups as legislated in the Traditional Owner Settlement Act 2010. That act allows the minister to enter into RSAs, and its various sections note what those RSAs may contain. They include land agreements, land use activity agreements, funding agreements, natural resource agreements and even an expansive section on the recognition of traditional owner rights.

The Dja Dja Wurrung RSA commenced in October 2013 and the Taungurung RSA in 2020. In October last year a further RSA was signed with the Horsham-based Barengi Gadjin Land Council to manage the area in question on behalf of the five traditional owner groups in that region. The action I seek from the minister is a justification of certain content in this latest RSA and an explanation of why it differs from previous agreements in crucial regards. As noted, the 2010 act does not provide for the local government engagement strategies, and yet they appear in each of the RSAs. In the BGLC RSA, the recent one, however, the section is substantially expanded. I would question: from where in the 2010 act does the authority for these clauses arise? Section D is on business support and includes a plan for negotiation with council, to include:

... a preferential contracting and procurement process under which council agrees to preferentially source goods and services from BGLC or other WJJWJ entities ...

that is, the five groups of businesses, including for –

- a. natural resources management;
- b. cultural awareness training;
- c. equipment or machinery hire; and/or
- d. other goods or services for which BGLC and/or its subsidiaries or members have relevant supply capability or expertise.

So what I ask the minister is simple: will the scope of the local council engagement strategies in each RSA continue to expand in this manner? If so, where will the line be drawn and where does this figure in the Traditional Owner Settlement Act 2010 under which the agreements are reached? This is not just an academic point, it is absolutely essential. I have looked at the act and the parliamentary debates on it, and I find no reference. This is a vastly significant law with very substantial consequences, and yet it seems clear to me that democratically determined legislation is being bent and stretched by agreements which move ever further from the wording and intent which received royal assent in 2010.

Northern Metropolitan Region schools

Evan MULHOLLAND (Northern Metropolitan) (17:57): (421) My adjournment tonight is directed towards the Minister for Education Natalie Hutchins. We know there is an extreme lack of teachers in Victoria, but under this government things are getting so bad that according to media reports recently Craigieburn Secondary College in my electorate has asked for a four-day school week with one day from home. Things have gotten so bad at Craigieburn Secondary College that they have had to send children home early on Fridays and have had classes cancelled. Under this government there is a shortage of over 3000 teachers in Victoria, which is incredible. So the action I seek from the minister is to clarify what she is doing about it and possibly even come out to Craigieburn with me. I know it is a long way from Rwanda, but Craigieburn in my electorate deserves attention too.

Just like this government, it has approved all these new housing estates and has not spent a single cent on duplicating roads or providing additional infrastructure. We have got a burgeoning population in the north, and the government is not properly managing its schools to cope with that growth, to hire and train additional new teachers. Those opposite talk about free TAFE a lot and all they are doing for training, and they have got a teacher shortage of 3000 in our state. So just like they have botched the delivery of growth suburbs in my electorate, they have also botched the delivery of teachers in my electorate.

The minister would know my community in the north is not very happy with her. She would have got a lot of correspondence from Aitken College in Greenvale. Craigieburn Secondary is also in Greenvale. She seems to be targeting Greenvale. She would have got a lot of correspondence from the community at Aitken College in regard to the school tax. A parliamentary petition that my colleague Dr Bach sponsored was actually started by a parent at Aitken College, and thousands of people signed that petition here to the Parliament to tell her to backflip on her schools tax. Now she has partially backflipped, but people are still angry because it does not allow any room for growth. My schools know that they will be captured eventually by this tax, because if there is anything we know about this government, it is that they love new taxes and they love ratcheting up taxes where they can.

We really need the minister to come out to the north, have a look at these schools and have a look at possibly providing upgrades to these schools, because they are overflowing. The government needs to stop neglecting the north. We need to hear the Labor member for Greenvale – we do not often hear him on these issues – advocate for the north and stop ignoring the north.

Matthew Bach: On a point of order, President, I have been alerted to the fact by my staff that I unwittingly misled the house in my contribution. With your leave, could I potentially take a moment now to correct the record?

The PRESIDENT: Sure.

Matthew Bach: In my contribution the figure I used was wrong, and I apologise. I said that there were 2275 teacher vacancies in the state. I have been informed by my staff of a message from Meredith Peace, the head of the Victorian branch of the Australian Education Union, that actually says that figure was from earlier today. The true figure as we speak is in fact not 2275 vacancies but rather 2311 vacancies. The full message from the head of that union reads, ‘How long until Natalie Hutchins MP and Daniel Andrews intervene?’ My apologies to the house for unwittingly misleading the house.

The PRESIDENT: I kind of regret saying ‘Sure’ now. Anyway, it is late in the day.

Responses

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (18:01): There were 13 adjournment matters this evening directed to eight separate ministers, and I will ensure that they are forwarded for a response in accordance with the standing orders.

There was one adjournment matter from Mr Berger in relation to the government’s transformational reforms in early childhood education and care, and I would like to thank Mr Berger for his adjournment matter. He talked about the importance of our 50 early learning centres and he talked about pre-prep. Of course we have got three-year-old kinder continuing to roll out, which is a nation-leading reform. We are the only state in the country with two years of free kindergarten. He also talked about a really important program, the language program, which is supporting children right across the state – a wonderful program – and also supporting CALD and refugee communities to access early childhood education and care. He invited me to attend a kindergarten in his electorate in Hawthorn, and I would be absolutely delighted to do so.

The PRESIDENT: The house stands adjourned.

House adjourned 6:03 pm.