



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 30 May 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, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira 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	South-Eastern Metropolitan	LDP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

¹ Lib until 27 March 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; Nat – National Party of Australia;
 PHON – Pauline Hanson’s One Nation; SFFP – Shooters, Fishers and Farmers Party

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Tuesday 30 May 2023

The PRESIDENT (Shaun Leane) took the chair at 12:04 pm, read the prayer and made an acknowledgement of country.

*Announcements***Photography in chamber**

The PRESIDENT (12:05): Members, just to make you aware, there is a photographer who will be taking action shots. Do not be concerned. They are just for use on the parliamentary website and possibly parliamentary social media, but if anyone sees a photo that they like, they can request it and the clerks will get it for the member's personal use – preferably one of yourself, not of someone else.

*Address to Parliament***Governor's speech***Address-in-reply*

The PRESIDENT (12:05): I will be presenting the address-in-reply to the Governor at Government House on Wednesday 7 June at 11 am. Any members who would like to attend are invited and should let my assistant Natalie know that they are going to attend.

*Bills***Disability and Social Services Regulation Amendment Bill 2023****Water Legislation Amendment Bill 2023***Royal assent*

The PRESIDENT (12:06): I have a message from the Governor, dated 23 May:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Acts of the present Session presented to her by the Clerk of the Parliaments:

9/2023 Disability and Social Services Regulation Amendment Act 2023

10/2023 Water Legislation Amendment Act 2023

Gambling Regulation Amendment Bill 2023*Introduction and first reading*

The PRESIDENT (12:06): 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 **Gambling Regulation Act 2003** in relation to wagering and betting and to make consequential amendments to other Acts and for other purposes'.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:07):
I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:07):
I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the Charter), I make this Statement of Compatibility with respect to the Gambling Regulation Amendment Bill 2023.

In my opinion, the Gambling Regulation Amendment Bill 2023, 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.

Human Rights Issues

The Bill amends the Gambling Regulation Act 2003 to make changes to the wagering and betting licence framework to permit multiple licences and remove the ‘no less favourable’ racing industry funding requirement for the wagering and betting licence.

The proposals in the Bill do not engage any rights of persons under the Charter.

The amendments in the Bill will affect wagering and betting licensees, VicRacing Pty Ltd and Racing Products Victoria Pty Ltd. Wagering and betting licensees are required to be corporations under the Gambling Regulation Act.

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

Second reading

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:07):
I move:

That the bill be now read a second time.

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

The Bill makes important changes to the structure of wagering and betting and will provide the necessary flexibility for government in awarding future wagering and betting licences – in order to yield the greatest benefit for the State.

A wagering and betting licence is issued under Chapter 4 of the *Gambling Regulation Act 2003* (the Act) which allows the licensee to conduct several gambling activities, including:

- pari-mutuel and fixed odds betting;
- simulated racing;
- operating the only off-course wagering and betting retail network in Victoria; and
- establishing and operating a betting exchange.

The current wagering and betting licence was awarded in 2011 and is due to expire on 15 August 2024.

The process for the awarding a wagering and betting licence to operate from 15 August 2024 is underway.

The proposed reforms in this Bill will provide flexibility for the government to ensure that the value of future wagering and betting licences is maximised for the State.

I now turn to the provisions of the Bill before the House.

The Bill amends the Act to enable the Minister to determine the number of wagering and betting licences and any exclusivity periods for future licensing processes.

Currently the Act only permits one wagering and betting licence to be in operation at the same time. This restricts the options that the State can present to the market to attract greater interest in the wagering and betting licence.

The Bill introduces an approach with the option to issue multiple licences and incorporate exclusivity periods within the licence to increase competition for the 2024 wagering and betting licence or licences.

This approach is consistent with provisions for the public lottery licence and Keno licences.

An exclusivity period means that the State would not be able to issue another wagering and betting licence that has effect during the period of exclusivity. For example, the State could issue one wagering and betting licence for a term of 20 years with an exclusivity period of 10 years. After 10 years, the State could issue additional licences.

No subsequent wagering and betting licences could be issued on an exclusive basis until all existing wagering and betting licences have expired.

The Bill also repeals the 'no less favourable' racing industry funding requirement for issuing a new wagering and betting licence.

In simple terms, the 'no less favourable' requirement provides that to award a post-2024 licence, the Minister must determine that the arrangements between the Victorian racing industry and a licence applicant are 'no less favourable' to the Victorian racing industry than the arrangements under the current wagering and betting licence.

Failure to remove the 'no less favourable' requirement will reduce competition, with the likely outcome being the prevention of the State from awarding a post-2024 wagering and betting licence.

Not awarding a post-2024 wagering and betting licence would result in significant foregone revenue for government and would have a negative effect on employment.

The Bill will remove the 'no less favourable' requirement to enable future wagering and betting licences to be issued without being required to determine that the licensee has entered into 'no less favourable' funding arrangements with the Victorian racing industry.

These changes are reflective of the changing wagering and betting environment, with the proliferation of online wagering and lowering demand for land-based wagering.

In conclusion, these are important amendments that provide for a more competitive wagering and betting licence process and greater flexibility for government in awarding the licence(s).

Ultimately, they should also lead to greater financial benefit for the State of Victoria.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (12:08): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Gambling Taxation Bill 2023

Introduction and first reading

The PRESIDENT (12:08): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to consolidate and amend various gambling taxes, to make consequential amendments to the **Casino Control Act 1991**, the **Casino (Management Agreement) Act 1993**, the **Gambling Regulation Act 2003** and the **Taxation Administration Act 1997** and for other purposes'.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:08): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09): 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* (**Charter**), I make this Statement of Compatibility with respect to the **Gambling Taxation Bill 2023**.

In my opinion, the Gambling Taxation Bill 2023 (**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

The Bill consolidates the administration of Victoria's gambling taxes by imposing the casino taxes, keno tax, and the wagering and betting tax. The Bill also makes a number of consequential amendments to the *Casino Control Act 1991* (**Casino Control Act**), the *Casino (Management Agreement) Act 1993* (**Management Agreement Act**), the *Gambling Regulation Act 2003* (**Gambling Regulation Act**) and the *Taxation Administration Act 1997* (**Taxation Administration Act**).

The Bill reflects the Government's response to the Royal Commission into the Casino Operator and Licence by consolidating the casino tax provisions from the Management Agreement Act and the Casino Control Act into a standalone Act; and transferring responsibility for collecting casino taxes from the Victorian Gambling and Casino Control Commission (**VGCCC**) to the Commissioner of State Revenue (**Commissioner**) by leveraging the Taxation Administration Act's tax administrative framework. Keno tax and wagering and betting tax are also relocated from the Gambling Regulation Act to the Bill. The Bill will impose wagering and betting tax at a rate of 10% from 1 July 2023 to 30 June 2024 and 15% on and after 1 July 2024.

The Bill amends the Taxation Administration Act to make the Bill a taxation law. The Commissioner will be responsible for administering casino taxes, keno tax, and wagering and betting tax (collectively referred to as the **gambling taxes**) imposed by the Bill. It is therefore necessary to consider the human rights issues raised by the provisions of the Taxation Administration Act to the extent that they apply to the Bill.

The consolidation of the gambling taxes in, and the application of the Taxation Administration Act to, the Bill, will engage several human rights in the Charter which I outline below.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are:

- Freedom of movement, as protected under section 12 of the Charter which provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.
- Privacy and reputation, as protected under section 13 of the Charter which provides that a person has the right to not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.
- Property rights, as protected under section 20 of the Charter which provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.
- The presumption of innocence, as protected under section 25(1) of the Charter which provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.
- Protection from self-incrimination, as protected under section 25(2)(k) of the Charter which provides that a person charged with a criminal offence is entitled without discrimination not to be compelled to testify against himself or herself or to confess guilt. The Supreme Court of Victoria has held that this right, as protected by the Charter, is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid. The common law privilege includes immunity against both direct use and derivative use of compelled testimony.
- The right to a fair hearing, as protected under section 24 of the Charter which provides that a person charged with a criminal offence or a party to a civil proceeding have the right to a fair hearing. The right to a fair hearing applies to both courts and tribunals, such as the Victorian Civil and Administrative Tribunal (**VCAT**). Generally, the right to a fair hearing is concerned with

procedural fairness and access to a court or tribunal, rather than the substantive fairness of a decision of a court or tribunal determined on the merits of a case.

For the reasons outlined below, the Bill is compatible with each of these rights.

Right to Property – Section 20

Imposition of keno tax and wagering and betting tax

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law which authorises the deprivation of property, and that law is adequately accessible, clear, and certain, and sufficiently precise to enable a person to regulate their conduct.

The clauses of the Bill imposing both keno tax and wagering and betting tax engage the right to property to the extent that a natural person taxpayer may be liable to keno tax or wagering and betting tax.

The imposition of both keno tax and wagering and betting tax is not arbitrary because both taxes are precisely formulated in Parts 3 and 4 of the Bill. These clauses are adequately accessible, clear, and certain, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Furthermore, taxpayers will have the protections provided by the Taxation Administration Act including rights of objection, review, appeal, and refund of overpaid tax.

In relation to the casino taxes imposed under Part 2 of the Bill, the Melbourne Casino Operator is a body corporate. Natural persons will therefore not be liable to pay the casino taxes.

Wagering and betting groups – joint and several liability

Division 4 of Part 4 of the Bill provides for grouping provisions to apply to the collection of the wagering and betting tax to prevent the potential erosion of the tax base. The grouping provisions provide for the group to nominate a designated group entity which will register, lodge and pay wagering and betting tax on behalf of the group.

The provisions also provide for the joint and several liability of members of a group in respect of the group's liability for tax; in other words, every member of a group (whether or not that member is a wagering and betting entity) is jointly and severally liable with the other members in respect of any period to pay the tax payable by the designated group entity of that group in respect of that period. Therefore, where a member of a group is a natural person, such as a sole trader or a partner, that natural person will be jointly and severally liable for tax that is payable by the designated group entity. The payment of tax based on joint and several liability may therefore engage the right to property of a natural person group member.

The purpose of joint and several liability provisions is to ensure the recovery of unpaid wagering and betting tax in the event of a default by the designated group entity. In my view, the imposition of joint and several liability on all members of a group is a reasonable and justified limitation on a natural person's right to property, because this action is likely to be the most effective method of ensuring payment of the wagering and betting tax in the event of a tax default.

Consistent with non-grouped wagering and betting entities that are natural persons, any group liabilities will be assessed and administered in accordance with the Bill and the Taxation Administration Act which establishes the Commissioner's powers and obligations, taxpayers' right of objection, review, appeal and recovery. A person will not be deprived of his or her property other than in accordance with the law.

For the reasons above, in my view the clauses of the Bill are compatible with the right to property under section 20 of the Charter.

Investigative powers of tax officers

As noted above, the Taxation Administration Act will apply to the Bill. Part 9 of the Taxation Administration Act provides authorised officers with investigation powers to administer and enforce taxation laws. Section 20 of the Charter is relevant to a number of powers which provide for authorised officers to enter certain premises, and to seize or take items. These powers are discussed in detail below in relation to the right to privacy.

I consider that section 20 will not be limited by these powers, because any deprivation of property will occur in accordance with law. The circumstances in which investigators/authorised persons are permitted to seize or take items or documents are provided for by clear legislative provisions, and the powers are strictly confined. The items that may be taken or seized will be relevant to and connected with enforcing compliance with the Bill. For instance, a magistrate may only issue a search warrant if satisfied by evidence on oath or affidavit that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, a particular thing on the premises that may be relevant to the administration or execution of a taxation law. Further, under section 77 of the Taxation Administration Act, a document or thing may only be searched for, seized or secured against interference if it is described in the warrant issued by a magistrate.

The powers of an authorised officer include, under section 76 of the Taxation Administration Act, the power to seize a document or thing where the officer has reason to believe or suspect it is necessary to do so to prevent its concealment, loss, destruction or alteration. Similarly, section 83 of the Taxation Administration Act provides that an authorised officer may seize a storage device and the equipment necessary to access information on the device if the authorised officer believes, on reasonable grounds, that the storage device contains information relevant to the administration of a taxation law and it is not otherwise practicable to access the information on the device.

In my opinion, sections 76 and 83 of the Taxation Administration Act, as they will apply to the Bill, do not limit the right in section 20 of the Charter because they are sufficiently confined and structured, accessible, and formulated precisely such that any deprivation occurs in accordance with the law.

Further, these provisions guard against any permanent interference with property where no offence has been committed. For example, the Taxation Administration Act provides that reasonable steps must be taken to return a document or thing that is seized if the reason for its seizure no longer exists (section 84), and the document or thing seized must be returned within the retention period of 60 days, unless the retention period is extended by an order of the Magistrates Court (section 85).

For the reasons above, in my opinion the provisions of the Bill are compatible with the right to property in section 20 of the Charter.

Privacy and Reputation – section 13

An interference with privacy will limit the right in section 13(a) of the Charter if it is unlawful or arbitrary interference.

Requirement to provide information in returns

Clauses 13, 20 and 36 of the Bill require those liable to pay any of the gambling taxes to register with the Commissioner, lodge returns, and pay the requisite tax. As the Bill will be a taxation law under the Taxation Administration Act, section 10 of that Act provides that a taxpayer must provide in a return all information necessary for a proper assessment of tax liability, including any further information not otherwise required under a taxation law.

It is expected that most returns will be submitted by entities, rather than individuals, and not all the information required to be provided in a return will be personal information. However, to the extent that the collection of personal information may result in interference with a person's privacy, any such interference will be lawful and not arbitrary. These provisions do not require that a person's personal information be published, and only require the provision of information necessary to achieve the purpose of taxation administration. Accordingly, in my view they do not limit the right to privacy.

Section 92(1)(e) of the Taxation Administration Act permits a tax officer to disclose information obtained under or in relation to the administration or execution of a taxation law to a listed authorised recipient.

Presently, section 92(1)(e)(xv) provides that the VGCCC is an authorised recipient for the purposes of administering the Gambling Regulation Act and any regulations made under that Act. Consequential amendments to the Taxation Administration Act will now extend disclosure to include the Casino Control Act and the Management Agreement Act as a result of casino taxes being imposed by the Bill. Although the imposition, registration and return function lies with the Commissioner for the gambling taxes, there will be instances where a tax officer (as defined in section 3(1) of the Taxation Administration Act) may disclose information protected under section 91(1) of the Taxation Administration Act to the VGCCC to assist in its administration of the Casino Control Act, the Management Agreement Act and the Gambling Regulation Act with regard to such matters as disciplinary action and licence suspension.

The type of information that may be disclosed includes, but is not limited to, information regarding registration, lodgements of returns and payments by taxpayers, taxation defaults by taxpayers, and applications for objection, appeal and review under Part 10 of the Taxation Administration Act by taxpayers.

To the extent that a tax officer's discretionary power to disclose protected information to the VGCCC interferes with a natural person's right to privacy, I consider that interference to be neither arbitrary nor unlawful. These amendments ensure that the Commissioner and the VGCCC can exercise their respective regulatory and law enforcement functions in accordance with legislation. I therefore consider that these clauses do not limit the right to privacy.

Investigative powers of tax officers

The inclusion of the Bill as a taxation law under the Taxation Administration Act ensures that the investigative powers of the Commissioner and authorised tax officers apply to the gambling taxes. The following

investigation powers may interfere with the right to privacy, as well as the right not to impart information, which forms part of the right to freedom of expression under section 15 of the Charter:

- Section 73 of the Taxation Administration Act provides that the Commissioner of State Revenue may, by written notice, require a person to provide the Commissioner with information, produce a document or thing in the person's possession, or to attend and give evidence under oath.
- Section 76 of the Taxation Administration Act provides that an authorised officer may, at any reasonable time, enter and search any premises, and inspect, photograph or make copies of any document on the premises.
- Section 77 of the Taxation Administration Act provides that an authorised officer may apply to a magistrate for a search warrant in relation to a premises, including a residence, if the authorised officer considers on reasonable grounds that there is, or may be within the next 72 hours, on the premises a particular thing that may be relevant to the administration or execution of a taxation law.
- Section 83 of the Taxation Administration Act provides that an authorised officer may, or may require an employee of the occupier to, operate equipment on the premises to obtain information from a storage device that the authorised officer believes, on reasonable grounds, contains information relevant to the administration of a taxation law.
- Section 86 of the Taxation Administration Act provides that an authorised officer may, to the extent it is reasonably necessary to do so for the administration or execution of a taxation law, require a person to give information, produce or provide documents and things, and give reasonable assistance, to the authorised officer.

In each provision that permits investigators to exercise powers of entry and search, the powers of investigators and other authorised persons are clearly set out in the Taxation Administration Act and are strictly confined by reference to their purpose. They are also subject to appropriate legislative safeguards. In particular:

- A warrantless search under section 76 of the Taxation Administration Act cannot be conducted in respect of premises used for residential purposes except with the written consent of the occupier of the premises (section 76(6)). An authorised officer may not exercise a power under section 76 unless the officer produces, on request, his or her identity card (section 76(5)).
- A search warrant issued by a magistrate under section 73 of the Taxation Administration Act must specify the premises to be searched, a description of the thing for which the search is made, any conditions to which the warrant is subject, whether entry is authorised to be made at any time or during specified hours, and must specify a day not later than seven days after its issue after which the warrant ceases to have effect (section 77(3)). Where entry under warrant or pursuant to court order occurs, an authorised officer must issue an announcement and give persons on the premises an opportunity to allow entry, unless the officer believes on reasonable grounds that immediate entry is necessary to ensure the safety of a person, or ensure the effective execution of the search warrant is not frustrated (section 78). The authorised officer is also required to identify himself or herself and must give a copy of the warrant to the occupier of the premises (section 79).
- Further, Division 3 of Part 9 of the Taxation Administration Act includes broad secrecy obligations that prohibit tax officers from disclosing information obtained in relation to their functions, except as permitted under Part 9 of the Taxation Administration Act.

Clause 75 of the Bill also applies section 92 of the Taxation Administration Act, which permits the disclosure of information obtained in the administration of a taxation law. Specifically, section 92(1) permits the disclosure of such information for several different purposes, including in accordance with a requirement imposed under an Act, in connection with the administration or execution of a taxation law, to an authorised recipient such as the Ombudsman or a police officer of or above the rank of inspector, or in connection with the administration of a legal proceeding arising out of a recognised law. As with the search and seizure powers of authorised officers under this Part, permitted disclosures are strictly confined to their legitimate purposes and are subject to considerable legislative safeguards. In particular, section 94 of the Taxation Administration Act prohibits 'secondary disclosure', that is, disclosure of any information provided under section 92, unless it is for the purpose of enforcing a law or protecting public revenue, or a disclosure made with the consent of the person to whom the information relates (or at the request of a person acting on behalf of that person). Further, section 95 provides that an authorised officer is not required to disclose or produce in court any such information unless it is necessary for the purposes of the administration of a taxation law, or to enable a person to exercise a function imposed on the person by law.

Accordingly, to the extent that these investigation powers could interfere with a person's privacy, any interference would not constitute an unlawful or arbitrary interference.

Freedom of Movement – section 12

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. As the Bill will be administered under the Taxation Administration Act, the administration of the gambling taxes may involve the exercise of the investigative powers provided in section 73 of the Taxation Administration Act. These investigative powers may also be exercised in relation to the collection of reportable information under Part 9 of the Taxation Administration Act.

If, under section 73(1)(b) of the Taxation Administration Act the Commissioner exercises their power to direct a natural person to attend and give evidence in relation to a matter, a natural person's right to move freely within Victoria may be engaged. Section 73(8) makes it an offence to refuse to comply with a direction made under section 73(1)(b). However, section 73(5) provides that a person required to attend and give evidence orally is to be paid expenses in accordance with prescribed scale.

It is arguable that a person's right to move freely within Victoria may be engaged when the Commissioner exercises their power under section 73(1)(b).

However, although the power to compel a natural person to attend a particular place at a particular time technically limits that person's freedom to choose to be elsewhere at that time, this differs qualitatively from the types of measures that Victorian courts have regarded as engaging the right to freedom of movement, such as restrictions placed on a person's place of residence, or ability to leave their residence, and police powers to conduct a traffic stop.

To the extent that section 73 of the Taxation Administration Act is capable of being considered to limit the right of freedom of movement, I consider that any such limit is demonstrably justified under section 7(2) of the Charter, as the Commissioner's power to compel a natural person's attendance to give evidence will in certain circumstances be essential to obtain the information needed for the proper administration of the gambling taxes imposed by the Bill.

Presumption of innocence – section 25(1)**Defences of Reasonable Excuse**

The right to be presumed innocent may be considered relevant to several offences under the Taxation Administration Act that place an evidential burden on the defendant, and which apply to the gambling taxes as a result of clause 75 of the Bill.

As outlined above, section 73 of the Taxation Administration Act empowers the Commissioner to issue a written notice requiring a person to provide information, produce a document or thing, or give evidence. Section 73A provides that the Commissioner may certify to the Supreme Court that a person has failed to comply with a requirement of a notice issued under section 73. The Supreme Court may inquire into the case and may order the person to comply with the requirement in the notice. Section 73A(4) provides that a person who, without reasonable excuse, fails to comply with an order of the Supreme Court under s 73A(2), is guilty of an offence.

Section 88 of the Taxation Administration Act makes it an offence for a person, without reasonable excuse, to refuse or fail to comply with a requirement made or to answer a question of an authorised officer asked in accordance with sections 81 or 86 of the Taxation Administration Act.

Section 90 establishes a defence of reasonable compliance for offences relating to the investigation powers of authorised officers under Part 9 of the Taxation Administration Act. It provides that a person is not guilty of an offence if the court hearing the charge is satisfied that the person could not, by the exercise of reasonable diligence, have complied with the requirement to which the charge relates, or that the person complied with the requirement to the extent that he or she was able to do so.

Clauses 20, 36 and 48 of the Bill also introduce offence provisions that place an evidential burden on the defendant. Clause 20 makes it an offence for a keno entity that becomes liable for keno tax to fail to apply to the Commissioner for registration under Division 3 of Part 3 of the Bill before the end of the first month in which the entity becomes liable unless the entity has a reasonable excuse for not applying for registration. Clause 36 imposes a similar offence on a wagering and betting entity that fails to apply to the Commissioner for registration under Division 3 of Part 4 of the Bill in relation to wagering and betting tax unless the entity has a reasonable excuse for not applying. Clause 48 makes it an offence for the designated group entity of a group to fail to apply to the Commissioner for registration under Division 4 of Part 4 of the Bill unless the entity has a reasonable excuse.

Although these provisions require a defendant to raise evidence of a matter to rely on a defence, I am satisfied that the provisions impose an evidential, rather than legal burden. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. The defences and excuses provided relate to matters within the knowledge of the defendant, which

is appropriate in circumstances where placing the onus on the prosecution would involve the proof of a negative which would be very difficult.

For the above reasons, I am satisfied that neither the Bill's offence provisions, nor those of the Taxation Administration Act as applied to the gambling taxes in the Bill, limit the right to be presumed innocent in section 25(1) of the Charter.

Failure to exercise due diligence

The right to be presumed innocent is also relevant to section 130C of the Taxation Administration Act, which establishes the criminal liability of an officer of a body corporate for the failure to exercise due diligence in certain circumstances, and which imposes a legal burden of proof on that officer. Section 130C provides that if a body corporate commits a specified offence, such as giving false or misleading information to tax officers contrary to section 57(1), or tax evasion contrary to section 61, an officer of the body corporate is also deemed to have committed the offence.

Section 130C(3) provides that it is a defence to a charge for an officer of a body corporate to prove that they exercised due diligence to prevent the commission of the offence by the body corporate. The defence in 130C(3) of the Taxation Administration Act imposes a legal burden on the defendant. However, I am of the view that the imposition of a legal burden to rely on the defence of due diligence is compatible with the right to presumption of innocence in section 25(1) of the Charter, as any limits on the right will be reasonably justified under section 7(2) of the Charter. Section 130C applies only to a narrow range of offences of dishonesty, and only to officers of a body corporate as persons who carry on a specific role and possess significant authority and influence over the body corporate. The gambling industry is highly regulated, and special responsibilities and obligations apply to persons who participate in the gambling industry. Courts in other jurisdictions have held that the presumption of innocence may be subject to limits particularly where, as here, the offence is of a regulatory nature. Further, a defence is available for the benefit of an accused to escape liability where they have taken reasonable steps to ensure compliance in respect of what could otherwise be an absolute or strict liability offence.

The purpose of these provisions is to ensure compliance with the Bill by deterring intentional acts of dishonesty in the administration of the gambling taxes imposed by the Bill. A person who elects to undertake a position as officer of a body corporate accepts that they will be subject to certain requirements under the Bill and the Taxation Administration Act and will be expected to be able to demonstrate their compliance with these requirements. This includes the expectation that an officer of a body corporate can demonstrate compliance with a requirement to exercise due diligence to prevent the commission of these offences of dishonesty by the body corporate taxpayer. Moreover, whether an officer of a body corporate has exercised due diligence is a matter peculiarly within the knowledge of that person. Such persons are best placed to prove whether they exercised due diligence. Conversely, it would be very difficult for the prosecution to prove the matter in the negative. Accordingly, I am of the view that section 130C(3) of the Taxation Administration Act, as applied by the amendment in clause 75 of the Bill, is compatible with the right to the presumption of innocence protected by the Charter.

Self-incrimination – section 25(2)(k)

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. The Supreme Court has held that this right, as protected by the Charter, is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid. The common law privilege includes immunity against both direct use and derivative use of compelled testimony.

Section 86 of the Taxation Administration Act, which will apply to the Bill provides that an authorised taxation officer may, in the exercise of his or her investigative functions, require a person to give information, produce or provide documents and things, and give reasonable assistance, to the authorised officer. It is an offence to fail to comply with a requirement made or to answer a question under this section. Section 87(1) limits the right to protection against self-incrimination by providing that a person is not excused from answering a question, providing information, or producing a document or thing on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. Section 87(2) provides that, if a person objects to answering a question, providing information, or producing a document or thing, the answer, information, document or thing is not admissible in any criminal proceeding other than proceedings for an offence against a taxation law, or proceedings for an offence in the nature of perjury.

In my view, section 87 of the Taxation Administration Act is a reasonable limit on the right to protection against self-incrimination under section 7(2) of the Charter. The ability of an authorised officer to require a person to give information or answer questions will be necessary for the proper administration of the Bill. To

this end, I note that the information, answers, or documents obtained are only admissible in proceedings for an offence relating to the proper administration of the Bill, and section 87(2) of the Taxation Administration Act otherwise preserves both the direct use immunity and derivative use immunity.

Further, with respect to the power of an authorised officer to require the production of documents, I note that at common law, the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents brought into existence to comply with a request for information. This is particularly so in the context of regulated industry, where documents or records are required to be produced during the course of a person's participation in that industry and exist for the dominant purpose of demonstrating that person's compliance with his or her relevant duties and obligations. The duty to provide documents in this context is consistent with the reasonable expectations of these individuals as persons who operate within a regulated scheme.

I am of the view that there are no less restrictive means available to achieve the purpose of enabling the proper administration of the Bill, as providing an immunity that applies to the offence of perjury or an offence under the Bill or the Taxation Administration Act would unreasonably obstruct the role of the authorised person to investigate compliance with the Bill. Accordingly, I consider that this clause is compatible with the right not to be compelled to testify against oneself in section 25(2)(k) of the Charter.

Fair Hearing – section 24(1)

Clause 79 of the Bill inserts a new subsection (12) into section 135 of the Taxation Administration Act to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act, as those sections apply after the commencement of clause 12, to alter or vary section 85 of the *Constitution Act 1975*. These provisions preclude the Supreme Court from entertaining proceedings of a kind to which these sections apply, except as provided by those sections.

A central purpose of this Bill is to alter current taxing arrangements in relation to the gambling taxes and in particular, to bring the casino taxes under the administration of the Taxation Administration Act. Section 5 of the Taxation Administration Act defines the meaning of a non-reviewable decision in relation to the Taxation Administration Act, which will apply to the Bill. 'Non-reviewable' is referred to in sections 12(4) and 100(4) of the Taxation Administration Act.

The reason for limiting the jurisdiction of the Supreme Court in relation to a compromise assessment under section 12 of the Taxation Administration Act is that agreement has been reached between the Commissioner and a taxpayer on the taxpayer's liability, and the purpose of section 12 would not be achieved if a compromise assessment were reviewable.

Section 18 of the Taxation Administration Act establishes a procedure, the adherence to which is a condition precedent to taking any further action for recovering refunds. The purpose of the provisions is to give the Commissioner the opportunity to consider a refund application before any collateral legal action can be taken. The purpose of these provisions would not be achieved if the Commissioner's actions were subject to review.

Division 1 of Part 10 of the Taxation Administration Act establishes an exclusive code for dealing with objections, and this Division will also apply where the Commissioner issues an assessment in relation to any of the gambling taxes. This code establishes the rights of objectors in a statutory framework and precludes any collateral actions for review of the Commissioner's assessment. The objections and appeals provisions of Part 10 of the Taxation Administration Act establish that review of assessments is only to be undertaken in accordance with an exclusive code identified in that Part. The purpose of these provisions would not be achieved if any question concerning an assessment was subject to judicial review except such judicial review as provided by Division 2, Part 10 of the Taxation Administration Act.

A power is provided to the Commissioner under section 100 of the Taxation Administration Act, which provides that Commissioner with discretion to allow an objection to be lodged even though it is out of time, provided the out of time objection is lodged within 5 years after the date of service of the notice of assessment or decision on the taxpayer. This decision is non-reviewable to ensure the efficient administration of the Taxation Administration Act and to enable outstanding issues relating to assessments to be concluded expeditiously.

In this context, I am satisfied that, to the extent that limiting the jurisdiction of the Supreme Court may limit a person's fair hearing rights as protected under section 24(1) of the Charter, any such limit would be demonstrably justified.

The classification of certain decisions under the Taxation Administration Act as 'non-reviewable' is directly related to the particular statutory purpose and context of those particular decisions, and the Taxation Administration Act provides an alternative regime for dealing with objections, which is necessary for the efficient discharge of the Commissioner's functions under the Taxation Administration Act, which will now include the administration of the Bill as a taxation law.

Accordingly, I confirm that the Bill is, in my opinion, compatible with the right in section 24(1) of the Charter.

Conclusion

For these reasons set out above, in my opinion, the Bill is compatible with the rights protected by sections 12, 13, 20, 24, 25(1) and 25(2)(k) of the Charter.

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

Second reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09):
I move:

That the bill be now read a second time.

Ordered that second-reading speech, except for the statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard*:

The Gambling Taxation Bill 2023 delivers a significant recommendation of the Royal Commission into the Casino Operator and Licence (Royal Commission) to strengthen the casino taxation arrangements for Crown Melbourne. The Bill also consolidates the administration of a number of Victoria's gambling taxes. The Bill also implements 2022–23 and 2023–24 budget measures.

Casino taxes

As the casino operator, Crown Melbourne is required to pay casino taxes to the State under its Management Agreement with the State. The Management Agreement has the force of a statutory enactment through the *Casino (Management Agreement) Act 1993* (Management Agreement Act). The Victorian Gambling and Casino Control Commission (VGCCC) is currently responsible for collecting and administering these taxes.

Casino tax applies to Crown Melbourne's gaming revenue from table games and electronic gaming machines (EGMs) installed at the casino, as well as the gaming revenue from commission-based players or 'high rollers' (predominantly international players). In addition, Crown Melbourne is liable for a 1 per cent community benefit levy on its total gaming revenue, the full amount of which is contributed to the Hospitals and Charities Fund.

Additional casino taxes apply to gaming revenue and commission-based player revenue, which are payable by Crown in respect of a financial year if those revenues exceed a certain amount.

Royal Commission

The report of the Royal Commission, released on 26 October 2021, found Crown Melbourne improperly claimed deductions from gaming revenue over a number of years to reduce its tax bill. As a result, it was found to have underpaid millions of dollars in casino tax to the State. The Royal Commission identified Crown Melbourne's lack of compliance with its tax obligations was emblematic of its disregard of the law, including evidence of persistent efforts to obstruct the regulator. It was a significant instance of misconduct in a pattern that led Commissioner Finkelstein to conclude Crown Melbourne was not suitable to hold the Victorian casino licence.

To remedy this, the Royal Commission recommended that casino taxation arrangements be brought under the *Taxation Administration Act 1997* (TAA). The TAA contains a standardised set of administration and enforcement provisions applying to a number of Acts defined as taxation laws under the TAA, which are administered by the Commissioner of State Revenue (Commissioner) and the State Revenue Office (SRO).

After the release of the report of the Royal Commission on 26 October 2021, the Government has acted decisively – committing to strengthen the casino's oversight so that misconduct of the type uncovered in the Royal Commission cannot happen again. Strengthening tax arrangements for the casino operator is a key area of reform.

The Bill implements the Royal Commission's recommendation by transferring casino taxation provisions to a new Gambling Taxation Act, which will fall under the scope of the TAA from its commencement on 1 July 2023. As all taxation laws under the TAA are administered by the Commissioner, casino tax administration will also transfer from the VGCCC to the SRO from 1 July 2023. As a specialist administrator of tax legislation, the SRO is well placed to provide the strongest level of oversight in relation to Crown's tax affairs. The SRO has the capacity to conduct rigorous compliance, including the ability to impose taxation penalties.

In transferring taxing provisions from the Management Agreement Act, the Bill makes the necessary changes to transfer administrative responsibility for collecting tax from the VGCCC to the Commissioner, such as by imposing the requirement for the casino operator to register with the Commissioner and to lodge and pay its tax liability monthly.

The VGCCC will remain responsible for collecting other amounts owned by Crown Melbourne under the Management Agreement Act and the *Casino Control Act 1991*, such as the annual supervision charge that was recently reintroduced in the *Casino Legislation Amendment (Royal Commission Implementation and Other Matters) Act 2022*.

The Bill amends the *Casino Control Act 1991* to ensure an effective regulatory structure by clearly delineating the regulatory role of the VGCCC and the taxation role of the Commissioner. The Bill expands the grounds for the VGCCC to take disciplinary action against the casino to include any contraventions of the new Gambling Taxation Act or the TAA. Additionally, under the TAA the SRO will be empowered to disclose pertinent information obtained in administering casino taxes to the VGCCC, where disclosure is appropriate and relevant to the VGCCC's regulatory or disciplinary functions.

The Bill amends the Management Agreement Act to cease all tax obligations under the Management Agreement from 1 July 2023 so that casino taxes will be imposed exclusively under the new Act on and after that date. A "no liability" provision will be inserted into the Management Agreement Act to prevent any inadvertent liability to the State from arising due to this change to taxation arrangements.

Equalisation of casino and club tax rates on gaming machines

In line with the *2022–23 Budget* announcement, this Bill increases total rates on casino gaming machines from 1 July 2023 so that Crown Melbourne is subject to the same tax structure as venue operators with club entitlements. Crown Melbourne currently pays a lower tax rate on its gaming machines than smaller clubs. This initiative will increase the maximum marginal tax rate for electronic gaming machines operated at the casino from 31.57 per cent to 60.67 per cent (plus the 1 per cent community benefit levy).

Equalising the gambling tax rates between the casino and clubs operating gaming machines ensures the Victorian Government receives a fair share of the super profits Crown Melbourne earns from operating gaming machines, without affecting its economic viability. It will improve taxation equity by ensuring the taxes paid by Crown Melbourne, the largest gambling venue in the State, are not lower than rates at smaller, not-for-profit, community-based venues. Commission-based play on gaming machines will continue to be taxed at 10 per cent (inclusive of the community benefit levy).

Wagering and betting tax and keno tax

The introduction of this Bill provides an opportunity to consolidate the various gambling taxes that are already administered by the Commissioner under the TAA. Under the *Gambling Regulation Act 2003* (Gambling Regulation Act), taxes are imposed on operators offering wagering and betting or keno products, which are administered by the Commissioner and SRO as taxes under the TAA.

From 1 January 2019, the Government introduced a point of consumption framework for the taxation of wagering and betting to level the playing field for wagering operators and better aligns Victoria's tax system with the increasingly digital betting environment. The wagering and betting tax for wagering and betting entities is 10 per cent on the net wagering revenue derived from customers located in Victoria, with an annual \$1 million tax free threshold. The tax is administered by the Commissioner under the TAA, and wagering and betting entities must apply to register with the Commissioner, lodge returns and pay tax monthly. The majority of revenue raised from the tax is paid into the Hospitals and Charities Fund, but a proportion (currently 3.5 per cent of net wagering revenue per month) is paid to the Victorian racing industry to support its viability and competitiveness. An annual contribution is also made out of wagering and betting tax revenue in support of the ANZAC Day Proceeds Fund.

From 15 April 2022 a point of consumption framework has also applied to keno tax under the Gambling Regulation Act. Providers of keno products are liable for a tax of 24.24 per cent on the net keno revenue generated from customers located in Victoria, which is administered by the Commissioner and the SRO as a tax under the TAA.

Given the shared subject matter and administrative aspects of these taxes, the Bill relocates taxing provisions for keno tax and wagering and betting tax from the Gambling Regulation Act to the new Act with minimal changes. Consolidating these taxing provisions together with the casino tax provisions will simplify administration by the SRO.

2023–24 budget measure – wagering and betting tax

The new wagering and betting tax provisions will implement an increase the wagering and betting tax rate from 10 per cent to 15 per cent of net wagering revenue from 1 July 2024, bringing Victoria into line with the rate that applies in New South Wales and most other states and territories. The tax rate will remain at 10 per cent for the 2023–24 financial year.

The new tax rate will enable the Government to lift the amount of net wagering revenue that is paid to the Victorian Racing Industry from 3.5 per cent to 7.5 per cent. The balance of revenue from the tax will continue to be distributed to the Hospitals and Charities Fund and the ANZAC Day Proceeds Fund.

Taxation Administration Act

The Bill amends the TAA to ensure the new Act constitutes a taxation law, allowing its full suite of provisions to apply. The TAA contains extensive provisions to deal with tax collection and refunds, interest and penalty tax on unpaid tax, debt recovery, record-keeping obligations, objections and other administrative matters.

The TAA creates offences with significant penalties for taxpayers who fail to provide all necessary information in lodgements to enable tax liabilities to be properly assessed, to keep proper records or to comply with requirements of the Commissioner or an authorised officer investigating a taxpayer's compliance. There are serious offences under the TAA for the provision of false or misleading information to tax officers, making deliberate omissions of information, engaging in tax evasion or obstructing the Commissioner or an authorised officer exercising an investigatory function.

A key finding of the Royal Commission is that the existing Management Agreement does not adequately provide for the imposition of penalties in respect of Crown Melbourne's underpayment of tax, apart from penalty interest. Leveraging the TAA's administrative framework means a standardised framework for interest and penalty tax will apply to casino taxes from 1 July 2023. Interest on unpaid tax under the TAA applies at a market rate of interest, updated annually, plus a premium rate of 8 per cent per year. The Commissioner may also impose penalty tax on unpaid tax in the event of a tax default. Penalty tax is an additional amount of tax starting at 25% of the unpaid amount; however, it can be varied depending on the circumstances to reflect the degree of the taxpayer's culpability. Penalty tax may be increased up to 90% for the most serious forms of misconduct. If appropriate, the Commissioner may also remit interest or penalty tax.

The Bill acquiesces the Royal Commission's recommendation to introduce an enhanced taxation framework for Crown Melbourne, ensuring a comprehensive range of offences and taxation penalties apply to penalise and deter future misconduct. Extending a more comprehensive range of monetary penalties under the TAA to apply to contraventions of tax obligations by Crown Melbourne, including its senior executives, will strengthen the compliance framework under which Crown operates and ensure Crown's behaviour as a taxpayer is consistent with maintaining a social licence to operate.

Jurisdiction of the Supreme Court of Victoria

I draw the members' attention specifically to clause 79 of the Bill. This clause of the Bill proposes to limit the jurisdiction of the Supreme Court to ensure that the legislative regime under the *Taxation Administration Act 1997* extends to the new Act in the same way as in relation to any other taxation law. Accordingly, I provide a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this Bill.

Section 85(5) of the Constitution Act 1975

Jaelyn SYMES: I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Gambling Taxation Bill 2023 (bill).

Section 85 of the Constitution Act 1975 vests the judicial power of Victoria in the Supreme Court and requires a statement to be made when legislation that directly or indirectly repeals, alters or varies the court's jurisdiction is introduced. Clause 79 of the bill inserts a new subsection (12) into section 135 of the Taxation Administration Act 1997 to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of the bill, to alter or vary section 85 of the Constitution Act 1975.

The bill consolidates the various gambling tax provisions, namely the casino taxes (which include the community benefit levy), keno tax and wagering and betting tax (referred to collectively as the gambling taxes).

Provisions that impose and calculate casino taxes under the Casino (Management Agreement) Act 1993 will be transferred to part 2 of the bill, and new provisions covering registration, lodgement of returns and payment of casino taxes to the commissioner of state revenue are also introduced.

Provisions that impose keno tax and wagering and betting tax under the Gambling Regulation Act 2003 are being relocated to part 3 and part 4 of the bill respectively, and part 5 of the bill permits the making of regulations.

Divisions 1, 2 and 3 of part 6 of the bill make several consequential amendments to the Casino Control Act 1991, the Casino (Management Agreement) Act 1993 and the Gambling Regulation Act 2003 to facilitate the relocation of the gambling taxes to the bill.

Division 4 of part 6 of the bill makes consequential amendments to the Taxation Administration Act 1997 to enable the gambling taxes to be administered under the Taxation Administration Act 1997 as a taxation law.

The Supreme Court's jurisdiction is altered to the extent that the Taxation Administration Act 1997 provides for certain non-reviewable decisions and establishes an exclusive code that prevents proceedings concerning an assessment or refund or recovery of tax being commenced except as provided by that act. It is desirable that the legislative regime under the Taxation Administration Act 1997 applies to the gambling taxes in the bill in the same way as it does to other taxes administered under the Taxation Administration Act 1997.

Accordingly, in order to ensure that the jurisdiction of the Supreme Court is limited in relation to the gambling taxes in the bill in the same way as it is in relation to other Victorian taxes, it is necessary to provide that it is the intention of this bill for the relevant provisions of the Taxation Administration Act 1997 to apply to the administration of the gambling taxes and for the jurisdiction of the Supreme Court to be altered accordingly.

Section 5 of the Taxation Administration Act 1997 defines the meaning of 'non-reviewable decision' in relation to that act, which will also apply to the gambling taxes within the bill. No court, including the Supreme Court, has jurisdiction or power to entertain any question as to the validity or correctness of a non-reviewable decision.

Section 12(4) of the Taxation Administration Act 1997 provides that the making of a compromise assessment is a non-reviewable decision. Similarly, section 100(4) provides that a decision by the commissioner of state revenue not to permit an objection to be lodged out of time is a non-reviewable decision. Decisions may be made under section 12(4) or section 100(4) in relation to the collection of the gambling taxes.

Section 18(1) of the Taxation Administration Act 1997 prevents proceedings being commenced in the Supreme Court for the refund or recovery of a tax except as provided in part 4 of the Taxation Administration Act 1997. As the gambling taxes will be taxes for the purposes of section 18(1), proceedings for their refund or recovery will be similarly limited.

Section 96(2) of the Taxation Administration Act 1997 prevents a court (including the Supreme Court) considering any question concerning an assessment of a tax except as provided by part 10 of the Taxation Administration Act 1997. As the gambling taxes will be taxes for the purposes of section 96(2), proceedings in relation to any assessment of gambling taxes would be similarly limited.

To ensure that the jurisdiction of the Supreme Court is limited in relation to the gambling taxes in the same way as it is in relation to other taxes, it is necessary to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997 to alter or vary section 85 of the Constitution Act 1975.

I commend the bill to the house.

Georgie CROZIER (Southern Metropolitan) (12:13): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

**Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters)
Bill 2023***Introduction and first reading*

The PRESIDENT (12:13): 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 **Electricity Industry Act 2000**, the **Victorian Energy Efficiency Target Act 2007** and the **Essential Services Commission Act 2001** and for other purposes'.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:13):
I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaelyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14):
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 (Electricity Outage Emergency Response and Other Matters) Bill 2023**.

In my opinion, the **Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023**, 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 of the Bill

The Bill makes amendments to the *Electricity Industry Act 2000*, the *Victorian Energy Efficiency Target Act 2007* and the *Essential Services Commission Act 2001*. These amendments will introduce reforms in the *Electricity Industry Act 2000* to mitigate against the significant adverse impact of an electricity outage emergency, clarify how fees are set under the *Victorian Energy Efficiency Target Amendment Act 2022*, which was enacted in August 2022 but has not yet commenced operation, and amend the *Essential Services Commission Act 2001* to clarify the powers of the Essential Services Commission under the *Victorian Energy Efficiency Target Act 2007*.

Part 2 of the Bill will introduce reforms directed towards mitigating the harm of electricity outage emergencies, by:

- enabling the Secretary of the Department of Energy, Environment and Climate Action (DEECA) to direct distribution companies to support people impacted by an electricity outage emergency. This support may include, but is not limited to, the giving of specified information to DEECA, or requiring a distribution company to support relief activities and programs;
- providing a process for and requirements relating to, the giving of a direction, including matters that the Secretary must consider before giving a direction;
- providing that distribution companies must comply with a direction, and that failure to do so can incur a civil penalty.

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

The human rights protected by the Charter that are relevant to the Bill are –

- right to privacy and reputation (section 13).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

Privacy and reputation

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

Provision of affected customer supply information, relevant customer information for payment schemes and prescribed information

In Part 2 of the Bill, new section 109E(1) provides that the Department Head of the Department of Energy, Environment and Climate Action (that is, the Secretary) may give a direction (emergency direction) to require a distribution company to do things specified in the emergency direction where the Department Head is satisfied that an electricity outage emergency is occurring, or has occurred within the previous two months. To issue an emergency direction, the Department Head also needs to be of the opinion that giving the direction to the distribution company is reasonably necessary to mitigate against the significant adverse impact of the electricity outage emergency on affected customers of the distribution company.

Section 109E(2)(a) outlines that the Department Head may, in an emergency direction, require a distribution company to provide information to the Department Head that is specified in the direction. This information may include ‘affected customer supply information’. ‘Affected customer supply information’ is defined in new section 109D to mean information relating to the supply of electricity at the premises of an affected customer. This is defined to include:

- the addresses of the premises at which an affected customers is supplied electricity;
- information as to whether electricity is being supplied to the meter at the premises of an affected customer; and
- information as to whether an affected customer is a life support customer.

‘Affected customer’ will be defined in new section 109D to mean a deemed customer of the distribution company who is or has been affected by a disruption to the distribution or supply of electricity. ‘Deemed customers’ of a distribution company are retail customers who are deemed to have entered into a contract with the distribution company under section 40A of the *Electricity Industry Act 2000*.

New section 109E(2)(c) also provides that the Department Head may require a distribution company to provide specified relevant customer information to DEECA to support the administration of a payment scheme. Under the Bill, distribution companies may be asked to assist with the processing of applications and making payments under payment schemes that may be accessed by affected customers in an electricity outage emergency. Relevant customer information may include the names and addresses of affected customers, the number of occupants of premises of affected customers, information as to whether electricity is being supplied to the meter at the premises, and other prescribed information relating to affected customers held by the distribution company.

Information that may be required to be provided to the Department Head under an emergency direction issued in reliance on section 109E(2)(a) and 109E(2)(c) may, therefore, include personal information of affected customers.

Section 109L of the Bill will also enable the Department Head to share such information with public sector entities where the Department Head is of the opinion that it is reasonably necessary to enable the recipient to perform functions to mitigate against the significant adverse impact of an electricity outage emergency.

To the extent that the information empowered to be collected under emergency directions and shared with public sector entities for the purposes of mitigating against the significant adverse impact of an electricity outage emergency includes personal information, the Bill will engage the right to privacy.

Any limit on the right to privacy by Part 2 of the Bill is reasonable and justified

Although these provisions permit the Department Head and public sector agencies to deal with personal and identifying information, I do not consider these dealings are unlawful or arbitrary.

The circumstances in which information can be collected is limited to the purposes for which the power is granted. The Department Head may only require provision of such information in a direction if the Department Head is of the opinion that its provision is reasonably necessary to mitigate against the significant adverse impact of the electricity outage emergency on affected customers of the distribution company.

Similarly, disclosure of any information (including personal information) is limited to where Department Head is of the opinion that it is reasonably necessary to enable the recipient to perform functions to mitigate against the significant adverse impact of an electricity outage emergency. Under new section 109L the Department Head may only disclose the information collected under new Part 6AB to public sector entities. Information will be disclosed to these entities to enable them to perform their functions during emergency response operations. The information will not be published or available to the community at large.

The collection of information pursuant to directions under section 109E, and any disclosure of information collected via those directions, are measures only able to be drawn upon in the context of an electricity outage emergency to assist the emergency management response and the planning and management of relief and recovery activities. This is so that they can assist in the mitigation of the adverse impacts of an electricity outage emergency on the customers whose information is collected.

Further, DEECA and each relevant agency that is a public entity or public service body within the meaning of the *Public Administration Act 2004* are bound by the requirements of the *Privacy and Data Protection Act 2014* and must ensure that any collection, use or disclosure of information is undertaken in accordance with the Information Privacy Principles set out in Part 3 of that Act.

In addition, information collected under section 109E(2)(c) is to enable DEECA to review this information to assist in confirming whether an affected customer is eligible for a payment scheme for which they have voluntarily applied.

Accordingly, in my view, these provisions will not be an arbitrary or unlawful interference with privacy, as any collection and disclosure of personal information authorised by these amendments will only occur to the extent considered necessary to mitigate against the significant adverse impacts of an electricity outage emergency.

The Hon. Ingrid Stitt
Minister for Early Childhood and Pre-Prep
Minister for Environment

Second reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14):
I move:

That the bill be now read a second time.

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

This Bill has two important purposes. The first purpose is to amend the *Electricity Industry Act 2000* to enable electricity distribution businesses to be directed to provide government with information and assist in relief efforts following energy emergencies and associated prolonged power outages. Electricity distribution businesses hold key information and resources to assist in emergency response and recovery. While we as a community expect them to voluntarily provide this information and resources, there may be instances where they need to be required to do so.

In recent years we have seen the disruption and devastating impacts that storms and associated power outages have on affected Victorians. Unfortunately, the severe weather events that result in these outages are likely to increase in frequency as a result of climate change. The increased likelihood of severe storms and resulting power outages makes progressing this reform a critical priority.

The second purpose of the Bill is to amend both the *Victorian Energy Efficiency Target Act 2007* and the *Essential Services Commission Act 2001* to strengthen compliance with the Victorian Energy Upgrades program, which delivers cost savings on energy for Victorian consumers and reduces greenhouse gas emissions.

June and October 2021 storms

In June and October 2021, severe storms caused widespread and prolonged power outages across Victoria. Following the June storms, 68,000 customers were without power after 72 hours and 9,000 customers were still without power seven days after the event. Additionally, following the October storms, nearly 24,000 customers remained off supply 72 hours after and just over 2,500 customers were still without power seven days after the event. In both instances, the power outages were more prolonged compared with previous storm events.

The experience of these storms highlighted the limits to getting critical information from electricity distribution businesses to support relief activities and programs for customers. A subsequent external review was undertaken to identify priority reform measures and policies to enable distribution businesses to mitigate the risk of, and better respond to, prolonged power outages in the future.

Review of Victorian electricity distribution businesses' network resilience obligations

In August 2021, the Victorian Government commissioned the Electricity Distribution Network Resilience Review in response to the devastating storms of June 2021. An Expert Panel was appointed to investigate how distribution businesses can improve their preparedness for, and response to, prolonged power outages caused by storms and other extreme weather events.

The Expert Panel found that the participation of distribution businesses in emergency response and recovery was not delivering positive outcomes for impacted customers. Victorian customers were provided with mixed messaging on power restoration times, insufficient relief measures, and were disregarded during emergency operations. We know there will be more extreme weather events due to the effects of climate change, and so our Government is committed to finding a range of solutions to prepare and protect consumers in energy emergency situations.

Creation of directions power

The Bill amends the *Electricity Industry Act 2000* to provide the Secretary of the Department of Energy, Environment and Climate Action with a new power to direct distribution businesses where there is an emergency power outage. First, a direction may compel electricity distribution businesses to provide information to the Secretary to assist in emergency management operations. Second, a direction may compel electricity distribution businesses to support and administer relief programs and payments to their impacted customers during and following a prolonged power outage. Failure to comply with a direction could attract a civil penalty of more than \$200,000, reflecting how serious the impacts of non-compliance can be for affected customers.

Recognising that the core role of distribution businesses during and after a prolonged power outage emergency includes the restoration of power, the Bill provides that the directions power can only be exercised if the Secretary considers it reasonably necessary to mitigate against the significant adverse impacts of an electricity outage. The direction can also only be given if the Secretary is satisfied that an electricity outage emergency is occurring, or has occurred within two months prior to the direction being given.

Other reforms relating to the Victorian Energy Upgrades program

The Bill will amend the *Victorian Energy Efficiency Target Act 2007* to allow for the Minister to directly set fees for the Victorian Energy Upgrades program instead of having these fees prescribed through regulations.

The Bill will further amend the *Essential Services Commission Act 2001* to clarify that the Essential Services Commission has powers to apply civil penalties in relation to the Victorian Energy Upgrades program.

These amendments to the Victorian Energy Upgrades program will further strengthen the program's delivery of cost-saving outcomes to Victorian customers and align the program's effectiveness in lowering greenhouse gas emissions from continued use of legacy equipment in Victorian households and businesses.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (12:14): I move, on behalf of my colleague Mr Davis:

That debate on this bill be adjourned until the next day of meeting.

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

Questions without notice and ministers statements

Budget estimates questionnaires

Georgie CROZIER (Southern Metropolitan) (12:15): (153) My question is to the Leader of the Government. Minister, as Leader of the Government, I note that the Department of Health and Ambulance Victoria public accounts and estimates questionnaire is still absent from the PAEC website, as are others. These and all questionnaires were due, according to the website, on 24 May. Today is the 30th. Why is the government not being forthcoming with the general questionnaires, why are so many overdue and what have you got to hide?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:15): I thank Ms Crozier for her question. Ms Crozier, obviously as lead minister of the department of justice it was brought to my attention that the departments were working furiously to ensure that they could get the questionnaires in. They wanted to provide relevant information for the purposes of the

committee. Some of those questionnaires are in, and others are certainly a priority for departments to get in.

Georgie CROZIER (Southern Metropolitan) (12:16): Thanks, Minister, for that response. But according to the website it was due on 24 May, so I ask: with hearings starting on Friday, why are you limiting the opportunity for proper scrutiny of your government's performance and spending?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:16): Ms Crozier, that is certainly not the inference to be drawn from a delay in relation to the submitting of questionnaires. In fact it would be open to the departments to submit questionnaires that would be less useful if they did not take the time to ensure that all of the information for the purposes of the committee was able to be provided. So to be respectful to the committee, to be respectful to those members and to enable proper, thorough examination, I think a thorough response will be due. As I have indicated in relation to the knowledge of my portfolio, DJCS is online, and I suspect that the others are not far behind.

Port Melbourne public housing

Samantha RATNAM (Northern Metropolitan) (12:17): (154) My question is for the minister representing the Minister for Housing. Minister, on Saturday my colleagues and I rallied with the community in Port Melbourne, who are devastated that your government plans to demolish the Barak Beacon public housing estate with no plans to rebuild public housing on the site. In fact your government's plans will privatise the estate, with the majority handed over to private developers and with the minority of the dwellings transferred to community housing providers. In the midst of a housing affordability crisis we should not be giving away public land to private developers when we can use it to build thousands more public homes. Residents like Margaret and Jeanie spoke passionately and with distress about their experience of being doorknocked just before Christmas and being asked to leave their homes of over 25 years in some cases. The residents welcome refurbishment of their estate and welcome more public housing to be built on site. Minister, why won't the Andrews Labor government build more public housing at Barak Beacon estate?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:18): Thank you, Dr Ratnam, for the question for the Minister for Housing. I will pass it to him for a response in accordance with the standing orders.

Samantha RATNAM (Northern Metropolitan) (12:18): Thank you, Minister, for passing that on. By way of supplementary, Minister, following the rally you took to Twitter to claim that the Greens were protesting the building of social housing. It was clearly misinformation about what was happening at this public housing estate, so much so that Twitter has placed a community note, which is essentially a misinformation warning, on your tweet. Minister, will you apologise for posting misinformation on social media about the purpose of the community rally, which was to oppose the demolition of public housing and oppose the privatisation of this estate?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:18): Again, thank you, Dr Ratnam. I will pass it to the Minister for Housing for a response.

Ministers statements: timber industry

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:19): Today I would like to acknowledge the challenges faced by Victoria's native timber workers. For three years there has not been stable native timber supply in this state due to increasing severe bushfires, sustained legal action and decisions of higher courts. On budget day I delivered the news in Gippsland, along with the Minister for Regional Development, that Victoria will exit native timber harvesting on 1 January 2024. Our government has had to make a tough decision, as painful as it is, to provide a measure of certainty that timber workers and their

families deserve. Unlike some, we take absolutely no satisfaction in this decision, nor do we underestimate the challenges ahead. The news that an industry that you have devoted your life to is being redefined by unprecedented challenges is an incredibly hard thing. I know because I have stood with and fought alongside workers facing life-altering moments like this before in the car industry. Everyone processes it differently, in their own way and in their own time.

What I can assure this place is that we are going to deal with this sensitively. We are going to put timber workers and communities front and centre. This budget commits \$200 million to support the new transition time frame, bringing our total investment in forestry to over \$875 million since 2019. We will back local communities with financial support, mental health support, secure jobs and training and the intensive one-on-one case management they need. We will match workers and their skills to jobs in land management and bushfire response. We will retrain others to help them fill skill shortages in truck driving, construction and other areas that align to their background and experience. We will deliver on our commitment to a managed transition, and timber workers will not face this challenge alone.

Jaelyn Symes: I should have said at the start of question time that Minister Erdogan is on paternity leave and I will be acting in his capacity for this week and possibly next sitting week as well – definitely this week.

The PRESIDENT: Congratulations to Minister Erdogan.

Timber industry

Melina BATH (Eastern Victoria) (12:21): (155) My question is to the Minister for Agriculture. Minister, your *Victorian Forestry Plan* committed to a closure of the native timber industry by 2030, but on 23 May you brought forward the closure of this native timber industry – this sustainable native timber industry – from seven years to seven months. Minister, you are pre-empting a ruling on the Supreme Court appeal by VicForests. You are playing judge and jury and executioner of our native timber industry. Why have you been so cruel and reneged, leaving thousands of Victorians out of work?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:22): As I have just mentioned in my ministers statement, there are a number of factors that led to the decision that was contained in last Tuesday’s budget. Firstly, there have been bushfires, then there has been unprecedented legal action and of course there have been decisions of higher courts. This, combined with an unsteady and unstable supply of timber in the industry for three years, resulting in hardly any timber being harvested in the last six months, where workers have not been able to work at all, has led to a decision of this government that there needed to be certainty created for timber workers and the timber industry. As a result of that, we were able to secure an additional \$200 million for the transition. Not only that, we will assure the communities in which timber workers live that this will be a managed transition – that we will have workers and their families at the centre and we will ensure that there are the supports that are needed and required delivered to those who are in need.

Melina BATH (Eastern Victoria) (12:23): Minister, last week, from the safety of government-owned property in Morwell, you also said, ‘We will back communities,’ yet you failed to consult or forewarn local mills, local small business contract harvesters and local workers. Did Daniel Andrews or his private office direct you, or was it your idea, to be so heartless and gutless?

The PRESIDENT: I think it is just asking for an opinion. Ms Bath, would you like to try and rephrase the supplementary question?

Melina BATH: Minister, was it your own decision to come to a state-owned property to make this callous and cruel decision, or was it directed by the Premier’s private office?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:25): I could be affronted by that question, but I will leave that to one side. Given that I –

Members interjecting.

The PRESIDENT: Order! We have allowed the question. The minister is attempting to answer it and none of us can hear anything she is saying, so let us give the minister a go without interruption.

Gayle TIERNEY: Thank you, President. I thought it was important that I delivered the news and that I delivered it in an area affected by the decision. Because of my background I know that it is important to have people on the ground who are able to take people through the decision, and I wanted to do that before the Treasurer got to his feet in the Assembly last Tuesday. I did that, and I did it with a number of people so that we could demonstrate to the local community that we had their back. I had the CEO of the Victorian Skills Authority with me. I had the head of the TAFE coordination and delivery unit. I had forest management with me. I had RDV, and of course Minister Shing was with me, and Tom McIntosh was also with me. There were a whole string of people there to demonstrate to the community that we have got their back.

Youth justice system

David ETTERSHPANK (Western Metropolitan) (12:27): (156) My question is to the Minister for Youth Justice Minister Erdogan, represented by Minister Symes today. The Youth Parole Board annual report published by the Department of Justice and Community Safety has previously provided important data on youth justice custody statistics in Victoria. This data is used to provide insights into the needs of young people who are in youth justice custody, yet in their last annual report the Youth Parole Board adopted a much narrower scope of data publication. Most notably, intersectional data on the characteristics of offenders, such as disability, race, ethnicity and those who speak English as a second language, has been reduced or removed. Further, data on gender identity and sexual orientation is not captured at all. My question is: has this data stopped being collected, and if not, why is it now being publicly hidden?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:28): I thank Mr Ettershank for his question. I do want to thank Mr Erdogan's staff for briefing me in relation to their portfolio, but the specific question that you ask is certainly very detailed in relation to the collection of data. I will take that on notice and get you a response.

David ETTERSHPANK (Western Metropolitan) (12:28): I thank the minister for her response. Victoria's commissioner for children and young people has recently commented on the prevalence of youth in the justice system that come from disadvantaged backgrounds. With this in mind, how will the minister ensure that related data is collected and published so that support services and systems can best address the contributory factors that underpin youth offending?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:29): I thank Mr Ettershank for his question, and of course I will add that to the substantive question. But there is indeed the youth justice strategy, which is all about targeting disadvantage, targeting the underlying causes of crime. There is a whole-of-government response in relation to multiple ministers that are committed to ensuring that we continue our trend downward of less young people being incarcerated in Victoria. We are having some successes in that, and we are having some successes particularly in some specific cohorts such as Aboriginal children, for example. We are very passionate about this, and I am sure Mr Erdogan's office will provide more detail in relation to some of those strategies and how they are being rolled out, for your benefit.

Ministers statements: timber industry

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:30): The 1939 Black Friday bushfires led to a regrowth of mountain ash throughout northern and eastern Victoria that enabled the native timber harvesting industry to continue for generations. We know that there are timber towns, communities, businesses and workers for whom native timber harvesting is part of their DNA and their everyday. It was with a profound sense of grief that I joined the Minister for Agriculture Minister Tierney and my colleague Tom McIntosh last week to announce that the timber industry from state forests will end from 1 January next year.

This is a decision that has arisen for a range of reasons. Firstly, prolonged droughts and bushfires and the loss of 1.5 million hectares in Black Summer have had a profound effect on the availability of wood in our timberyards. Secondly, the impact of ongoing litigation has meant that there is inherent uncertainty in the availability of supply. We have seen that over the last six months workers have been at home without certainty. I have seen the impact of these decisions on workers from mills, from businesses, from operations and from haulage contractors. It has been a devastating period of uncertainty for so many people across the sector and indeed across rural and regional Victoria.

We owe these workers more, and that is why more than \$875 million will be directed toward making sure that transition is conducted within, with and for communities. The Latrobe Valley Authority, Regional Development Victoria, departments, agencies and multiple ministerial portfolios will be geared toward making sure that people can make the decisions that are right for them in their own time and with the resources that they need and deserve.

Emergency Services Telecommunications Authority

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:32): (157) My question is to the Minister for Emergency Services. Minister, the 2023 ROGS – that is, *Report on Government Services* – data shows a significant drop in the proportion of answered calls to ESTA in a time equal to or less than the standard 10 seconds. I might add it is 5 seconds in the annual report. In 2019–20, 94.4 per cent of calls to ESTA were being answered in a time equal to or less than 10 seconds despite COVID hitting our shores in the last quarter. In 2021 calls to ESTA in that time frame of equal to or less than 10 seconds had an understandable decline to 88.9 per cent. What is not understandable is that in 2021–22 the figure is 65.6 per cent of calls to ESTA being answered in a time equal to or less than 10 seconds, despite the promises made by your government and the money being thrown at it. Minister, what has gone wrong?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:33): I thank Ms Hermans for her question, a similar question to what we had regularly in the last term. ESTA met its benchmark each month prior to the pandemic, and its benchmark is 90 per cent of calls in 5 seconds each year. They had been doing that since 2013 till the pandemic hit. As I think you articulated, the other states' benchmark is 10 seconds. Victoria has the highest standard in the country, and we were meeting that every month until the pandemic hit. I am pleased to report that as part of the investment, as part of the support for that organisation and as part of the recovery for ESTA from the pandemic they have been again meeting that benchmark – in fact smashing that benchmark – for the past more than six months.

In relation to the efforts of ESTA, those workers go to work every day to answer calls to help Victorians. That is their motivation; that is why they get out of bed. They love helping people. Through the support, through the additional call takers and the additional focus on the call-taking activities following the pandemic, which led to the dip in the call-taking answer speed – and I am certainly on the record for apologising to anyone that had to wait longer than 5 seconds – I am absolutely confident, Ms Hermans, that that organisation is a fantastic organisation that is meeting its benchmarks, and proudly so.

Ann-Marie Hermans: On a point of order, President, the question was in relation to the 2021–22 figure of 65.6 per cent. I do not feel that that was addressed appropriately.

The PRESIDENT: I will make a determination at the end of question time as to whether the minister has been responsive. But on the point of order, I can answer now. I believe the minister was being responsive to the question.

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:35): The supplementary question is: Minister, obviously it is not working. Victorians are being let down in the first step of a call to an emergency service. How and when are you going to fix it?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:35): Ms Hermans, I pull you up on your misinformation. The data that you were quoting was 2021–22, ending 30 June, correct? We are now in 2023, and what I am telling you is that for the past eight months ESTA call takers have been beating their benchmarks of more than 90 per cent of calls in 5 seconds. We have had some days that are 98 per cent, 99 per cent. So to suggest that the community is not receiving a service, I am telling you, is misleading the community. I am continually on the public record. The IGEN has confirmed the benchmarks are being met, and so have the staff at ESTA. They are answering calls beyond the benchmark right now, so to suggest that they are not and sending a message to the community that there is a problem with ESTA is really poor form.

Parole eligibility

Jeff BOURMAN (Eastern Victoria) (12:36): (158) My question is for the Attorney-General. Attorney-General, since I have been here we have locked away Julian Knight and Craig Minogue. Why aren't we locking away Paul Denyer?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:36): Mr Bourman, you are asking a question to the Attorney-General that may be better directed to the Minister for Corrections. In relation to courts and sentencing, that is where my bit is; in relation to prisoners and parole, that is where another minister's responsibility is. However, you have asked a question in relation to a specific prisoner that I can confirm is currently locked up.

Jeff BOURMAN (Eastern Victoria) (12:37): Thank you, Attorney-General. I do understand he is locked up, but I would ask that someone go and explain to the families why they are going to have to go through parole hearings for someone this evil. I do not usually put their names on record, but I have to. Every time there is a parole hearing these people will have to go through a torturous time that I can only begin to imagine. If someone could go and explain to them why we are not locking away Mr Denyer, as we have other people who are equally as deserving, I think they would appreciate that.

The PRESIDENT: That is a question for the Minister for Corrections. Minister, answer as you see fit.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:38): Thank you, President. Mr Bourman, this is squarely in the responsibility of Mr Erdogan, but I take your comments. I certainly feel for the families that have been inflicted pain as a result of a mass murderer who is serving a life sentence. But in relation to the specific questions that you ask, in relation to victim support, which is Mr Erdogan's other portfolio, his office will be best placed to provide you with information in relation to what support is provided for victims of crime, particularly those that are subjected to the parole process.

The PRESIDENT: Before I call Minister Blandthorn for a ministers statement, I advise the house that former member Cliff Hayes is in the gallery.

Ministers statements: child protection

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:38): I rise to update the house on how this government is providing record investment to reduce the over-representation of Aboriginal children and young people in out-of-home care. This week is National Reconciliation Week, with the theme for this year being ‘Be a voice for generations’, with all Australians being urged to create a better, more just Australia for all of us. Earlier this year the Premier and I met with Aboriginal community controlled organisations from across Victoria to listen to their needs and discuss how we can work in partnership to deliver better outcomes for Aboriginal children and young people in the child protection and family services system. What we heard from these meetings was the need to increase the Aboriginal children in Aboriginal care program and provide flexible funding so ACCOs can deliver innovative approaches that are place based to prevent a child or young person’s entry into the statutory child protection system.

We have listened and we have delivered. Last week I met with ACCOs from across Victoria to announce that the 2023–24 budget included a record investment of \$140 million to address the over-representation of Aboriginal children in care. This is the biggest single investment to support Aboriginal children and young people in a budget and builds on the \$191 million we have invested since 2018 to support the implementation of *Wungurilwil Gagapduir*. The \$140 million investment includes \$63.9 million to expand the Aboriginal children in Aboriginal care program, enabling authorised ACCOs to deliver a statutory child protection approach that best works for their community; \$49.5 million into Aboriginal-led family services and early intervention from Koori-supported playgroups and family preservation and reunification response programs through to new Aboriginal led and designed models of early intervention; \$13.7 million to further expand the Community Protecting Boorais trial, providing for Aboriginal-led investigations of child protection reports; \$9 million in funding for workforce development; and \$4 million for the Aboriginal community infrastructure program.

Without offending anticipation, I look forward to this chamber’s support in passing legislation that will take the next step for self-determination in the child protection and family services system. This legislation is required to ensure that we can commence the work on the Community Protecting Boorais trial. This biggest single investment to support Aboriginal children and young people in a budget is the direct result of our government’s work to listen to our First Peoples and provide them with the resources they need to improve outcomes.

Waste and recycling management

Bev McARTHUR (Western Victoria) (12:41): (159) My question is to the Minister for Environment. The Victorian Labor Party in government has long understood that waste to energy plays an important role in reducing the environmental waste and damage of landfill. Your department describes it as ‘the final opportunity to get value from material that would otherwise go to landfill’ and your landmark *Victorian Waste to Energy Framework* is subtitled ‘Supporting sustainable and appropriate investment’. Yet investors are put off by the continuing wait for details on licence regulation from Recycling Victoria. Minister, given the arrival of your new Greens colleagues in this chamber, is it the government’s policy to still support energy from waste?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:41): I thank Mrs McArthur for her question. As outlined in the Recycling Victoria policy and the waste-to-energy framework, our government is indeed supporting investment in appropriate waste-to-energy facilities where they specifically reduce landfill, they meet best practice environmental procedures, which is incredibly important, and they support waste avoidance and recycling.

Our government has already invested \$13 million in waste-to-energy infrastructure projects since 2016. I think that fact does not really accord with the assertion contained in your question. Ten million

dollars of this is via our waste-to-energy bioenergy fund, which will fund projects to create electricity, heat, gas or liquid fuel from organic waste and avoid waste otherwise going to landfill. We have awarded \$737,000 to four projects via our Bioenergy Infrastructure Fund, which is all about making sure that we are reprocessing organic waste, and \$2.38 million to five projects via our Waste to Energy Infrastructure Fund.

I think those figures demonstrate our government's commitment to this area. We want to make sure that waste to energy is done in an environmentally sustainable and responsible way. That is why we have committed to regulations being developed, and we will have more to say about those regulations in due course.

Bev McARTHUR (Western Victoria) (12:44): Thank you, Minister, for that glowing endorsement of waste to energy. I hope the Greens were listening given their absolute opposition to energy from waste. Investors in Victoria – and gosh, there still are some apparently – are getting nervous. In my electorate the Prospect Hill project at Lara, designed to remove over 400,000 tonnes of landfill waste per year, generate power for over 50,000 homes and create hundreds of construction jobs and a minimum \$600 million investment to Victoria, is still in limbo. Why has it taken more than two years for your EPA to grant a works approval application for that facility?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:44): I thank Mrs McArthur for her supplementary question. Of course the framework associated with these projects does place a 1 million tonne cap on waste-to-energy amounts that can be treated, because we want to make sure that in introducing this relatively new technology we are not compromising our environment and our air quality. That is why there is an appropriate framework in place to ensure that these projects have got the highest environmental standards. I make no apology for the EPA, as the responsible agency, taking the time that is needed to assess these applications responsibly. As I have already indicated, this forms part of our overarching waste strategy, which is investing more than \$500 million to transform our waste and recycling industry in Victoria.

Forest management

Sarah MANSFIELD (Western Victoria) (12:46): (160) My question is for the Minister for Agriculture. While the announcement to exit native forest logging has been welcomed by many across the state who have long campaigned to end native forest logging, communities have raised concerns with us about VicForests being allowed to continue forest management and firebreak work. We support forest contractors being redeployed to do important fire and forest management work and forest regeneration. However, VicForests has a record of destroying a large amount of forest and using the wood for commercial gain under the guise of salvage logging, fire prevention or storm debris clean-up. Is it the government's intention for VicForests to continue to lead on this forest management work or a different agency or organisation?

Gayle Tierney: President, I seek direction from you. I think the member has confused agencies somewhat. From my perspective, it seems that it would be better directed to the Minister for Environment.

The PRESIDENT: Dr Mansfield, are you happy to direct your question to the Minister for Environment?

Sarah MANSFIELD: Yes.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:47): I thank the member for her question. The reason why this issue is being redirected to me is that bushfire prevention and bushfire preparedness have always sat within FFMVic, in DEECA, and sit within my portfolio responsibilities. I can confirm to the house that those arrangements will not change in terms of the responsible division within DEECA that takes care of that bushfire management work. We are always guided by the absolute expert advice that we receive

from the chief fire officer and from his team in relation to how we prepare communities that are in and around forests for bushfire.

I can also indicate that in terms of forest contractors, I really want to acknowledge the important work they have always done in protecting communities from bushfire. Of course who could forget the role that they all played in the devastating bushfires during 2019–20. They will continue to play a critical role, and I can indicate that my department will be working closely with those forest contractors and their employees to make sure that we maintain the important skills and expertise and the heavy equipment and specialised equipment that they will bring with them. That is work that we will be continuing over the next few months to ensure that communities have the benefit of their expertise and their skills into the future.

Sarah MANSFIELD (Western Victoria) (12:49): I will direct the supplementary also to the Minister for Environment. How will the government ensure that forest management into the future does not become de facto logging and forest destruction under the name of storm clean-up or fire prevention?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:49): I think that is actually a misrepresentation of the important work that my department does not only in respect of preparing for devastating bushfires but also in the aftermath of significant emergency events like the storms of 2021 and the recent floods, where a number of different agencies, including VicForests, including FFMVic and including the amazing people within Minister Symes’s portfolio in the SES and the CFA, have all actually chipped in to make sure that communities are supported. I do not accept the characterisation that this is anything like logging by stealth. There is going to be an ongoing need to manage that land appropriately, and that will include emergency situations as well as ongoing, everyday land management.

Ministers statements: early childhood education

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:50): I rise today to update the house on the significant investment our government is making in early childhood education. As part of the 2023–24 Victorian budget we have invested an additional \$1.8 billion. Our investment this year includes \$1.2 billion for new and expanded kindergartens across the state, including on or near government and low-fee non-government schools. We have also invested to establish the first of the 50 government owned and operated early learning centres, giving more families access to local, affordable childcare. The first four centres will open in 2025. A \$546.4 million package will continue free kinder as well as invest in the continued expansion of three-year-old kindergarten and the introduction of pre-prep.

We are investing \$47.8 million to open eight new toy libraries, start 10 new bilingual kindergartens and continue the early childhood language program. We are also investing in 150 bush kinder programs each year and providing grants of \$5000 to kinders to purchase new toys and equipment. For children with additional needs, we have invested \$18.1 million in support, including expanding our preschool field officer program.

I was really pleased to celebrate our investment with several kindergartens, teachers and educators last week, including Aurora School Community Kindergarten, where I saw firsthand how bilingual programs give children the opportunity to engage fully in kindergarten. This year’s budget is all part of our commitment to ensure that every child, no matter their background or postcode, gets the very best start in life.

Written responses

The PRESIDENT (12:52): I thank Minister Symes, who will get written responses for the supplementary and substantive questions to the Minister for Youth Justice from Mr Ettershank. Minister Symes will get a response from the Minister for Corrections for the supplementary question,

and Minister Blandthorn will get a response to both of Dr Ratnam's questions to the Minister for Housing.

Questions on notice

Answers

The PRESIDENT (12:53): I have received a written request from Mr Davis seeking the further reinstatement of a question on notice directed to the Minister for Government Services. Having received the response, I order that question on notice 7 be reinstated in full once again as the response does not address the time frame of information sought by Mr Davis.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:53): (195) My question is for the Minister for Mental Health in the other place. Over the past few years increasing attention has been paid to the issue of mental health in our communities. Thanks to this we know that one of the best ways to tackle this issue is by funding a skilled mental health workforce that is able to support Victorians who need help. What is the government doing to recruit mental health workers, especially people with lived experience? Unfortunately, many Victorians will struggle with mental health at some point in their lifetime, but thanks to measures previously taken by the Victorian government, those struggling have been able to find support. In response to the Royal Commission into Victoria's Mental Health System, over \$6 billion has been invested into mental health and wellbeing over the past three years, making this the largest investment in mental health in Victoria's history. Skilled mental health workers are key to this transition, and I am proud to be part of a government that is taking the issue seriously, supporting workers and supporting Victorians with their mental health.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:54): (196) My constituency question is for the Minister for Public Transport. In recent months there have been regular reports of violent incidents occurring at school bus stops and interchanges in the City of Greater Shepparton. In early May three Notre Dame students were seriously assaulted in Skene Street whilst waiting for their bus at the end of the school day, with two of the students requiring hospital treatment. Recently a school student waiting for his bus to school at the V/Line stop in Tatura was assaulted by three assailants. The escalation in violence at school bus stops in Greater Shepparton has caused some schools to hire private security to protect students, but this measure is of course cost prohibitive for most schools. The deployment of protective services officers would be a proactive way of reducing violent incidents. Will the minister facilitate the deployment of protective services officers at school bus interchanges in Greater Shepparton and the V/Line bus stop in Tatura to help protect the safety of students in Greater Shepparton?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:55): (197) My question is to the Minister for Transport and Infrastructure, and it relates to the recent allegations of roting that we have seen on the government's rail projects, including on the Hurstbridge line works, which are in my own region. It has been alleged that private labour hire firms were charging vast amounts of money for ghost shifts for workers apparently doing multiple shifts over a 24-hour period and even working double shifts at two different sites simultaneously. This sounds like just another example of failure of privatised government project outsourcing. Companies go rogue, they make massive profits and the Victorian public is left to foot the bill. Minister, what will you do to ensure that transport projects like that on the Hurstbridge line are delivered appropriately?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:56): (198) My question is to the Minister for Education. Can the minister please outline how the planning funding allocated to Gardenvale, Hampton and Caulfield South primary schools will support them for future capital works? Last week it was great to visit Gardenvale Primary, Hampton Primary and Caulfield South Primary schools. I spoke with staff, parents and in one case future parents during a school tour about the exciting time that is ahead for these schools. These schools were all committed to by Labor at the last election to receive upgrades. I am proud that we are getting on with the job of delivering for communities right across Southern Metropolitan. I look forward to working with these schools, with the parents and with the staff in coming years as we commence the planning for their new and important facilities.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:57): (199) My question is for the Minister for Roads and Road Safety. Can the minister please explain to my constituents in the west of Melbourne what is being done to address the health emergency declaration in West Melbourne? We have a high volume of heavy vehicles driving through suburban streets around Footscray, Yarraville and Williamstown, just to name a few, even though there is supposed to have been a curfew imposed on these vehicles since 2015. Reports indicate that adolescent asthma rates in the City of Maribyrnong are 50 per cent higher than the state average and hospital admission rates are 70 per cent higher than the Australian average for those aged between three and 19. Life is getting harder every day for my constituents under this government. Melbourne's inner west also has a higher rate of lung cancers than the national average. Can the minister please explain what the government intends to do to rectify the life-threatening pollution that has caused this declaration?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:58): (200) My constituency question is for the Minister for Outdoor Recreation. Bow hunting – that is hunting with a bow and arrow – of introduced species such as foxes and deer is completely legal and unregulated in Victoria. Anyone can purchase a bow and arrow, no licence is required and the weapon is not required to be registered. My constituents, concerned wildlife carers, report an increase in the injuring and killing of native animals such as kangaroos through bow and arrow both intentionally and from misfire. I have now viewed countless images of kangaroos with arrows through all parts of their bodies and faces, some living in pain like this for weeks. This form of killing is banned in Tasmania, and South Australia has also committed to its cessation. My constituents want to know what the minister plans to do regarding the sale and use of bows and arrows in Victoria in order to protect native wildlife from further suffering and death.

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (12:59): (201) My question is to the Minister for Government Services in the other place, Minister Pearson. I am proud to be a member of the Andrews Labor government, a reform government with a reform agenda. From June as part of a trial you will be able to carry a licence on your phone in Ballarat. This will extend to a statewide rollout in 2024. This puts us in line with our neighbours interstate in New South Wales. This modern-day technology will make our lives easier and more convenient – for people, for businesses and for authorities. Motorists will have the choice to store a secure digital version on the Service Victoria app or alternatively on the VicRoads app when it is launched, and motorists will have modern security and safety features that update when your address changes. My question to the minister is: how will the government inform my community of Southern Metro of the benefits of a digital licence?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (13:00): (202) As part of last week's brutal state Labor budget the government announced that high-fee non-government schools will have their payroll

tax exemption removed. The state government's definition of 'high fee' is an arbitrary one that encompasses all schools charging over \$7500 in annual fees. Two schools in my electorate which fall into this category are Aitken College in Greenvale and Hume Anglican Grammar in Mickleham. The Premier has sought to paint this as only affecting high-fee elite schools. Does the minister agree with the Premier's characterisation that the parents sending their kids to schools like Aitken College and Hume Anglican Grammar deserve to pay more, especially when parents are quite often forced to choose between private schools and ones that are completely non-existent? Or will the minister commit to ensuring schools like Aitkin College and Hume grammar will not be targeted and use her discretionary powers to relieve working-class parents of yet another cost-of-living burden?

The PRESIDENT: That was to the Minister –

Evan MULHOLLAND: for Education.

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (13:02): (203) My constituency question is for the Minister for Public Transport Minister Carroll. My constituent is a resident of Dandenong, and her question relates to one of south-eastern Melbourne's busiest bus routes, the route 800 Dandenong to Chadstone. This bus takes hundreds of daily commuters to shopping centres, hotels, hospitals, the Springvale cemetery, Monash University and other community services situated along the Princes Highway. Despite the development and population growth in this region, the route 800 bus runs without a seven-day service and has had no timetable upgrade for over 30 years. My constituent says that commuters have widely documented their need for an improved service, but as of last week's budget the route continues to be overlooked for extra services. An upgrade would benefit thousands of people along one of Melbourne's busiest corridors, so my constituent asks: when will the Victorian state government upgrade the route 800 bus service to include a seven-day service, longer operating hours and more frequent services?

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:03): (204) My question is for the Minister for Energy and Resources and concerns Viva's announcement that their Geelong refinery will soon be able to recycle products including used cooking oil, animal fats and, most importantly, synthetic crude from waste plastics as feedstocks in their fuel production. With a capacity of 50,000 tonnes per year and processing due by next year, this is the first commercial use in Australia of recycled plastic from waste soft plastics, which contribute more than 2 million tonnes of landfill each year. This carbon and energy footprint reduction is possible thanks to technology in industry and would not exist were it not for the Geelong refinery itself, so will the minister join me in condemning activist environmentalists, often the Greens, whose blanket hatred for all industry makes environment-protecting technological development and investment much harder?

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (13:04): (205) My constituency question is to the Minister for Housing. Earlier this month I met with Jessie and Mason, who live in community housing in Dunlop Avenue in Ascot Vale. Jessie had been on the public housing waitlist before being offered community housing through Evolve Housing, a community housing provider, which offered a five-year lease. However, the property she is living in has multiple maintenance issues and is not appropriate for her and Mason's needs, and she is struggling to have maintenance requests met or even to communicate with Evolve's building manager. Jessie is now seeking a transfer to public or alternative community housing. However, when she was offered community housing she was unaware that signing a lease would mean relinquishing her place on the public housing waiting list. She has only been offered alternative housing at a much higher rent. Minister, are community housing residents like Jessie able to transfer to new homes without facing a rent increase?

Western Victoria Region

Joe McCracken (Western Victoria) (13:05): (206) My question is to the Minister for Regional Development. Ironically, the Keep Ballarat Moving project has been delayed, according to the state budget, for 12 months, if not more. We may well have to call the project the ‘Stop Ballarat Moving’ project – who knows? The whole purpose of the project is to ensure that challenging intersections in the city are reviewed with a view to making them safer and for traffic to flow better. That certainly did not happen on the first day of operation in Wiltshire Lane and Carngham Road, where a malfunction actually caused a traffic jam. My question to the minister is this: can the minister release a time line for costings and give a clear date of when the project will be completed? Given all the challenges that have occurred with this troubled project, will the information be shared with the public to ensure full transparency?

Northern Victoria Region

Gaelle Broad (Northern Victoria) (13:06): (207) My question is to the Minister for Regional Development on behalf of residents of the City of Greater Bendigo to find out how much the Bendigo GovHub will cost taxpayers. In 2018 a Labor government press release indicated that \$16 million would be spent on the Bendigo GovHub to house 1000 government employees and that the building would be completed late in 2021. It is nearly June 2023 and the building is still to be finished. According to the recent budget papers, over \$120 million is allocated for the acquisition of Bendigo GovHub. I ask the minister to please provide a detailed breakdown of how much the Bendigo GovHub will cost taxpayers, including state and local council funding, planning and design, build, fit-out, purchase and lease costs. It looks as though taxpayers funded the cost to build it, then paid to buy the building and will also pay to lease the building we bought. I look forward to the minister’s response, because taxpayers have a right to know how our money is being spent.

Southern Metropolitan Region

David Davis (Southern Metropolitan) (13:07): (208) My constituency question today is for the Minister for Creative Industries, and it relates to the Victorian Community History Awards, which have not been funded in this budget, particularly those through the Royal Historical Society of Victoria and the many small history grants that have been provided to my electorate. Particularly I note some of the grants provided to the small groups in Malvern and Oakleigh. These are important programs. The \$350,000 per annum program provided through the Public Record Office Victoria has also not been funded. This program was originally established in 1997 and has in one form or another continued all the way through. Those local history grants have been cut. I call on the minister: will you reverse these savage, crude, ill-advised cuts to local history programs, including in the electorate of Southern Metropolitan Region? They are damaging to the community, particularly as it recovers from COVID.

Eastern Victoria Region

Renee Heath (Eastern Victoria) (13:08): (209) My question is for the Treasurer. Where is the \$290 million that you promised to the people of Bass at the last election for the stage 2 upgrades of the Wonthaggi Hospital? Despite \$4 billion in hospital commitments at the last election, the state Labor government has allocated \$320 million in last week’s horror budget. That is just 7.95 per cent of the promised funding. By the way, to put that into perspective, we are currently paying \$10 million per day in interest. So this government is actually spending more in interest repayments in just 33 days than it is over the entirety of the budget for health infrastructure, but that is an aside. Last September Labor shipped out the Premier to Wonthaggi for a photo opportunity for the announcement. It was all over Facebook and it was all over Instagram, but where is our funding?

*Committees***Legal and Social Issues Committee***Reference*

The PRESIDENT (13:09): I need to advise the house that I have received a letter from the chair of the Legal and Social Issues Committee advising that on 24 May 2023 the committee agreed to self-refer an inquiry into the rental and housing affordability crisis in Victoria. The committee has set a reporting date of 17 November 2023. The terms of reference will be available soon on the website and are available from the committee secretariat.

Jaclyn Symes: On a point of order, President, I seek your guidance on the issue of self-referrals to committees. Despite the fact that I believe they lack a bit of transparency and that there is an inability for the chamber to adequately interrogate and consider the merit and the resources required for these important inquiries, I take particular issue with this self-reference. On the face of it, it appears to me that it infringes the same question rule subject to standing order 7.06. Further, I do have a concern that despite the fact that this topic was well ventilated in the chamber, it would appear to me that this is a committee that is seeking to assert more authority than the house, as it has chosen to self-refer a topic that was decided by this house that it should not prosecute. An inquiry that has been squarely voted on in this house then put up as a self-reference seems to be undermining the will of the house.

Georgie Crozier: On the point of order, President, I know that the Leader of the Government and indeed the government are most unhappy about this committee doing this work, but this is not the same motion. It has got similar points, but it is a different motion. It has different components to it, and the committee is entitled to do a self-reference. They have voted on it, and despite the Leader of the Government not being happy with the decision of that committee –

David Davis: There is no point of order.

Georgie Crozier: There is no point of order, as Mr Davis so aptly points out.

The PRESIDENT: I am going to take the Leader of the Government's point of order into consideration. I think that the will of the house is very important, whichever way it goes, and I have a concern myself. Basically upper house committees are beasts of the upper house, and my concern is if we have a referral that goes to a committee and the majority on the committee decide they are not going to do that referral –

David Davis: No, they cannot do that.

The PRESIDENT: Well, it cannot work both ways, Mr Davis. I have a concern. The reality is we have had this issue before about the chair instructing committees how to operate, and that is not a matter for me. But I think this is a concern that should be taken up by the Procedure Committee. People would be outraged, I would have thought, if a committee decided to use the numbers not to do a referral from this house. I am going to take the point of order into consideration. I think the only course of action I will have in the end anyway is to refer this issue to the Procedure Committee.

Georgie Crozier: On a further point of order, President, I understand that the committee was conscious of the house's decision in relation to –

Jaclyn Symes interjected.

Georgie Crozier: No, I am not on the committee. Clearly they have taken into consideration what the house has done.

Jaclyn Symes: How do you know? I don't know that.

Georgie Crozier: Well, you have got an issue with the self-referral, Minister; I do not.

The PRESIDENT: Ms Crozier, do you have a new point of order or is this further to the point of order?

Members interjecting.

The PRESIDENT: Order! I would appreciate it if the Leader of the Government and the Leader of the Opposition want to have a further conversation around this that they do not have it in the chamber. I will take this into consideration.

David Davis: Further to the point of order, President, I think it is important to note here that the Procedure Committee actually made a change at the end of the last Parliament. There was a sessional order that allowed only two referrals across a Parliament by committees, and in fact the committee obviously considered matters around referrals by committee. The standing orders are as the standing orders are. Obviously the fact is that if the house makes a decision a committee cannot overrule that, but the truth is that in this case the words are different. I ask you to consider this when you look at this matter. The words are different, and a committee is thereby entitled to make its decisions within the standing orders as they stand. If people in future want to make changes, they could.

The PRESIDENT: I think what was in previous standing orders and sessional orders is probably irrelevant. I think it is what we have got in our current standing orders. To alleviate everyone's concern, the only course of action I can consider is to send this for consideration to the Procedure Committee – so everyone needs to relax a bit. I do have that concern that I outlined, that if the will of the house is not taken into account, where could this go? That is my consideration.

Trung Luu: On a point of order, President, speaking as the chair of the Legal and Social Issues Committee in relation to the matter raised to our committee and in relation to standing order 7.06, it was taken into deep consideration and from reviewing of the actual referral, the words were different. I understand the topic was the same topic; however, what was asked in the referral –

Members interjecting.

Trung Luu: The topic could be anything. The topic could be the same topic, for example, but in relation to what was asked in the committee referral, the criteria that was asked was different. And it was put through the committee and we reviewed the actual referral, and that is why we accepted it.

The PRESIDENT: I will take everyone's points of order into consideration. I might not come back until the end of the week on this one.

Economy and Infrastructure Committee

Reference

The PRESIDENT (13:17): I have got a further referral. I advise the house I have received a letter from the chair of the Economy and Infrastructure Committee advising that the committee agreed to self-refer two inquiries. One is an inquiry into farmed pig welfare in Victoria with a reporting date of 31 May 2024. The other is an inquiry into creative industries in Victoria due to report by November 2024. The terms of reference for both of these inquiries will be available soon on the website and are available from the committee secretariat if someone wants them earlier than they are going to be on the website.

Bills

Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023

Introduction and first reading

Sarah MANSFIELD (Western Victoria) (13:18): I introduce a bill for an act to amend the Environment Protection Act 2017 to prohibit the authorisation of thermal coal activity under a licence, to amend the Renewable Energy (Jobs and Investment) Act 2017 to increase the renewable energy

target for Victoria, to amend the Mineral Resources (Sustainable Development) Act 1990 to prohibit the exploration for or mining of coal and to amend the Constitution Act 1975 to entrench some of those amendments and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Sarah MANSFIELD: I move:

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

Motion agreed to.

Owners Corporations Amendment (Short-stay Accommodation) Bill 2023

Introduction and first reading

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:19): I introduce a bill for an act to amend the Owners Corporations Act 2006 to put a cap on the total number of days that a dwelling can be used for short-term rental accommodation, to give owners corporations for multiunit complexes the power to ban short-term rental accommodation in their buildings, to establish a mandatory register of short-term rental accommodation dwellings and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Aiv PUGLIELLI: I move:

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

Motion agreed to.

Summary Offences Amendment (Move-on Laws) Bill 2023

Introduction and first reading

Jeff BOURMAN (Eastern Victoria) (13:19): I introduce a bill for an act to amend the Summary Offences Act 1966 to provide for certain move-on powers and related exclusion orders and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jeff BOURMAN: I move:

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

Motion agreed to.

*Papers***Royal Commission into Institutional Responses to Child Sexual Abuse***Victorian Government Annual Report 2022*

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:20):
I move, by leave:

That the *Victorian Government Annual Report 2022: Royal Commission into Institutional Responses to Child Sexual Abuse* be tabled.

Motion agreed to.

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 5*

Sonja TERPSTRA (North-Eastern Metropolitan) (13:20): Pursuant to section 35 of the Parliamentary Committees Act 2003, I present *Alert Digest* No. 5 of 2023, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Alert Digest No. 6

Sonja TERPSTRA (North-Eastern Metropolitan) (13:21): Pursuant to section 35 of the Parliamentary Committees Act 2003, I present *Alert Digest* No. 6 of 2023, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

*Papers***Budget papers 2023–24**

The Clerk: Pursuant to section 27E of the Financial Management Act 1994, I present the 2023–24:

- (a) budget paper 2, ‘Strategy and Outlook’;
- (b) budget paper 3, ‘Service Delivery’; and
- (c) budget paper 5, ‘Statement of Finances’ (incorporating quarterly financial report 3).

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:22):
I move, by leave:

That the 2023–24:

- (a) budget paper 1, ‘Treasurer’s Speech’;
- (b) budget paper 4, ‘State Capital Program’;
- (c) budget ‘Overview’;
- (d) budget information paper, ‘COVID Debt Repayment Plan’; and
- (e) budget information paper, ‘Gender Equality Statement’

be tabled.

Motion agreed to.

Papers**Tabled by Clerk:**

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a)(iii) in relation Statutory Rule No. 145/2018 (*Gazette G21, 25 May 2023*).

Planning and Environment Act 1987 – Notices of approval of the –

Corangamite Planning Scheme – Amendment C60.

Merri-bek Planning Scheme – Amendment C218.

Yarra Planning Scheme – Amendments C303 and C316.

Yarra Ranges Planning Scheme – Amendment C197 (Part 1A).

Statutory Rules under the following Acts –

Architects Act 1991 – No. 28.

Local Government Act 1989 – No. 29.

Public Health and Wellbeing Act 2008 – No. 27.

Subordinate Legislation Act 1994 –

Documents under section 15 in respect of Statutory Rule Nos. 28, 30, 31, 32 and 34.

Legislative Instruments and related documents under section 16B in respect of the EPA Designation – Classification of PFAS-impacted soil, under the Environment Protection Act 2017.

Victorian Environmental Assessment Council Act 2001 – Government Response to the Victorian Environmental Assessment Council's Assessment of the Values of the Strathbogie Ranges and Mirboo North Immediate Protection Areas, under section 26G(3) of the Act.

Wildlife Act 1975 – Wildlife (Closure of Lake Connemare State Game Reserve) Notice, under section 86 of the Act (*Gazette S233, 16 May 2023*).

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Early Childhood Legislation Amendment Act 2022 – Sections 15 to 21, 34, 38 to 44 and 51 – 1 July 2023 (*Gazette S253, 23 May 2023*).

Petitions**Port Melbourne public housing*****Response***

The Clerk: I have received the following paper for presentation to the house, pursuant to the standing orders: a response from the Minister for Housing in relation to the petition titled 'Stop the demolition of the Barak Beacon public housing estate to save \$88 million', petition 470 presented by Ms Copey on 22 March 2023.

Business of the house**Notices****Notices of motion given.**

The PRESIDENT: Before I call the next notice of motion, I want to acknowledge Mr Barry Cull.

Members applauded.

The PRESIDENT: By that round of applause we all acknowledge how magnificent he has been in assisting all of us.

Further notices given.

General business

Georgie CROZIER (Southern Metropolitan) (13:38): I move, by leave:

That the following general business take precedence on Wednesday 31 May 2023:

- (1) order of the day 1, second reading of the Corrections Amendment (Parole) Bill 2023;
- (2) order of the day made this day, second reading of the Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023;
- (3) notice of motion 6, in an amended form, standing in Mrs McArthur's name referring matters relating to Victoria's roads to the Economy and Infrastructure Committee;
- (4) order of the day 2, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;
- (5) notice of motion given this day by Mr Mulholland on the 2023–24 budget; and
- (6) notice of motion 70 standing in Ms Payne's name referring matters relating to industrial hemp production to the Economy and Infrastructure Committee.

Motion agreed to.

Members statements**Barry Cull**

Lee TARLAMIS (South-Eastern Metropolitan) (13:39): I would like to take this opportunity to acknowledge the significant contribution Barry Cull has made to the Parliament over his 24 years of service.

Members: Hear, hear!

Lee TARLAMIS: For those who may not be aware, Barry is throwing in the towel as the Department of Parliamentary Services (DPS) member services manager and going to greener pastures. I think it is fair to say Barry has put in the hard yards, having had to deal with members of Parliament over all these years, tolerating all their unique quirks. I am sure he has developed a heightened sense of selective hearing as a coping mechanism. But in all seriousness, most if not all would have engaged in some way with Barry over his many years of service and, I have no doubt, been the beneficiary of his knowledge, patience, guidance and support. I have been around long enough to remember when Barry first started, and I have always found him to be a great source of support and a go-to person whenever I needed a question answered or required some clarity on a matter.

Barry spent most of his time with DPS working on the payroll team, and more recently he has been leading the member services team, often providing the first point of contact between members and DPS. That is what you will find him doing this week in the members kiosk in the library. And when he is not being his usual helpful self, he will be guarding the bowl of treats that sits on the corner of the desk, making sure members do not overindulge; I told you he is always looking out for us. I expect we will all miss Barry more than he will miss us, but I am sure he will leave this place with many friendships, fond memories and at least a couple of interesting stories of his interactions with members. I encourage all those who have had the pleasure of working with Barry to call past the members kiosk this week and say thank you. I am sure all members will join with me in wishing Barry success in his new role.

Ballarat Gold Mine

Joe McCracken (Western Victoria) (13:40): You might be forgiven for thinking I am changing careers given that I have been spotted recently in red overalls, but I can assure you that I have just been down to the gold mine in Ballarat. The mine is currently employing over 200 locals, many living locally, and supporting the Ballarat economy with an over \$40 million contribution. Many of the job roles require a STEM background and relevant qualifications. I had the pleasure of going 700 metres underground and seeing firsthand what was happening. I was really impressed by the comprehensive

safety procedures that are in place. I saw heavy machinery in action, along with robotic elements used in the resource extraction process. As somebody who had not been in a mine, I was able to have a go at using one of the hand drills – I am not going to do the action because it is pretty embarrassing – and I can report back that I really am not considering changing careers at this point in time. But I would like to publicly thank and recognise the Ballarat Gold Mine – they do have some challenges at this point in time and have over recent years – for their ongoing contribution to the Victorian economy. Ballarat is a city that was built on gold mining, and I hope to see that it can continue to pursue gold mining well into the future.

Jeremy Buckingham

David ETTERSHANK (Western Metropolitan) (13:42): Last week I had the pleasure of being in Sydney to witness the inaugural speech of Legalise Cannabis's newest MP Jeremy Buckingham. Jeremy is an experienced campaigner, having cut his teeth in the City of Orange from 2004, contested multiple state and federal campaigns and represented the Greens in the New South Wales Legislative Council from 2011 to 2019. Jeremy has always been a grassroots campaigner, building support for progressive environmental and social policies across traditional social and geographical boundaries. For example, his leadership against the coal seam gas industry in New South Wales united diverse stakeholder groups to preserve prime agricultural land, water catchments and national parks.

Purged from the New South Wales Greens in 2019, Jeremy became our elected candidate for the Legislative Council this year and came in 18th of 21, elected with, most notably, no preferences from any of the major, or for that matter, minor parties. As Jeremy said in his address:

Cannabis prohibition is coming to an end. Legalisation makes sense and Australians know it; that is why they voted for us. It is not a matter of if but when and, most importantly, how. That is why I and my colleagues in the Legalise Cannabis Party in Western Australia and Victoria have been elected ...

He went on to say:

We are a grassroots movement that has grown steadily, patiently and collaboratively, and that is the approach we will adopt in this place to build trust, understanding and consensus.

I say 'Amen' to that, and we look forward to working with our New South Wales colleagues to bring an end to the cannabis prohibition. Congratulations, Jeremy.

Budget 2023–24

Michael GALEA (South-Eastern Metropolitan) (13:44): I am pleased to inform the house that the state budget has delivered in a big way for locals in the south-east and in the Berwick electorate. Two new primary schools were announced: Clyde North Primary School and Thompsons West Primary School. A new secondary college, Clyde North Secondary School, was also announced. All of these schools will be opening in 2025. Of course this is on top of Alexander Boulevard Primary School, which is already under construction and will be opening next year. The budget also delivers the respect, focus and funding that women's health deserves, with a new women's health clinic at Casey Hospital, which will provide care and support for women's health issues, including endometriosis, pelvic pain, polycystic ovary syndrome, perimenopause and menopause.

This budget will fix an essential intersection thousands of locals use everyday – \$70 million was announced to upgrade the intersection of Thomsons Road and Clyde Road. We are also delivering on our commitment to community sport and cultural festivals for locals in the Berwick area, with \$1.2 million going towards a pavilion upgrade at Grice Road Recreation Reserve, a vital upgrade for the Berwick Churches Soccer Club that I know they are very appreciative of, supporting the next generation of our sporting greats. Community events received support, such as the Tamil Festival, which will help the Victorian Tamil community connect to their heritage and traditions, with \$400,000 in funding to back in the next four years of their festivals. This is a budget that delivers for the south-east; this is a budget that delivers for Berwick.

Timber industry

Melina BATH (Eastern Victoria) (13:45): Of all the low-life despicable acts this government has inflicted on Victorians over the past eight years, shutting down the native timber industry by 2024 is the lowest of the low. Daniel Andrews has callously crushed hardworking contractors, mill owners and their workers, insulting them with paltry compensation, condemning our rural and regional communities to increased bushfire risk with the loss of specialised machinery and skilled operators and ignoring the Intergovernmental Panel on Climate Change's comments on the positive attributes of the native timber industry. He has been too spineless to take on the activists and close loopholes in the timber code of practice – this industry has never once been associated with the demise of a single threatened species. At a time when the Premier has single-handedly created the most colossal debt in this state, he is trashing a vital product, forcing Victorians to import overseas timber from far less stringent countries. This is shame, shame, shame on Daniel Andrews.

Africa Day

Samantha RATNAM (Northern Metropolitan) (13:46): On Thursday 25 May this Parliament hosted the 60th anniversary celebration of Africa Day, led by a terrific team from Africa Day Australia and its advancing African Australia agenda sub-committee. Africa Day is a very special day for the African community in Australia and across the world. It was on this day that leaders from the continent's nations and liberation movements outlined the vision for an Africa post-colonisation, towards independence. It is a day celebrated with pride and purpose. The theme of the celebration and forum here in Parliament was 'a united African Australia agenda today', exploring the importance of unity of purpose as a prerequisite for future successes.

The African diasporan community in Victoria is growing, it is diverse and it is unique. But the community also faces challenges, including racism and prejudice, financial exploitation and stereotyping that often creates barriers to accessing work and education. They are also a very strong and resilient community and have already shaped our community for the better.

Key themes that emerged from a very powerful and engaging evening included the community working together to share their stories and experiences, working through the challenges of settlement and supporting each other. The community wants their diversity to be reflected in their leadership and collective identity. They want their lived experiences reflected in their leadership, and they acknowledge that resources are necessary to be able to participate in community life. The African Australian community have so much to be proud of. I thank all those who helped coordinate such a wonderful celebration last week and wish you a happy Africa Day.

Voice to Parliament

Sheena WATT (Northern Metropolitan) (13:48): For us mob, Sorry Day is a chance to remember the strength of our stolen generations survivors and mourn those who never made it home to country. It is a chance to celebrate our continued connection to our lands, waters, communities and culture despite the historic and ongoing injustices First Nations people face. But this year Sorry Day is also a chance to reflect on the incredible opportunity that we have before us with the Voice to Parliament referendum. Last Friday, on Sorry Day, that is what I did with my federal colleague Minister Andrew Giles, the member for Scullin; the member for Mill Park Lily D'Ambrosio and the member for Yan Yean Lauren Kathage in the other place; alongside members of our shared communities. The upcoming Voice referendum is a once-in-a-generation opportunity to come together in the spirit of healing and reconciliation and to protect our connection to country and culture for the benefit of our children and grandchildren, but it is also a chance for every single one of us to step forward on the path to a better, fairer future for us all. 'Sorry' means that you do not do it again. The Voice is an offering from our elders to make sure that it cannot happen again.

Budget 2023–24

Georgie CROZIER (Southern Metropolitan) (13:49): Last week's state budget is an absolute shocker. It is brutal. It is going to be hurting many, many Victorians for years and years to come with debt of \$171 billion – an extraordinary amount of money that Victorian taxpayers are going to have to pay back. And what does this government do? It hikes taxes everywhere you look. Look at what is happening with school fees going up. Rents are going up. There is just a huge amount of cost that this government are not accounting for, and they are just wasting so much money. There are increases in land tax and, as I said, in rentals and in school fees. Right across the board people in Victoria are going to be hit by the decisions that the Andrews Labor government have made – very bad decisions that are going to impact us for years to come.

One billion dollars has been cut out of health at a time when the government spruik that they are investing in health. Well, we see what they do – they put in faux accounts of \$320 million to fund six hospitals, yet that is over four years, and it is less than 8 per cent of funding. It is so disingenuous what this government continues to tell Victorians. They are conning Victorians. But worse than that, they are putting a huge bill onto every Victorian for years and years to come. We have seen the project blowouts extend the waste and the mismanagement. It is just extraordinary, and this budget will go down as one that Victorians will remember for a very long time.

Fire Ops 101

Jeff BOURMAN (Eastern Victoria) (13:51): Last Wednesday I did the Fire Ops 101 experience, for want of a better term, at the FRV training centre in Craigieburn. You go through a few scenarios to see the things that the firefighters do and to appreciate their skill and dedication. Thanks to all. It was interesting for me, who has had a propensity to call them hose fairies and all sorts of things as firefighters, in the spirit of competition. But they do very serious things and can be very serious people. I have got to say extra thanks to Vanessa, who had the unenviable task of being my handler for the day. She kept me under control.

Timber industry

Jeff BOURMAN (Eastern Victoria) (13:52): With the timber industry, the government must have known this was going to happen prior to the 2022 election. There is no way they could have just found this sort of money out of nowhere. To take seven years off the time line of the shutdown is just unconscionable. It is unbelievable. What is probably bothering me the most is the 'giving certainty' line being pushed, because it is nothing more than Orwellian.

Schools payroll tax

David DAVIS (Southern Metropolitan) (13:52): I, like many, was shocked by this state budget – not only the huge debt and the new taxes but specifically the attack on non-government charitable education. Payroll tax has been exempted in respect of non-government charitable schools since 1941. This government has breached that long-term understanding, that long-term arrangement, and has slapped a nasty tax on non-government schools. These charitable schools – those with fees over \$7500 – will be taxed by this government for the first time. They will pay more than \$420 million over four years for the enormous tax that is being put on them. This is going to force up fees. It is going to force many schools to cut services and to cut teachers. This is a shocking approach by this government. Parents are struggling in many cases to send their kids to the school of their choice. This is also about families and their community schools, it is about religious schools and it is about education in particular community languages. All of these have been targeted by Daniel Andrews and his government.

Jaelyn Symes: They are not.

David DAVIS: They are targeted; they sure are. I tell you what: Oakleigh Grammar – all of those schools – are going to be slapped with this tax.

Jaelyn Symes: Community education.

David DAVIS: No, community schools – schools that are actually going to pay this tax.

Greyhound racing

Katherine COPSEY (Southern Metropolitan) (13:54): On Friday night I went to Sandown Racecourse and I joined a protest organised by the Coalition for the Protection of Greyhounds. It was bittersweet to receive the invitation to speak at this event. Of course I was pleased to join the protest, as the Greens have long joined community calls for greyhound racing to be ended. But as I told the crowd, it is bitter because in 2023 we still need to campaign to ban the senseless cruelty that is the greyhound racing industry. Let us all be very clear about the reality: greyhounds are sensitive and intelligent dogs who have the same care requirements and desires as all dog breeds. Their exceptional speed and their hunting ability have resulted in them being cruelly exploited. Racing greyhounds live sad, lonely lives, filled with misery and physical suffering. Most of them are confined to cages, with only a few short breaks to relieve themselves, and they lack the companionship that dogs, as social animals, require.

Just like their cousins in puppy farms, the majority of racing greyhounds are considered to be commodities, not companions. They are commonly referred to as ‘product’ by the greyhound racing industry and their deaths are considered ‘wastage’. At the protest we read the names and took a moment to remember each dog who has been tragically killed on the track this year. It was a powerful and moving moment. Most other countries have acknowledged the cruelty of greyhound racing and banned it altogether. It is absolutely time for Victoria to do the same, and I acknowledge the efforts of groups like the Coalition for the Protection of Greyhounds working to bring that day closer.

Mornington Peninsula bus services

Renee HEATH (Eastern Victoria) (13:55): Amid Labor’s horror budget there has been some good news for the people of Hastings. Finally, after sustained advocacy by the Liberals, the government has woken up to the need for a cross-peninsula bus service. Eight months ago Liberals candidate Briony Hutton announced our commitment to delivering a regular bus service between Hastings and Mornington. Finally, the government has agreed to fund our plans. I want to give a special shout-out to Briony Hutton for getting this done. Her advocacy has paid off to benefit locals. Too often the people of Hastings are the forgotten people of the Mornington Peninsula. It should not have taken nine years for the state Labor government to wake up to the need for this improved bus service, but finally they have. Those living between Balnarring and Hastings should be able to travel the Mornington Peninsula on public transport without first having to go through Frankston, adding 1 hour. The regular and ongoing cross-peninsula bus service is a no-brainer. The Liberals will hold this state government to account to make sure that it is delivered within a reasonable time frame so that the people of Hastings and surrounds do not continue to be the forgotten people.

Tamilar Inc.

Trung LUU (Western Metropolitan) (13:57): On a brighter note, last week I had the honour to join the Tamil community in celebrating their 12th annual Chithirai festival in Williamstown. Over 700 parents and children attended the event displaying the best of Tamil arts and culture. Thank you for the great work undertaken by Tamilar Inc., a not-for-profit apolitical organisation whose whole aim is to promote all the very best that Tamil culture has to offer. The event brings together the Tamil community from across Victoria, with Tamil music and a language school promoting and encouraging younger generations to share their language, customs and culture with their newly adopted neighbours and community in Australia. The work undertaken by Tamilar Inc. has assisted in providing a true sense of community spirit, providing a better life for themselves, their family and future generations by promoting multiculturalism in Victoria and Australia. I would like to take this opportunity to thank all the members of Tamilar Inc. and the broader Tamil community who worked so diligently to bring this celebration together. I wish them all the very best in the future.

Bochara car crash

Bev McARTHUR (Western Victoria) (13:58): I rise to offer my condolences to the families and friends of the victims of the Bochara crash in Western Victoria. It was such distressing news to hear that three teenagers and an adult died and a fourth teenager has been left fighting for life. Hamilton is a town of around 10,000 people. Two local schools, Monivae and Baimbridge colleges, have lost students, and their school communities must be in total shock. In a town of this size there are very few degrees of separation. If you do not know the families involved, you will perhaps know one of the first responders – the police, the paramedics or the SES volunteers. You will know one of the teachers or students at the schools. In the country everyone feels some of the trauma. That interconnectedness is a very precious thing. It means that tragedies are felt deeply and widely, that the tightly woven social fabric will pull together for mutual comfort and support and that the community will remember. I do not seek to politicise this or score points; I only acknowledge that I see the grief and mourn with the people of Hamilton. I have written to the mayor of Southern Grampians shire to express sympathy and offer assistance. My condolences to all who grieve.

Education funding

Nicholas McGOWAN (North-Eastern Metropolitan) (14:00): I have risen previously in this place and forewarned of the impending crisis in the public school system. Being a product of the public school system myself, I am one who, like many of my peers at the time, cherished school camps. Unfortunately, President, as I travel around our electorate, school after school, teacher after teacher and principal after principal share with me their very grave concerns that in probably less than a year's time the funding that they are currently using to accommodate and to actually facilitate school camps will run out. It all goes back to the enterprise bargaining agreement. It is a financial issue, and I was very disappointed that in this budget there is no further consideration or allowance to actually facilitate children – some of the youngest children in this state – being able to attend school camp. School camp is not and ought not to be treated as a luxury. It is absolutely important and in many instances vital, and perhaps for some the very first experience children will have to leave the comfort of their own family home to spend a night or several nights with their peers and begin that transition and that progress toward independent living. I share this concern yet again with the house, and I hope in the future the minister takes the opportunity to remedy the shortfall in funding.

Poker machines

Evan MULHOLLAND (Northern Metropolitan) (14:01): Earlier this month I had the opportunity to visit the Glenroy RSL with my colleague the Shadow Minister for Casino, Gaming and Liquor Regulation Danny O'Brien MP to congratulate sub-branch president Ken White on winning his battle with the state government over pokies entitlements. As I have mentioned before in this chamber, this saga began with the rejection of Glenroy RSL's application of gaming licences by Moreland City Council. What then ensued was an endless back and forth between the RSL, VCAT and the Supreme Court. We saw the council's position upheld; however, the Andrews Labor government continued to demand the RSL pay half a million for pokies entitlements they could not even use. It was not only the Glenroy RSL facing this dilemma but also the Altona, Darebin and Pascoe Vale RSLs, with a total liability of more than \$2 million.

As a result of tireless campaigning, which I have been proud to support, the Andrews Labor government was forced to backflip and allow RSLs to surrender these licences and have their debts withdrawn. I am pleased to see this result, and it did not come easy. During our chat with Ken he highlighted the deep personal toll this has taken, which has cost the RSL \$300,000 in legal fees. Unfortunately, during this time no-one from Labor had responded to him, and all the pleas to MPs and the minister simply fell on deaf ears. It took a Liberal MP that cares about the Glenroy RSL community to call out this unfair cash grab and force the government to reverse their stubborn decision.

*Business of the house***Notices of motion**

Lee TARLAMIS (South-Eastern Metropolitan) (14:03): I move:

That the consideration of notices of motion, government business, 2 to 93, be postponed until later this day.

Motion agreed to.

*Bills***Gambling Regulation Amendment Bill 2023****Gambling Taxation Bill 2023***Cognate debate*

Lee TARLAMIS (South-Eastern Metropolitan) (14:03): I move, by leave:

That this house authorises the President to permit the second-reading debate on the Gambling Taxation Bill 2023 to be taken concurrently with the second-reading debate on the Gambling Regulation Amendment Bill 2023.

Motion agreed to.

*Second reading***Debate resumed on motions of Jaclyn Symes:**

That the bill be now read a second time.

Matthew BACH (North-Eastern Metropolitan) (14:04): You have got to take whatever win you can get in opposition. We were hearing from Dr Heath just before about an outstanding win for the Liberals and Nationals in her part of the world. This is actually another win for the Liberals and Nationals. With the forbearance of the house at the start of my contribution, I was looking just earlier today at the contribution of the Shadow Treasurer, the member for Sandringham in the other place, and he actually said:

... both bills, the Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023, that we address today should not in my view be seen as two separate bills.

And so I just want to thank the government for doing what we had asked of them and moving to ensure that we could deal with these matters concurrently. So through you, President, I would pass on my thanks to the Government Whip, which is something that I regularly have need to do.

Given the fact that on this side of the house we do not see anything particularly problematic or contentious with these measures, I will not take up too much of the time of the house. I will recapitulate just one or two points that were made by my honourable friend in the other place and by other members sitting on both the Treasury bench down there and on the opposition side of the house. Then, in addition to that, I will dwell for just a moment or two upon some further feedback that we have received since the time at which the bills were debated in the other place, if I may, before then resuming my seat within a precipitous time frame.

As members of the house are aware, these bills seek to do a range of things. They seek to introduce a new and strengthened casino tax arrangement from 1 July this year actually, which will be administered by the commissioner of state revenue; to extend the application of the Taxation Administration Act from back in 1997 to cover casino taxes payable by the casino operator, which addresses a recommendation of the Royal Commission into the Casino Operator and Licence – that is a theme running through these bills; to consolidate provisions for and amend various gambling taxes by repealing the existing provisions for the keno tax and wagering and betting tax imposed under the Gambling Regulation Act from back in 2003 and re-enacting them in this bill to provide a single

legislative vehicle to address gambling taxes administered by the commissioner; to make a series of consequential amendments, which I am sure members of the house do not need me to go through in detail; and to increase the existing point-of-consumption tax from 10 to 15 per cent, which gets us in line with New South Wales, which I think is an important point.

Furthermore, before going into the specifics of this bill, it is important to note the broader importance of this industry to our state. I am advised that the value-added contribution of Victoria's racing industry totals something like \$4.7 billion, and taxes generated by the industry – which obviously flow through into consolidated revenue for use by the government as it sees fit – total just over half a billion dollars. Stacks of Victorians are employed in this important industry that obviously some members of this place would like to have shut down yesterday. About 15,000 Victorians are directly employed in the racing industry. In addition to that, there are something like 20,000 further indirect jobs. So there is a huge net fiscal contribution and there is then a further very significant contribution in terms of jobs. That is important context, we think over here on this side of the house, because we want to make sure – and I am sure other members of the chamber would agree with us on this point – that the racing industry is viable as we move forward. We understand that the racing industry also wants to contribute back to the Victorian community, which is important in noting our broader support for some of the measures in this bill which under other circumstances you would not necessarily think that the Liberals and Nationals would support.

As I said, the bills we are discussing today are largely not controversial in our view. They are also supported by the racing and gaming industries themselves. In our discussions with key stakeholders we spoke to a vast array of people. We spoke to Entain, the Melbourne Racing Club, Racing Victoria, Sportsbet and Tabcorp, and we spoke to the Alliance for Gambling Reform, Responsible Wagering Australia, the Victorian Bookmakers Association and a range of others. I do want to thank all of them very much, as I want to thank the government for the thorough briefing that they provided to members of the opposition.

The point-of-consumption tax was introduced on 1 January 2019. The bulk of the revenue from that tax is paid into the Hospitals and Charities Fund, with a bit under 4 per cent of net wagering revenue per month paid to the Victorian racing industry itself. There is also an annual contribution that is made out of wagering tax revenue in support of the Anzac Day Proceeds Fund. These bills will allow the government to increase its payments to the racing industry from 3.5 to 7.5 per cent. We have received some advice from the Department of Treasury and Finance about this. They tell us that the racing industry will now receive an estimated \$119 million in additional average annual funding from the increased consumption tax over each of the three financial years starting in the middle of 2024. Further to that, we have received more advice from the department that the racing industry will have funding certainty for the next 10 years as a consequence of the increased consumption tax arrangements. Finally, the department tells us, as I am sure they have told the government, that Crown Casino acquiesces to its changed taxation arrangements, given the royal commission report into its conduct.

And so because of these points, on this side of the house we will not make too much of certain areas where we do have a concern or two – let me get to them briefly. I do want to make a brief point to underscore the points of others in the other place. Now, this point was made in the other place, both by members of the opposition but also members of the government, and that is that this is an arrangement that the racing industry has agreed to itself and thus we need to make it really clear, as a Parliament together, that there should be no expectation that the racing industry will seek additional government support in the short to medium term. There should be no expectation that the racing industry will seek additional government support over the period of this 10-year deal – this is the deal for the next 10 years. The industry acquiesces to it, the government has worked on it, and so from our perspective – and my understanding is that this is the government's perspective as well – that should be that.

Secondly, as a point of some concern for us, we have engaged with the Victorian Bookmakers Association, and they have said to us that there should be more concessions for smaller bookmakers –

and we are concerned about smaller bookmakers – including a range of things that they have asked for: for example, an increase in the threshold, the removal of free bets or an allowance in the calculation of point-of-consumption tax for clients under a turnover threshold; and an end-of-financial-year true-up for the calculation of POCT based on the actual net gaming revenue. Again, on this side of the house, we will support the measures outlined in this bill, and we agree with the government that if this is the deal that has been struck over the period – for a decade – well, that should be the deal. Nonetheless, given our regard, especially for small bookmakers, I wanted to note some of the concerns that they have raised – and in particular these are concerns that have been raised with us, and certainly raised with me personally, since the period in which these bills were debated in the other place.

There was a raft of other feedback that members in that place wanted to talk about, and I will just briefly mention a couple of points that were raised by my friend the member for Sandringham, which again links very directly to the feedback that he received as he led this process for us, ably supported by Mr O'Brien and also Mr Bull. He said this in debate:

This is a deal for a decade. So whatever the circumstances in the future, whether they be economic circumstances or whether they be socio-cultural circumstances, the racing industry, in my view, must not – cannot – come cap in hand to a future government, whether it be the colour of the current government or the colour of a future government, to say 'We want more', because they will not get it. I cannot be any clearer: they will not get it. This is a deal which they have done, which they are supportive of, which they have put out supportive statements on and which they have negotiated with the government. It is the deal for a decade. I want to be really clear on that, and I suspect that government speakers will be equally clear on that arrangement as well.

The member for Sandringham had excellent foresight, because government members were indeed clear on that arrangement as well.

A couple of final points from me regarding the bill. There are some changes that I have not yet spoken of to Crown Casino's taxation rates, and I have referenced the royal commission process already. Currently, electronic gaming machines, which in the biz are called EGMs, operated by Crown Casino are taxed at different rates to those operated by club venues. Crown Casino's EGMs are taxed at a flat rate, I am advised, of 31.57 per cent of a machine's revenue, plus then a community benefit levy of 1 per cent of total machine revenue. However, EGMs operated by club venues are taxed differently, on a sliding scale with progressive tax brackets.

From August 2022 the maximum marginal tax rate for club venue operators will be 60.67 per cent, so there is a difference. From 1 July this year Crown Casino's EGMs will be subject to the same tax rates as EGMs operated by club venues. The decision to tax Crown Casino at a higher rate follows the government's response to the royal commission into that casino operator. This response includes the removal of longstanding arrangements with Crown Casino that prevented the state from changing regulations without having to pay compensation. The change is expected to generate, we are told – again, by the Department of Treasury and Finance – about an extra \$30 million a year in additional revenue for the state without increasing gambling expenditure.

There are tax increases incorporated in these bills, and of course on this side of the house we oftentimes oppose the government's tax increases. I remember a time when then opposition leader Andrews stood in front of the cameras, just before the 2014 election, and promised no new or increased taxes. I have lost count of how many times he has broken that promise. I think it is 48. Do not quote me, but I think it is 48. I was standing with the member for Sandringham, the member for Kew and the Leader of the Opposition just a little bit earlier today when we were talking about a range of tax increases through the recent budget. Most notable for me is the schools tax, but there were a range of others. With these bills, given the history we have been through, given the royal commission recommendations, given the fact that the industry itself not only does not oppose these measures but actually supports these measures and given the fact that these measures will lock in a deal for a decade, we believe that if we can be crystal clear, as my colleagues in the other place have been – and to be fair, as government members have been – that that deal is the deal for a decade, on that basis, notwithstanding the brief

commentary I have made about some of the concerns especially of small bookmakers, on this side of the house we will not be opposing these measures.

John BERGER (Southern Metropolitan) (14:17): I rise today to make a contribution to the debate on the Gambling Taxation Bill 2023 and the Gambling Regulation Amendment Bill 2023. These bills are the last in a long process of amendments that we, the Andrews Labor government, have put forward to address the findings of the Finkelstein Royal Commission into the Casino Operator and Licence. These findings highlighted a stark need for improvement in the law surrounding gambling in Victoria. This legislation comes from careful consideration of innocent third parties that would have been implicated in the immediate removal of Crown Casino's licence. Whilst Crown must face the consequences for their disregard of the principles of fairness within the Victorian economy, other groups and individuals ought not to be negatively affected by their punishment. An estimated 12,000 were on the line, and considering the strong values of fairness we hold, it was considered a better course of action for the greater community that the licence not be immediately cancelled.

In matters of such severity Labor governments will always act effectively and as quickly as possible to address the harm that such behaviour poses to the greater community in a way that meaningfully protects stakeholders in the situation. We take these infractions against the important laws of Victoria very seriously, as they degrade the quality of our society. These laws exist for a purpose: protecting the balance of our society. Without regulation against criminals and criminal behaviour our world would fall into absolute chaos. To this effect the Andrews Labor government is taking such high degrees of unlawfulness very, very seriously.

The list of neglectful acts committed by Crown Melbourne is long and deeply disappointing. To think an institution that is so iconic to the City of Melbourne would continue to have such a blatant disregard for our laws despite multiple punitive fines being issued over the past several years really does give you a real feeling of disappointment. The silver lining in the millions upon millions of dollars Crown Casino Melbourne was fined last year alone is that it does at least mean that the body of bills amending gambling regulation, this being the fourth of those bills, are in fact doing what they are supposed to do: addressing the predatory business operation and culture that seems to have cemented itself in Crown Melbourne.

The infringements that warranted Crown being issued with fines are extensive. They range from severely breaching their responsibility to responsibly deliver gambling services to the deeply concerning evidence that Crown Melbourne have been implicated in money-laundering schemes. Taxation matters are serious. Taxes are how a responsible government, like the Andrews Labor government, funds programs to give back to the community. Taxes are how we ensure hospitals and schools run, how we keep our state running and how we do what matters. Taxes are also indicative of the community Victorians have built. They are how we make sure that governments can take care of those who need to be taken care of. To think that a multimillion-dollar organisation would think that it is above one of the most basic obligations that productive members of society fulfil is disappointing to say the least. Sixty million dollars: that is the sum of tax that Crown Casino denied Melbourne and the Victorian people – the hardworking people of my electorate in Southern Metro, the hardworking residents of every other region represented in this room. That is money that could have gone towards schools, hospitals and roads. It could have been used to better our society and do what matters, but it was hoarded by Crown.

Their implication in the illegal act of money laundering is also not lost on this government. We are a government that takes crime very, very seriously, thanks to our fine Minister for Police and Minister for Crime Prevention, my friend in the other place Minister Carbin. This is why, when it was discovered that Crown Melbourne was operating its gambling services in such a manner that the act of money laundering was easily conducted at Crown's casino facilities, it was a cause for much concern and an immediate call to action.

The Victorian Gambling and Casino Control Commission discovered that from 1994 until 2021 – nearly three decades – the casino accepted bank cheques in exchange for the issuing of chips without clearing the cheques. This policy of theirs is deeply concerning due to how easily it facilitates the laundering of money acquired by illegal means. It also allowed for large portions of money to be laundered at the Southbank venue, which led the VGCCC to conclude that Crown resorts is no doubt implicated in serious organised crime operations. Additionally, Crown facilitated illegal money transfers of a sum of \$160 million through the use of a China Union Pay bank card.

Investigations into Crown Melbourne also discovered that the casino had in many instances blatantly disregarded their obligations in the responsible delivery of gambling services. One instance that was so neglectful that it made it to the media was a practice in which, despite Crown being equipped with a thorough and competent monitoring system, customers of Crown were allowed to gamble for up to 24 hours straight. The chair of the Victorian Gambling and Casino Control Commission is quoted as having said:

For a long time, Crown had promoted itself as having the world's best approach to problem gambling. Nothing could be further from the truth ...

Problem gambling is a serious issue facing modern Victoria. The prevalence of such predatory means of gambling as electronic gambling machines, or EGMs, is a concern that hangs heavily on the Andrews Labor government. The Andrews Labor government took swift and strict action in recognition of the recommendations set forward by the Finkelstein Royal Commission into the Casino Operator and Licence and subsequent report. A special manager Stephen O'Bryan KC, who was appointed in July 2022, has overseen the operations of Crown Melbourne to ensure that their organisation is held to the highest of regulatory standards so that they may not be allowed. When O'Bryan's stint as special manager comes to the end date that is outlined in the Casino and Gambling Legislation Amendment Act 2021, Crown Melbourne's licence to operate a casino in Victoria will lapse unless the VGCCC sees that the operators of Crown Melbourne are fit to continue their operation in Victoria.

As the fourth instalment of the Andrews Labor government's gambling reforms, the Gambling Taxation Bill 2023 will ensure that Victoria is a state that truly backs fairness and lawfulness. Tax legislation is one of the best ways to ensure that our state stays as fair as it should be, and it is time that gambling taxes reflected that. This money will go into important projects that are going to improve Victoria, money that is rightfully owed to the Victorian people. This money will go towards our broad commitments to health and schools as we go to work doing what matters.

One of the recommendations from the royal commission pertains to the appropriate course of action when addressing a casino operator's non-payment of tax. The penalty fine issued to casino operators in breach of their tax requirements has been increased from \$1 million to some \$100 million. This is a fine much more appropriate to the predatory and offensive crimes that would have been committed to warrant the receiving of such a fine. Perhaps in an ideal world would-be criminals would get the message that this is a government and a state that takes such infractions very seriously. This is a jurisdiction where you cannot hide.

The bill also addresses the division of the roles, responsibilities and structures relating to the administration of gambling-related tax, mostly consolidating these figures to the commissioner of state revenue and subsequently the State Revenue Office. This bill will establish that the responsibilities over regulation fall under the portfolio of the commissioner of state revenue rather than the VGCCC, allowing for a more informed level of expertise overseeing the tax matters of Crown and other casino operators. This will be executed by bringing casino tax arrangements under the umbrella of the Tax Administration Act 1997. This is a recommendation from Finkelstein's royal commission findings. The Tax Administration Act 1997 offers a standard set of provisions surrounding taxes referenced in other acts. It is something of a one-stop shop for tax administration, overseen by the State Revenue Office. The level of specialist expertise and knowledge used for the scrutiny that Crown will be subject

to will surely mean that we will never see the likes of such offensive disregard for our state's taxation laws again, or at least not for a long, long time.

The obligations outlined under the casino tax legislation pertaining to the casino tax currently lie in the Casino (Management Agreement) Act 1993, also known as the management agreement act. This stipulates that tax must be paid on all electronic gambling machines and table games in addition to commissions received from commission-based players. At the moment this falls under the administration of the Victorian Gambling and Casino Control Commission due to the casino tax legislation's current placement in the management agreement act. The royal commission recommended the establishment of a new gambling taxation act under which the casino tax will lie, thereby transferring the administration of the casino tax to the State Revenue Office and under the responsibilities of the commissioner of state revenue, effective 1 July 2023. The bill will also greatly equalise the nature of casino and club taxes. Effective 1 July 2023, casino and club taxes on revenue from electronic gaming machines will increase from 31.57 to 66.67 per cent. This will do much to increase equality in the gambling industry and encourage the industrial competitiveness necessary to any market.

This bill also intends to address the need for a change of rates in the wagering and betting tax. The tax will be increased to even the proverbial playing field. This is yet another part of tax legislation that will be consolidated under the Tax Administration Act so that it may be overseen by the State Revenue Office. Currently found in the Gambling Regulation Act 2003, the wagering and betting tax will fall under the authority of the commissioner of state revenue if this bill is adopted.

Most of the taxes referenced in this bill feed directly into the Hospitals and Charities Fund, apart from 3.75 per cent of the tax revenue from the wagering tax, which goes towards the Victorian racing industry, keeping our racing industry robust and competitive. This is what taxation looks like in Victoria under the Andrews Labor government. We are always ensuring that your taxes and hard-earned income are not wasted but rather go towards supporting our important state services.

I would also like to touch on the Gambling Regulation Amendment Bill 2023. This bill addresses a theme of our gambling legislation reflected in the taxation bill: the current laws do not reflect the economy we live in. The bill takes some very simple and straightforward actions to update gambling regulations to a fit-for-purpose model that is adequate for a healthy, competitive market. The racing industry in Victoria will benefit greatly from these amendments. Contributing nearly \$5 billion to our economy annually and supporting nearly 34,000 jobs, the racing industry is the beating heart of Victoria. From the humblest of regional amateur clubs to the grand spectacle of the Melbourne Cup, racing brings so many Victorians together, which is why it is important to ensure that wagering and betting, which support the industry, are effective in creating a competitive market.

At this stage there is only one wagering and betting licence issued in Victoria. That licence is set to expire next year. This bill seeks that there be provisions made to allow for multiple wagering and betting licences to be issued in Victoria, allowing for a more robust and competitive market. In times of economic stagnation this is exactly what you would need. Industries should all be ensuring that money is circulating through businesses into the wages of everyday Victorians and back out into the economy to start the cycle again. Labor governments recognise this. That is why we were the only country to avoid the recession in 2009. With all the jobs that the racing industry supports, there is no doubt that this boost to the industry by way of multiple licences being issued will have a considerable impact on the state of the economy – more money in the hands of everyday Victorians. Besides this point, the single-licence measure was taken during the privatisation of the TAB and is therefore no longer necessary, which is why we are also removing the NLF – or 'no less favourable' – funding requirement from the act. It stands in the way of the kind of racing industry that we would like to see in Victoria. We do not want a monopolistic racing industry; we want one that is active and thriving and an effective contributor to our state's economy.

We also do not want to see a shift en masse to online betting and gambling. In online environments people participating in gambling are much more financially vulnerable to manipulation, overuse or predatory scams. We must ensure that in-person gambling, betting and wagering continue in order to protect individuals from the dangers of online betting. Offcourse, offline betting is incredibly important to protecting our industry and protecting the people who participate in it. These bills are an important step in the right direction for gambling.

I commend the Treasurer for ensuring a healthy economy surrounding gambling and allowing the government revenue to be meaningfully and effectively used. I also commend the Minister for Casino, Gaming and Liquor Regulation, Minister Horne, also in the other place, and the work she has done not just on this bill but on the other three relevant bills that update and improve legislation surrounding our gambling industries in Victoria.

These are both fine bills to be read before this chamber. The Gambling Taxation Bill 2023 covers all the taxation bases it needs to cover. I can see no reason why anyone would oppose the adoption of this bill into law, and as such I commend the bill to the house. The Gambling Regulation Amendment Bill will successfully restructure our gambling regulation to be more fit for the modern economic conditions that our state is experiencing.

Katherine COPSEY (Southern Metropolitan) (14:32): An opportunity to speak to these two bills together – a daily double if you will – gives us all a chance to step back and look at the wider picture of how much harm gambling causes across Victoria and how imperative it is in the longer term that we transition the state away from dependence on this revenue. The Rethink Addiction consortium, Monash University and KPMG released a sobering report six months ago showing that of the harms caused from all addictions gambling was among the top four alongside tobacco and alcohol. The report reinforces for us again that harms from gambling extend beyond financial losses to include adverse effects on work, education and relationships; psychological harm; and, tragically, suicide. Australians also spend hundreds of billions of dollars every year on gambling, the highest in the world in losses on a per capita basis. We also have the largest per capita gambling losses, meaning that harms in Australia are more severe to our citizens than in any other country on earth. And our current responses are not working. These levels of harm are increasing, not decreasing.

While today we debate the finer details of should there be one licence or more to run retail betting or if the gambling tax rate should be increased to 20 per cent, not merely 15, which is what the Greens advocate, I do wish that we had the opportunity – in fact I wish the government had the vision – to properly consider gambling and all its harms across the state. Other states are taking action on addressing harms from gambling, showing how far Victoria is still lagging behind. As a few examples, South Australia has legislation in place for better regulation of gambling advertising; both Tasmania and New South Wales have announced plans to introduce mandatory precommitment and cashless gaming on all poker machines; and as I spoke about in this place last sitting week during the motion to reduce the debts from some RSLs on their disallowable poker machine entitlements, mandatory precommitment and limiting daily losses statewide would be a game changer for reducing gambling harm in this state. It is the ambitious reform that the Victorian government should be embracing, and the Greens would welcome opportunities to advance this type of reform with the government.

In the last 30 years successive governments have completely failed to introduce meaningful statewide reform of the gambling industry, letting Victorians continue year on year to lose record amounts at poker machines and allowing the gambling industry to expand its power in this state, which is already too significant. Speaking of industry power, we all know it is the Greens who refuse to take donations from the gambling industry, unlike the parties of our colleagues on both sides of this chamber. To actually get the sort of sector-wide reforms I have just outlined, it is imperative that we end dirty donations from the gambling industry. Given that context, I will now move on to the bills we have before us today.

With regard to the Gambling Taxation Bill 2023, as it is part of the response to the Royal Commission into the Casino Operator and Licence, the Greens will not be opposing this bill. We called for and therefore support the extension of greater oversight powers to casino regulation. This bill raises the point-of-consumption tax for betting in Victoria to 15 per cent. The Greens agree that the gambling industry should pay its fair share of taxes. If procedures had allowed the Greens to move an amendment to change that tax rate from 15 to 20 per cent, we would be doing so. Instead, all I can do is congratulate the government for moving from the historically low rate of point-of-consumption tax we have had in Victoria and call on them to in future do the right thing and catch up to other states – following, for example, Queensland, where the tax is set at 20 per cent.

What manifestly does not make sense in this bill is its further entrenching the existing practice of funnelling revenue collected straight back into the racing industry. If you want to talk about the influence that the gambling industry has on Victorian politics, I just refer to the statements from colleagues on both sides around the racing industry's amenability to this arrangement and in fact their deep involvement in determining the flow of revenue that is being discussed today.

It is disgraceful that this bill increases the proportion of public money being gifted back to the racing industry from 35 per cent of the revenue collected through this measure up to 50 per cent. The gambling industry should pay its fair share of tax, and then – as the Greens are very clear about – that revenue should be spent on the things that we all need, like affordable housing and better health services. The revenue should absolutely not be gifted back to mates in the racing industry, but that is currently what happens in the state of Victoria: money taxed from the harmful gambling industry goes straight back into the harmful racing industry. This is egregiously wrong. At the moment the point-of-consumption tax raises about \$280 million per year; with the taxation rate increasing to 15 per cent, we think that the revenue will be around \$420 million. So half of that, around \$210 million per year, will be gifted back to the racing industry in a preferential deal, to an industry that actively harms animals and generates gambling harm to humans.

In a slash-and-burn austerity budget which is going to see thousands of public service workers sacked, the government is making an active decision to send revenue to a harmful industry. It is fiscal madness, and in a cost-of-living crisis it beggars belief that the government is handing out free public money to the racing industry. As my colleague Sam Hibbins in the other place outlined so well, in a cost-of-living crisis there are so many options for what that revenue could be directed to – to the people who need it most: people experiencing homelessness, people experiencing hunger, people waiting years for essential medical and dental services – but this government says, 'No – not putting funding towards those people. It is the racing industry who really needs the money.'

We are being shown up by the rest of the country. If Victoria actually had a progressive government rather than one that talks about being progressive, we would do better. It is not too late to start now. It is one thing that the government continues to let cruel animal racing continue, but it is beyond outrageous that it also uses public funds to prop it up. So the Greens are proposing an amendment to this bill to delete the Victorian racing industry payment. That would mean that all of the tax – \$420 million annually – would be directed to hospitals and charities.

With regard to the Gambling Regulation Amendment Bill 2023, the Greens will not oppose this bill, which gives the government the ability to award multiple licences for offcourse betting and other activities rather than only a single licence.

I ask that my amendments be circulated.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: On the regulation bill, we support removing the requirement that a new licence arrangement be no less favourable to the animal racing industry than current arrangements. Given most policy settings for animal racing under this government are already extremely preferential, this is one small positive step. The Greens are, though, concerned that having multiple licensees risks

increasing the amount of gambling advertising that we will see. We know that more ads and more innovative ways to format and deliver ads will increase gambling harm. The landmark Royal Commission into the Casino Operator and Licence was scathing, as multiple speakers have commented, of Crown's behaviour and its failure to keep patrons safe from gambling harm. In response this government has, I acknowledge, embarked on a reform program at the casino. It is disappointing, though, to see that that reform aimed at reducing gambling harm is limited only to the casino and not a statewide approach across all gambling types.

We all know, and if we do not, we should take this time to remind ourselves, that Australians, including Victorians, are the world's biggest gamblers, with an average of \$958 lost per year – more than any other citizen on the planet. But these per capita averages do not tell you about the spread of these losses amongst the community. The Australian Gambling Research Centre recently published its findings that 38 per cent of Australians, almost two in five, are gambling at least weekly and that almost half of all Australian gamblers are at risk of gambling harm. We know also that for every person directly experiencing gambling harm at least six more people are estimated to experience vicarious harm connected to those people, so we are talking about an issue that affects an extraordinary number of people in our community.

If multiple licences are awarded under the provisions in this bill, it is reasonable to expect that the increased competition amongst licensees will see more predatory marketing dedicated to growing the market and customer base, not merely competing with the existing market. The subsequent harm from gambling can therefore also be expected to increase. For this reason we understand that there will be amendments put forward by the Legalise Cannabis Party to extend the definition of 'static betting advertising' to include scoreboards to ensure that betting advertisements on scoreboards are not excluded from the static advertisement ban. We will be supporting this amendment as we see this as reducing the saturation of gambling advertising, which is a good thing.

I will end by calling on this chamber to consider the wider context, as we look at these bills, of gambling harm across Victoria and the significant suffering it is causing in our communities. We have normalised the gambling situation in this state so much I wonder who else finds this shocking at this point, and I do wonder why we do not urgently do more. People are being harmed and in some tragic cases dying. Families are suffering, and communities are being impoverished. We need to do better.

Gaelle BROAD (Northern Victoria) (14:43): I rise to speak today in relation to the Gambling Taxation Bill 2023 and the Gambling Regulation Amendment Bill 2023, and I just want to thank Brad Rowswell, Shadow Treasurer, and Danny O'Brien, Shadow Minister for Casino, Gaming and Liquor Regulation, for their work on these bills. They have undertaken considerable consultation with the industry, including Racing Victoria, Sportsbet, Tabcorp, the Alliance for Gambling Reform, Responsible Wagering Australia and many others.

The Gambling Taxation Bill 2023 includes proposed changes to introduce new and strengthened casino tax arrangements from 1 July 2023, which will be administered by the commissioner of state revenue as a taxation law under the Taxation Administration Act 1997; to extend the application of the Taxation Administration Act 1997 to cover casino taxes payable by the casino operator, which addresses a recommendation of the Royal Commission into the Casino Operator and Licence; and to increase the existing point-of-consumption tax from 10 to 15 per cent, in line with New South Wales.

I also want to acknowledge the contribution of Dr Matthew Bach, who is a member for North-Eastern Metropolitan Region. He spoke in this chamber just before about the benefits to the racing industry under these arrangements. The Gambling Taxation Bill basically introduces new casino taxation arrangements so that rather than being administered by the Victorian Gambling and Casino Control Commission the casino's tax will now be under the purview of the commissioner of state revenue and the State Revenue Office. It also introduces an increase in the casino tax. The gaming machine tax on electronic gaming machines, or EGMs, operated by Crown will be increased to be the same as that on

EGMs operated by club venues. From 1 July 2023 Crown Casino's EGMs will be subject to the same tax rates as EGMs operated by club venues.

The changes in this bill stem from recommendations coming from the Royal Commission into the Casino Operator and Licence, headed by Ray Finkelstein. To quote from the royal commission, Commissioner Finkelstein said:

... for many years Crown Melbourne had engaged in conduct that is, in a word, disgraceful. This is a convenient shorthand for describing conduct that was variously illegal, dishonest, unethical and exploitative.

This period that the commissioner refers to occurred under the Labor government's watch.

We do not disagree with the move to increase the tax on the casino's EGMs, but it is certainly worth noting that in an era of massive state government debt – the highest in Australia and continuing to climb – this change will net the government an expected \$13 million in additional revenue a year. Now, that is a drop in the ocean against a state debt that is going to reach \$171 billion by 2026. It really is staggering to think that we are currently paying over \$10 million in interest a day on our state debt. As we have seen in the recent budget, that number is going to continue to rise, and we will be paying over \$22 million a day in interest just to service our debt.

In relation to the Gambling Regulation Amendment Bill 2023, this bill relates more to the racing industry. It amends the Gambling Regulation Act 2023 to allow the government to issue more than one wagering and betting licence and removes the requirement for the racing industry to receive 'no less favourable' treatment under the new wagering licence. The Victorian wagering and betting licence allows the licensee exclusive rights to conduct several gambling activities, and I understand that a process is currently underway to choose a winning bidder for the next licence.

This bill makes amendments to seek to maximise the returns from the next wagering licence to the state of Victoria and the racing industry, and the amendments under this bill will allow the minister the flexibility to issue more than one licence, maximising competition and potential returns to the state. The bill also removes the 'no less favourable' requirement that ensures the racing industry is not disadvantaged financially by the awarding of a new wagering and betting licence compared to the previous arrangements. This amendment is made in the context of the growth in online betting and the acceptance by all stakeholders that the 2024 licence is no longer as valuable as previous licences. I have certainly spoken in this chamber previously about the social and economic benefits of the racing industry to regional Victoria.

We will monitor the outcome of the licence process, and as mentioned by my colleague Tim McCurdy in the other chamber, the member for Ovens Valley, we hope it does not go terribly wrong. The intentions are good to get multiple licences if need be, and we want to make sure that there is the best financial benefit to Victorians. Tim McCurdy was also a founding member of the Victorian Responsible Gambling Foundation, and while Tim has recently stepped off, it is great to see my colleague Kim O'Keeffe, the member for Shepparton, step on. She will make a very positive contribution.

While we do not oppose either bill, in speaking about these bills I wanted to take the opportunity to highlight some of the challenges when it comes to gambling and particularly electronic gaming machines in regional areas. According to research, Australians have the highest rates of gambling losses per adult in the world. This results in a loss of \$1277 per year on gambling for the average Australian. One in five Victorians who gamble may experience harm from gambling. Victorians lost \$2.2 billion at the pokies in the 2021–22 financial year, and the heaviest pokie losses occur in the most disadvantaged areas. To the end of March this financial year, residents within the City of Greater Bendigo have already lost a total of over \$45 million on electronic gaming machines. It is worth noting that a danger of gambling revenue in this state is a dependence on it, because it reduces the incentive for the government to monitor the harmful effects of gambling, particularly gaming machines, when the income contributes to the government coffers.

Harm from gambling not only impacts individuals but also affects family members, friends, local businesses and communities. I met with staff from Anglicare Victoria last week. They run one of the largest financial counselling teams in Victoria, and they provide programs to assist people with problem gambling. Anglicare Victoria's financial counsellors consistently note that it is vulnerable people on low incomes who tend to suffer the most harm from gambling. Gambling addiction can snowball from broken relationships, bad health and an opportunity for an easy way out to ease the cost-of-living pressures. For some it provides respite from their social isolation, joining a busy room full of noise and other people to play electronic gaming machines, but the reality is very different.

Many gambling addicts try and hide their issues behind closed doors, when they need to seek financial advice and support to help them overcome it. The risks of gambling are well known, where the potential for gambling can lead to debt, self-isolating behaviours and in some instances crime. Those who experience big financial losses and continue to gamble can experience relationship breakdowns, job losses and mental health problems. The financial stress created by gambling is also associated with high levels of family violence. I heard one story of a lady who worked in administration in a small business. At first she was just taking a little bit from her work to help cover the losses, in the hope that her next big win would repay the debt. But over five years she took \$100,000 from the business in an effort to cover the cost of her gambling losses. In the end, she lost her job and her family. She sold her house to repay the debt, ended up serving time in prison and now has a criminal record, making it even harder for her to find a job. Now she faces the huge task of rebuilding her entire life. Thankfully, she is receiving help, but there are many who do not.

The Australian Gambling Research Centre published a survey of more than 2000 people in October 2020 that looked at gambling behaviour during the pandemic. Those surveyed self-identified as gamblers, and nearly 80 per cent of them were already experiencing or were at risk of gambling-related harm. The highest-risk age group was young men aged 18 to 34, who were the most likely to sign up for new online betting accounts, increasing the frequency and monthly spend on gambling and risk of harm. A study undertaken for Anglicare Victoria also found that young people were between two and four times more likely to be problem gamblers than adults. Certainly there has been a lot of public commentary on betting advertising, particularly around sports like the AFL, and the need to reduce gambling advertising. As a parent of a family that love sports, I am concerned about the constant bombardment of gambling ads. Restrictions on advertising and sponsorships are a conversation worth having, especially when 30 to 40 per cent of the AFL's income comes from gambling.

I note that the Public Accounts and Estimates Committee has launched an inquiry into the *Follow up of Regulating Gambling and Liquor* report of 2019 and also the *Reducing the Harm Caused by Gambling* report of 2021 by the Victorian Auditor-General. This inquiry will be examining the recommendations of both reports, including licensing, compliance and gambling harm, and will be looking into regulating and reducing the harm caused by online gambling. As regional Victorians are disproportionately affected by problem gambling, I especially encourage people living in Northern Victoria to make a submission before the closing date of Friday 7 July 2023. The committee plans to hold public hearings in late July and report to Parliament in November 2023. Thankfully, services are available to help people suffering harm from gambling, and early intervention is the best way to prevent serious harm – gamblershelp.com.au is a great place to start. But in summary, we do not oppose either bill, and we will monitor these changes with interest.

Michael GALEA (South-Eastern Metropolitan) (14:54): I also rise to speak on the Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023 in cognate. These two pieces of legislation are crucial to our ongoing mission to reform gambling and casino operations in Victoria. They are designed to ensure the fairness and integrity of our gambling industry, protect communities from the potential harms of gambling and ensure that the industry contributes its fair share to the public purse.

I was going to make some comments about the Public Accounts and Estimates Committee, but my colleague Ms Broad has already done so. But as a member of PAEC I am very delighted to join her in

saying that, yes, PAEC is in fact already conducting an inquiry into the Victorian Auditor-General's report 99 *Follow Up of Regulating Gambling and Liquor* of 2019 and their report 213 *Reducing the Harm Caused by Gambling* 2021. As Ms Broad said, the submissions are now open, and those submissions do close on Friday 7 July. I do encourage all interested community members to have their say through that process. It has been good to see some submissions come through already, although comparing it to a different committee I am on at the moment, there are perhaps not quite as many submissions as those for recreational native bird hunting. I am sure we will get the numbers up still, nevertheless. We will shortly be conducting some visits and hearings in regional areas as well. It will be really good to see that firsthand in one of our regional centres too. I and the rest of the PAEC committee members will certainly be looking forward to that and taking a closer look at some of these issues with regard specifically to non-casino gambling in detail through this own-motion inquiry.

The Victorian Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023 represent the next phase of this government's comprehensive response to the issue. They build on sweeping legislative changes that have already been made to mitigate gambling-related harm and to thwart money laundering, particularly at Crown Casino in Melbourne. These bills address the pressing need for reform in taxation laws highlighted by the Royal Commission into the Casino Operator and Licence. They bring us closer to fulfilling our commitment to implementing all of the commission's recommendations, and they do mark a significant step towards a fairer and more transparent and accountable gaming industry in this state.

The Victorian Gambling Regulation Amendment Bill 2023 and Gambling Taxation Bill 2023 are a response to the findings of the Royal Commission into the Casino Operator and Licence. The commission, as many members will know, was established to investigate allegations of wrongdoing at Crown Melbourne, including gambling-related harm and money laundering. This inquiry aimed to ensure the integrity of Victoria's gambling industry, protect the vulnerable and demand accountability from operators. We fully embrace the insightful and pivotal findings of this royal commission. In this speech I would also like to show how we are using them as a springboard to take these decisive actions. The commission revealed alarming systemic findings at Crown Melbourne, including ineffective oversight and lax tax regulations. To address these severe issues the commission proposed 33 recommendations to bolster regulations, diminish money laundering, reduce gambling-related harm and refine governance. Our government accepted every recommendation and has been resolute in ensuring their comprehensive implementation.

First, I would like to touch on the specifics of the amendment bill, the Victorian Gambling Regulation Amendment Bill 2023. This bill proposes some vital changes to our current wagering and betting framework. Firstly, the bill advocates for the award of multiple licences, with the exclusivity periods determined by the responsible minister. By breaking away from the limitation of a single-licence holder, we pave the way for greater competition and interest in the licensing process. This adjustment aligns our wagering and betting framework with provisions in place for public lottery and keno licences. The benefit is twofold: it enhances the value of the licence to the state whilst creating opportunities for more potential stakeholders.

Secondly, this bill is set to grant government discretion to establish any periods of exclusivity for future licences. By adding flexibility to determine periods of exclusivity, we stand in a better position to maximise the value of the wagering and betting licence. For instance, the government can issue one licence for a set term with an exclusivity period ending before the licence term. Subsequently the government has the option to issue additional licences, thus optimising the licences' value to the state.

Lastly, a significant change proposed in this bill is the removal of the 'no less favourable' funding requirement for the wagering and betting licence. This requirement, arising from the privatisation of the Victorian TAB, has become outdated given the current market conditions, which include a rise in online gambling and advertising freedoms for bookmakers in other states. Removing this requirement paves the way for a broader set of opinions from the market, potentially leading to greater value extraction from the licensing process. These proposed changes signal a critical shift in Victoria's

approach to managing wagering and betting, promoting an agile, competitive and consumer-focused landscape that is responsive to modern market conditions.

Moving now to the Gambling Taxation Bill 2023, this is also a pivotal piece of legislation that seeks to reorient and reform the taxation structure for the gambling industry in Victoria. It ensures an equitable contribution from the gambling industry to the state's revenue in line with the changing gambling environment that we face. The main provisions of the Gambling Taxation Bill 2023 include a revamped tax structure that increases the tax rates for online gambling operators, ensures better tax compliance and overhauls the casino system to prevent improper deductions from gaming revenue. It also establishes a new casino supervisory levy and consolidates other casino fees.

The reform of the taxation system is about ensuring fairness. It is about asking the gambling industry, which profits significantly from this state, to contribute its fair share back to our economy. It also aims to discourage excessive gambling by making it less profitable for operators. The bill will also help us to address the social harm caused by problem gambling. The revenue collected from these new tax measures will be channelled into our public health system, bolstering our ability to offer support and services to those suffering from gambling addiction. By instituting a fairer tax system for the gambling industry, we are aiming to ensure that the industry contributes proportionally to the community it operates within. Furthermore, these reforms are expected to secure public revenue that will fund vital public services and infrastructure projects, thereby supporting Victoria's broader economic recovery and growth. Let me also assure you that these reforms are not meant to hinder the industry but rather to create a more level playing field – a field where the industry flourishes but not at the expense of our people's wellbeing and the state's revenue. It is a balance that is long overdue, and these two bills make important strides towards achieving that balance.

Many have already commented on, and I would like to add my voice to the depth of disappointment and concern over, the findings of the Royal Commission into the Casino Operator and Licence. The systematic shortcomings and breaches of trust at Crown Melbourne are not just deeply troubling, they are downright infuriating. The level of misconduct and disregard for regulatory systems is unacceptable. We cannot turn a blind eye to the staggering amounts of loss in high-risk gambling; the prevalence of gambling-related harm; and the devastating social impacts that have affected countless individuals, families and communities. It is utterly disheartening to learn that in the south-east of Melbourne \$570 million was lost due to pokies alone last year, exacerbating issues such as mortgage stress, family violence, crime and family breakdown. As legislators we have a moral obligation to address these issues head on and to demand accountability from the gaming industry. The Victorian Gambling Regulation Amendment Bill and the Gambling Taxation Bill 2023 are not just symbolic gestures, they are crucial steps towards rectifying these deeply rooted problems.

The Victorian Gambling Regulation Amendment Bill is a vital tool for strengthening regulatory oversight and governance within the industry. We cannot tolerate operators who fail to meet the highest standards of accountability, transparency or social responsibility. This bill will implement a robust licensing framework, ensuring that only those who adhere to those principles can operate in Victoria. It also includes measures to tackle gambling-related harm and combat money laundering, effectively safeguarding the wellbeing of all Victorians. Similarly, the Gambling Taxation Bill 2023 is an essential component of our reform efforts. It addresses the issue of fairness in taxation within the gambling industry and ensures that operators contribute their fair share to public revenue. By harmonising tax rates, increasing the wagering and betting tax rate and consolidating other gambling taxes, we can create a more equitable and sustainable gaming tax system. This will enable us to invest in critical services and programs that will benefit gamblers and the entire community.

Let me be clear: these bills are not just cosmetic changes. They are a direct response to the recommendations of the royal commission. We are fully committed to learning from the past, strengthening governance and regulation, and holding operators accountable for their actions. We will not tolerate a repeat of the failures and disregard for public trust that led us to this point. These bills are a manifestation of the Andrews Labor government's determination to protect the interests of

individuals, families and communities from the insidious harms associated with gambling. We must create a safer environment that promotes responsible gambling practices and prevents the devastating consequences of excessive gambling. Furthermore, by eradicating money laundering within the industry we ensure that the integrity of the sector is upheld and that the law is respected.

We must never lose sight of the broader positive implications of these bills. By reforming the tax system we generate a fair and sustainable revenue stream for public services and infrastructure development. This means that vital resources can be allocated to health care, education and community sports programs that benefit all Victorians. Our commitment to good governance, accountability and transparency remains unwavering. We will strengthen regulatory frameworks, establish clear guidelines and foster an environment of trust and integrity within the industry. Responsible operators who prioritise fairness and compliance will be welcomed, whilst those who disregard their obligations will face severe consequences. Ultimately the future impact of these bills is twofold: they will create a safer and more responsible gaming environment and ensure that the industry operates in a manner that benefits the broader community. We will continue to refine and adapt our regulations to address emerging challenges and to ensure that a sustainable and socially responsible gambling industry operates for the benefit of Victoria into the future.

The Victorian Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023, two critical pieces of legislation aimed at reforming gambling and casino operations in Victoria, are not simply a response to the findings of the Royal Commission into the Casino Operator and Licence; they also represent a profound commitment to holding operators accountable, strengthening regulations and protecting the interests of the Victorian people. We have acknowledged the historical context and the need for change in the gambling industry, especially in light of those alarming findings of the royal commission. The Victorian Gambling Regulation Amendment Bill introduces a robust licensing framework, enhances oversight and addresses gambling-related harm and money laundering. Similarly, the Gambling Taxation Bill seeks to ensure fairness in taxation, generating a sustainable revenue stream for public services. These bills directly respond to the recommendations of the royal commission, demonstrating our unwavering determination to learn from the past and to rectify systemic issues. We have emphasised the need to strike a balance between the entertainment value of gambling and protecting individuals and society from its potential harms.

Moreover, these bills have far-reaching benefits for Victoria as a whole. They create a safer gambling environment, contribute equitably to public revenue and foster good governance and transparency within the industry. By implementing these reforms we aim to rebuild trust, attract responsible operators and enhance the overall reputation of Victoria's gambling sector. The path ahead will not be easy, but with determination and a collective effort we can achieve meaningful change. We must remain vigilant in monitoring the impact of these bills, adapting regulations as required and ensuring the continued wellbeing of individuals, families and our communities.

Before I close I would like to briefly acknowledge the work of a colleague of mine from the south-east, the federal member for Dunkley Peta Murphy, who has been doing some considerable work in the federal space with regard to gambling advertising. I am sure that would interest many members; I have certainly been following that one closely. In closing, let me reaffirm our commitment to reforming the gambling industry. These bills are not just about legislation; they are about protecting the interests of Victorians, fostering a fair and responsible gambling environment and upholding the integrity of gambling in our great state.

Georgie PURCELL (Northern Victoria) (15:09): To be completely up-front, the reasons I cannot support the Gambling Taxation Bill 2023 today all have four legs – horses and greyhounds, endlessly exploited by this government and a cruel industry that knows no bounds, continuously propped up by hardworking Victorians' taxpayer dollars. Rather than do what is ethical and what is right, here we are today proposing to reward animal abuse even further in Victoria. Since day one I have stood in this place and told you all about the true horrors of the racing industry in Victoria. I bring its discarded waste to work with me every single day, and they have names: Slayer and Frankie. Then there are

Mae, Jerry and George, who have all made their way through our team foster efforts since I got elected. They like to lay on couches and have a good stretch and a little scratch behind the ear, something that the industry continuously deprives them of.

I have long been involved in the growing movement against the use of animals in racing industries in Victoria. I myself have seen horses dying on the track in front of me. I have been inside Victorian knackereries and I have seen the abhorrent and squalid conditions inside greyhound racing kennels. This industry is failing animals at each and every turn, treating them as commodities – instead of companions, the way that most Victorians expect them to be treated. This is exemplified by 48 greyhounds being killed on Victorian government-funded racetracks last year. 3289 were injured on the track. It is exemplified by 37 horses being killed on Victorian racetracks last year, not to mention those that were sent to the slaughterhouse as wastage. It is exemplified by two horses falling at Hamilton in jumps races today, with their injuries and their fate still unknown. It is clear that this industry does not want the public to know what happens to these animals because, without fail, when one dies at the hands of these so-called sports, the race replay is swiftly deleted or edited because they are so desperate to protect their image as their social licence rapidly deteriorates day by day.

To paraphrase quotes of some recent participants from this industry: ‘When we gave a possum to the greyhound, the more it scratched him the more he went nuts,’ ‘If anyone says anything, you went out and caught it in the run ... It’s not your fault,’ ‘A few months ago he was letting dogs live in his trailer because he didn’t have enough kennels, and he literally forgot about them and they starved to death,’ ‘In 2022 I sent Greyhound Racing Victoria an email telling them which trainer to buy live possums off and how much they were ... Guess what? He’s still selling possums,’ and ‘I went to the racing commission earlier this year with some recorded phone calls of trainers bragging about drugging dogs and live baiting – nothing happened.’ Those are just a few of the conversations that have been sent through to my office in recent times.

Participants in Victoria can breach the rules of racing. Not only do they breach them, they make an absolute mockery of them. They can send non-desexed dogs to China for breeding and illegal racing in vile conditions, unpunished. I have raised in this place and inquired directly with Greyhound Racing Victoria’s integrity unit about Aston Gigante and Aston Lee, owned by Raymond Borda and sent to China. GRV have confirmed that they will not be following up on this matter, simply because Mr Borda is from South Australia and also registered there. If a participant does get before the Victorian Racing Tribunal itself to respond to charges, the disparity between penalties speaks volumes to where this government’s priority lies – with dirty gambling money. Yet this government continues to reward these industries endlessly.

This bill seeks to increase the share of the point-of-consumption tax from 10 per cent to 15 per cent – at least another \$140 million per year. With an increase to the point-of-consumption tax, the majority will be gifted back to the racing industry. It continues a cycle of problem gambling, and a dying industry that has lost its social licence and cannot support itself is now rewarded and supported again. The gambling industry profits from addiction, distress and violence. Australians spend more than \$24 billion annually. The gambling industry has exceptional access and influence in politics and policy, and that is evidenced here today.

I support any measures that minimise harm, protect consumers and reduce corruption. This bill will achieve the opposite. I know that the Greens will be bringing amendments to this bill, and I will be supporting them. With the state budget handed down just last Tuesday, choosing to give millions of dollars to the racing industry rather than to fund vital services that support people and animals simply does not make any sense. This revenue would be better distributed to social projects, health and wildlife protection and animal welfare. Make the gambling industry pay their own way. Make them stand on their own two feet. A good modern government should fund the things that animals, people and the planet need and deserve. While this bill represents some changes that make sense, especially following the Royal Commission into the Casino Operator and Licence, this government will never have my support in continuing to exploit animals.

Melina BATH (Eastern Victoria) (15:16): Acting President McArthur, I am very pleased to see you in the chair. I am pleased to speak on the bundle of bills that form today's debate, the Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023, and I will start my contribution on the Gambling Taxation Bill, which stems from the recommendations from the 2021 Royal Commission into the Casino Operator and Licence, headed up by the honourable Raymond Finkelstein.

As for the purpose of understanding the origins of the royal commission, it was discovered that for many, many years Crown Melbourne was engaged in conduct that could only be described as disgraceful, and there are other terms – illegal, dishonest, unethical and exploitative. I want to put on record my thanks to my former Nationals colleague and former shadow gaming minister Steph Ryan, who has an amazing talent that we sorely miss, for her investigative powers and her nose to smell out and find a story, an issue and in this case, as I have just said, the dishonest, unethical and exploitative actions and really ways of doing business that Crown had. It also comes off the back of, of course, the New South Wales inquiry into the Sydney casino, where they found that money had been laundered there and it was a front for organised crime.

This bill, then, seeks to remedy some of the recommendations at least from the royal commission and in doing so strengthens the arrangement from July this year, which will be administered by the commissioner of state revenue as a taxation law under the Taxation Administration Act 1997. It also introduces a new increase in casino tax. This will be the only acceptance – or not opposition – to taxes that the Andrews government has put in over the 8½ years that it has been in operation. We have seen so many taxes, and we will see more that I will speak to at great length when I make my budget contribution. But the gaming machine tax on electronic gaming machines operated by Crown will be increased so that from July this year the tax rate will be the same as for those operated by club venues – an equalisation, you could say. I note that Crown Casino's current electronic gaming machines are at a flat rate of 31.57 per cent of machine revenue plus a community net benefit of 1 per cent; alternatively, those operating in clubs are taxed on a sliding scale with progressive tax brackets. That is all quite technical. What we do see here is that in terms of the racing industry – the three code racing industry – we also see an increase on monthly repayments in terms of the point-of-consumption tax, and this will have an increase in terms of payments from 3.5 to 7.5 per cent.

I note that the Greens have chosen not only to oppose this but to propose to take all revenue from it and redirect it. One of the things that the racing industry does – must do and should do – with funds that are directed from betting revenue is look at, support and improve animal welfare standards, the standards and professional development of their vets and the whole professional development of the industry. If you are going to withdraw that funding, then the level of oversight, capability and support for those very important issues – animal welfare and professionalism – is going to be affected, so it does not make sense. In one way you are sounding quite pious about this, but you are actually withdrawing important funding that helps Racing Victoria to do its job to ensure that it is an industry of integrity and an industry where there is support for animal welfare. Whilst I understand the Greens, I think that they are ill informed and misunderstand the point.

The next bill, the Gambling Regulation Amendment Bill 2023, amends the Gambling Regulation Act 2003 to allow the government to issue more than one wagering and betting licence and removes the requirement for the racing industry to receive 'no less favourable' treatment under a new wagering licence. My colleague the Honourable Tim Bull is the Shadow Minister for Racing, and he wholeheartedly embraces his work. It is also part of his life's interest. He is very focused on the importance of racing in terms of revenue raising within the community within Victoria, and I want to go into some of those stats because I think it is important to put them on record. But he also has a flutter himself and quite regularly has a fetlock, a foreleg or at least a tail's worth of a horse going around on any given racetrack, so he casts his eye most interestedly.

Across the three codes, in Eastern Victoria Region we do see the really important economic stimulus that the racing industry provides. Right across Victoria it provides \$4.7 billion to the economy. In a

report from last year, *Size and Scope of the Victorian Racing Industry*, we see that almost 150,000 jobs and participants support the three codes – thoroughbred, harness and greyhound racing. More than 121,000 people are directly employed, volunteer or participate in the industry, and it supports around 120 charities across Victoria by investing, producing or supplying much-needed funds of around \$3.4 million to charitable organisations. When we go to our local race days, and we often do right across Victoria, it is really important to see how our local charities and local sporting clubs benefit from race days. My local one, just down the road, is the Stony Creek Racing Club. It has four meetings a year, and they are very well run. Many of the committee members are longstanding committee members in the racing fraternity and really take their job and their volunteerism most seriously. You see the CFA benefiting from it and you see the local football clubs benefiting from it, and it is really important for revenue raising for them.

You also see that it is a social outing. I was up in Benambra a few months ago, and that is at the very beautiful top end and north-eastern part of my electorate in the High Country. There is a beautiful picnic race cup right beside Benambra. Go and have a look one day, because it is just a beautiful, beautiful area – Hinnomunjie I think it is called, but I may have got that wrong. It is absolutely beautiful. Their catchcry is ‘Swap your fascinators for a sunhat and leave your suit and tie for an open-neck shirt and shorts.’ The key things are just to enjoy and to socialise with people. For as long as we have had human beings we have had someone betting on a fly going down a windowpane or a snail on the ground. So it is important to continue to support our rural and regional racing fraternity.

In conclusion, it is really important that there is better oversight. It is important that we have greater rigour. We can see that there will be benefits from both bills. One of course comes off the back of the royal commission, which the Andrews government was dragged kicking and screaming to – thank you very much to Steph Ryan, a former member for Euroa. But also there is the importance of having greater oversight and greater integrity in our three codes.

Jacinta ERMACORA (Western Victoria) (15:26): I am pleased to speak on the two pieces of important legislation put before the chamber today, the Gambling Regulation Amendment Bill 2023 and the Gambling Taxation Bill 2023. Introducing these two pieces of legislation simultaneously helps us focus our attention and valued time on establishing a comprehensive regulatory framework for two important and interconnected facets of the gambling industry: licence regulation and taxation. While we are all focusing on the gambling industry today, it seems prudent to address these matters concurrently, and I would like to acknowledge the contributions of the other members in the house today, in particular Mr Galea.

I will turn my focus to the Gambling Regulation Amendment Bill first. In essence, this bill will allow the government to permit multiple wagering and betting licences and provide the legislative framework for this process. A wagering and betting licence allows a business to conduct gambling activities of wagering and approved betting competitions. At present the government is able to issue only one wagering and betting licence at a time, which is in contrast to public lottery and keno licences. I am pleased to make my contribution on a key purpose of this bill, which is to promote a more equitable and competitive environment within the industry. The amendments in this bill will provide much-needed flexibility for the government to consider alternative options in awarding the next wagering and betting licence. The minister can use discretion to determine periods of exclusivity to ensure that the value of the licence is not diminished due to the number of operators.

This bill has come about from the government recognising the need to provide for technological advancements and demand adaptability in the legislative framework. We have new online gambling happening. The gambling landscape and the industry itself are evolving rapidly, and we see this in new online platforms, which in themselves have become a competitive market. With the other states winding back restrictions on advertising, in order to keep Victoria competitive in what has become a national and even international market the bill addresses the antiquated ‘no less favourable’ clause, which requires the minister to be satisfied that the licence-holder has an arrangement with the Victorian

racing industry that is no less favourable than the previous licence. This is an artefact from a gambling industry of days gone by.

In the current market it sounds ridiculous to maintain a framework that reduces market competition in such a key industry for jobs and revenue. It grants too much control over the current licensee to rinse and repeat the same offer each time the licence is due for renewal. While the current framework provides a stable level of funding for the racing industry, the current circumstances provide a risk as well. The way this plays out is that the current licensee holds all the cards and the state government is beholden to that from a financial perspective. This bill enables the state to regulate and enforce compliance without compromising financial certainty. I am satisfied that this bill is a step in the right direction because it builds a stronger level of process, unchains the government from the vagaries of the current incumbent and provides for a competitive process in the marketplace.

Now to the Gambling Taxation Bill 2023. The government has also introduced the Gambling Taxation Bill, which establishes a new primary taxation law for gambling through an increase to the wagering and betting tax from 10 per cent to 15 per cent, an increase in the tax rate on electronic gaming machines at the casino to align with the tax rate for clubs and other regulations. I want to focus on a key issue that I believe is a monumental leap in the right direction, and that is a commitment to further implementing the recommendations of the Royal Commission into the Casino Operator and Licence. This is pivotal to ensuring that the people who voted us into government know that our government is committed to implementing the recommendations of the royal commission. This is now the fourth bill to be introduced in response to the commission's findings. Once the bill becomes law, all 33 recommendations of the royal commission will have been fully implemented or legislated for and waiting to commence.

This bill addresses an important matter from the royal commission that a vast majority of Victorians would view as egregiously unfair. I am of course talking about Crown not paying tax. The royal commission identified that Crown Melbourne has regularly underpaid casino tax since at least 2012 through improperly claimed deductions. To resolve this underpayment the most that the state could do was take disciplinary action through breach of casino licence or to sue for the unpaid tax – a rap over the knuckles, so to speak. I am sure all of us in this chamber would agree that this is a different standard than that expected of a community sporting club or a country hotel that operates a gaming venue or any of us as citizens of this state, yet another reason why it is important that this bill will align the tax rate for Crown Melbourne's electronic gaming machines with that of venue operators, a significant step towards equity between the Goliath that is Crown Melbourne and the David that is a country club or hotel. The disparity between the casino and the local clubs is even expressed through the responsible gaming training for staff in these venues. It is not uncommon for trainers to say the phrase 'These are the rules for clubs and hotels, but it is different for the casino.' The government recognises this unfairness and is making the casino pay its fair share.

The increase in the marginal tax will cause a significant cash injection to the state, which will then be directed into the Hospitals and Charities Fund to support health and community services. I spent the best part of last week announcing the fulfilment of election promises in south-west Victoria. I am particularly proud of our hospitals investment, enhancing our specialist women's health clinic and our first PET scanner at the Warrnambool Base Hospital. A more accountable tax regime for Crown Melbourne will directly contribute to the funds needed to help women seek diagnoses and treatment closer to home for conditions like endometriosis, pelvic pain, polycystic ovary syndrome, perimenopause and menopause and other conditions that are under-reported, under-recognised and undertreated. Another PET scanner will soon be operating at South West Healthcare, providing diagnoses for cancer, heart disease and other conditions closer to home. Not having to travel to Melbourne for this kind of test is one less thing to worry about during what is always a very stressful diagnosis waiting period.

Paying your fair share of taxes is not an unreasonable expectation; in fact the majority of us do just that. I think the majority of us also expect that if you are extremely wealthy or even obscenely wealthy,

you also should pay your fair share of taxation. I would prefer this taxation money to be delivered to our community in the form of vital life-saving services like women's health services and a PET scanner rather than lining the pockets of those who have not paid their fair share. Additionally, I welcome the increase of the wagering and betting tax, otherwise known as the point-of-consumption tax, from 10 per cent to 15 per cent, primarily for the contribution that the revenue will make to the racing industry.

Minister for Racing Anthony Carbines recognised the importance of the racing industry to my home base in Warrnambool when he made his contribution on this bill in the lower house, and I could not agree with him more. Earlier this month Warrnambool hosted the annual May Racing Carnival, which saw a \$10 million benefit to the local community from almost 30,000 people across the three days of the carnival – and I must say we were all here in Parliament missing out. I have been a member of the Warrnambool Racing Club for quite a few years. I cannot remember; I will have to ring them up and ask. It is not a really long time, but I still cannot remember.

Infrastructure at the Warrnambool Racecourse exists because racegoers attend and pay their way. The state government also contributes, and the club then invests and leases facilities to the industry. One prominent tenant of the Warrnambool Racing Club is Dabernig Racing, a new generation of the Hayes family. I had the pleasure of visiting Dabernig Racing's stables prior to this year's carnival, where I was pleased to note that they employ 27 staff and also have expansion plans. They currently house 40 horses and have intentions of constructing stabling for a further 20 horses so that they can expand their operations out of Warrnambool. This is an example of the importance of the racing industry to the state of Victoria and to outer regional communities. It is also an example that you can extrapolate to other racing codes as well.

Country racing is a significant contributor to the economy of my electorate in Western Victoria. From Murtoa to Dunkeld and everywhere in between, racing is a vital industry to rural and outer regional communities as an economy booster, employment provider and event organiser on the social calendar. I can endorse the social event side of the racing industry. I understand that regional Victoria alone has more than 100 country racing clubs, and they contribute \$2.45 billion to the economy each year. I endorse other contributions to the role of the economy and the racing industry as well. Without the capital injected by the government to support these events, smaller regional communities would die, which would have far-reaching consequences when these communities are more often than not fundamental to agriculture, particularly in the south-west, which is a significant contributor to the state's economy in relation to food and fibre.

The Victorian racing industry as a whole can sleep better at night knowing that there will be long-term certainty brought about by an increase in their share of the tax revenue. And I reiterate that even in the new phase of being a developer of facilities at the Warrnambool Racecourse the Dabernig Racing enterprise is a significant contributor to the economy of the city, not just during the carnival but also during the year. That stable operates every day of the year, training horses and training jockeys as well and employing apprentices in all of the skills that are required for the racing industry, including strappers.

In conclusion, I remind the house that Labor was founded on the principles of equity and fairness and jobs for workers, and these bills promote just that. They strengthen the integrity in the competitive space while concurrently providing ongoing financial stability, and I commend them to the house.

David LIMBRICK (South-Eastern Metropolitan) (15:40): I rise to speak on two bills: the Gambling Regulation Amendment Bill 2023, which I will not be opposing, and the Gambling Taxation Bill 2023, which I will be opposing, and I will confine my comments to that.

Libertarians like me believe what people do with their own money and their own bodies is their own business. We believe using the power of the state against people making their own choices is wrong. Gambling is a leisure activity that many Victorians enjoy, and the vast majority do so responsibly.

There is no good moral reason why gambling should be taxed any more than any other leisure activity, like visiting farmers markets or drinking coffee. However, I think we all know why we are not debating the Farmers Markets and Soy Latte Taxation Amendment Bill today. Gambling taxes are sin taxes – it is an activity that offends middle-class values, just like harvesting timber or hunting. I do not know why. Maybe some people are worried that working people who gamble might have a win one day, move in next door and start having a good time without authorisation.

Of course some will try to justify this tax hike by saying some of the money will go to harm minimisation, but this is nonsense. By hiking taxes for gambling, the government will take money from the pockets of gamblers and their families – it adds to the harm. Increasing a tax to stop problem gambling is like adding alcohol to prevent problem drinking. If the government cared about harm minimisation, they would remove gambling taxes altogether, but I do not like the odds on that. There is no way the government could do this, because they themselves are already addicted to the gambling revenue, so those here who pretend to be offended by gambling will be voting for a bill which entrenches gambling and makes poor people poorer. The problem with the Crown Casino bill that this is supposed to fix was an entirely predictable outcome, dating back from the past when Victorian governments handed Crown a monopoly in the first place. This bill is not about fairness or harm minimisation, it is about greed, and it has its roots in snobbery and incompetence. I condemn this bill.

Evan MULHOLLAND (Northern Metropolitan) (15:42): I would like to thank and acknowledge the previous speakers in this debate, particularly on my own side. We saw thoughtful contributions from Dr Bach as well as Mrs Broad and Ms Bath. I would like to thank my good friend in the other place the member for Sandringham Brad Rowswell, the responsible Shadow Treasurer, as well as my other good friend the Shadow Minister for Casino, Gaming and Liquor Regulation Mr Danny O'Brien in the other place, a man who well understands the importance of sensible gaming regulation and policy. A couple of weeks ago I was delighted to be able to take Mr O'Brien to the Glenroy RSL to meet the president Ken White and congratulate him on his hard-earned victory against the government on poker machine entitlements they were being shaken down for but could not legally use. It was a great honour to stand up in the Parliament in the last few sittings to fight for our community RSLs across our state. I am most proud of this achievement of the Liberals and Nationals on behalf of our RSLs in raising this matter for debate here in this place and forcing the government into a backdown.

But I will bring the discussion back to the bills before us today. The Gambling Regulation Amendment Bill 2023 is a bill that will allow the government to issue more than one wagering and betting licence, and it will cover parimutuel and fixed-odds betting, the operation of offcourse wagering and betting retail networks in Victoria and the establishment and operation of betting exchanges. This allows the minister the flexibility to issue more than one licence, maximising competition, something that we on this side of the house will always support. It will also allow greater potential returns to the state, but unfortunately the government seems totally incapable of managing its spending. The government has never seen a tax it did not like but despite this is on track to send our state into a \$171 billion debt, and interest payments are hurtling towards \$22 million a day.

That is why members would be unsurprised to see that this amendment is accompanied by a tax hike with the Gambling Taxation Bill 2023. As Dr Bach mentioned in his contribution, Daniel Andrews promised no new or increased taxes, and I specifically remember the Treasurer Tim Pallas at the recent election just gone –

Matthew Bach: And 2018.

Evan MULHOLLAND: and 2018, but 2022 as well, promising no new or increased taxes. Of course it jacks up taxes all across the board, including on the Crown Casino. I do not have as much sympathy for them. It also increases the point-of-consumption tax by 50 per cent and increases the wagering and betting tax from 10 per cent to 15 per cent on all gambling revenue other than online betting in Victoria. To the government's credit, at least they are talking about taking all of this revenue to cover for their own financial mismanagement. Some of the money will be returned to our local

racing industry. This bill increases payments out of the net wagering revenue from 3.5 per cent to 7.5 per cent to the Victorian racing industry. This will amount to an estimated \$119 million every year.

It is important to get on the record the contribution of the Victorian racing industry. I have read a couple of times the *Size and Scope of the Victorian Racing Industry* report, jointly prepared by Racing Victoria, Greyhound Racing Victoria, Harness Racing Victoria and the Victorian state government. It was released just last July. It found that the racing industry provides a direct \$1.6 billion to the Victorian economy and an indirect and induced \$3.1 billion – a total of \$4.7 billion. My regional colleagues, I know, who are here in the chamber, including a member for Western Victoria, will be delighted that the racing industry is a major supporter of regional Victoria, with more than half of that \$4.7 billion value-adding occurring in regional areas. The industry engages over 99,100 individuals who participate in the racing industry as a trainer, a breeder, a volunteer or an owner, and is responsible for generating nearly \$3.2 billion in expenditure in Victoria, 65 per cent of which is in regional areas. How good is that? The racing industry provides a total of 34,900 jobs in Victoria, and I say to those that do want to shut down the industry: what do you say to those 34,900 people?

In the north I am proud to be a member representing three fantastic racecourses. We have of course the race that stops the nation at the Flemington Racecourse, a wonderful track that many members of this place will have fond memories of – of a Melbourne Cup Day, a Derby Day or a Stakes Day. Nothing speaks to the importance of racing in our state quite like a public holiday that makes every other state look on in envy.

In the north we also have the Moonee Valley Racecourse, another fine racing institution. It is also a venue very close to my heart. It is a venue in which my Liberal Party preselection was held, which led to me leading the Northern Metropolitan ticket, which led to me being in this place. I have very fond memories of the Moonee Valley Racecourse, and I am a frequent visitor to the Moonee Valley Racecourse as well.

As I have spoken of in this place before, I am also a frequent visitor to the Meadows greyhound racing track in Broadmeadows in the northern suburbs. It hosts a number of race meets, but my favourite has to be the Phoenix annual greyhound race, which colleagues would be interested to know is actually the richest greyhound race in the world – right here in the northern suburbs, right in Broadmeadows.

Sheena Watt interjected.

Evan MULHOLLAND: I would be delighted to take – this year, perhaps – my Northern Metropolitan colleague Ms Watt along to the Phoenix in our electorate. The Meadows is just a really great institution in such a great working-class suburb. It puts on terrific family events, which include jumping castles and kids stalls and activities, which make the Meadows such a fun, family-friendly venue.

We on this side of the house support Victoria's racing industry. While we might condemn the government for its fixation with trying to solve its spending problem with greater taxes, we will not be opposing this bill.

Rachel PAYNE (South-Eastern Metropolitan) (15:50): I rise as part of this cognate debate to speak specifically to the Gambling Regulation Amendment Bill 2023 on behalf of Legalise Cannabis Victoria. We recognise that the bill will provide the government with the benefit of greater marketplace competition in awarding multiple wagering and betting licences after the expiry of the current licence and that that may ultimately lead to an improved financial position for the state. As it has the flavour of a supply bill, in that it relates to revenue generation for the state, we are in a general mind to support the bill in principle on that basis. However, we also recognise that this bill fails to acknowledge a broader, long-term plan to reduce the harm caused by the pervasive issue of problem gambling. In addition, by allowing for the awarding of multiple licences, this bill could further encourage predatory gambling tactics. We understand well the toll that gambling takes on our community. Sadly, it can be measured in terms of lives, in financial losses, in addiction and in family violence.

We, as a society, should not be blindly normalising betting. But sports betting is on the rise, and advertising for sports betting during sporting events has reached absolute saturation point. You need only watch one game of AFL on the telly to understand just how much betting advertising our children are being exposed to; in fact they are swimming in it. Our kids should be cheering on their teams and their sporting heroes, not learning to love the odds.

As we know, broadcast media, including advertising, is the domain of the federal government, and recently we have seen a strong cross-party push federally to do something about it. But that does not mean we cannot do something about gambling advertising here in Victoria. Broadcast media may be the domain of the feds, but static advertising is the domain of the state government. That is why we are here suggesting that Parliament act. Already in Victoria we ban gambling advertising on roads and public transport and within 150 metres of schools, clearly in recognition of the potential harms to children. Now it is time we do the same for the 90,000 Victorians attending a blockbuster match at the MCG, especially those impressionable and suggestible children in that crowd. To that end I will be moving amendments to this bill, and this may be an opportune time for those to be circulated.

Amendments circulated pursuant to standing orders.

Rachel PAYNE: The amendments will take the list of sites where betting advertising is already banned and add sporting grounds to it. Further, the amendments clarify that a scoreboard at a ground is part of static digital advertising, to which the ban will apply. This is an easily achievable gambling harm minimisation measure, and we cannot see a reason why this Parliament and this government would not support it. It would deliver evidence-based gambling harm reduction without preventing gambling use. These amendments are overwhelmingly supported by the community. A recent poll of the AFL Fans Association found 79 per cent supported a ban on promotions at stadiums. A survey also found 76 per cent fans would support a ban on gambling advertising on television and radio. We appreciate that gambling can be a personal choice, but the extent of gambling advertising is pervasive and it is toxic and it is ruining lives. When we allow this harm we all lose, and we will continue to lose until something is done. I ask for the house's support for the instruction motion and for our amendments.

Returning to the bill as a whole, we acknowledge the potential of the bill to increase state revenue and reduce the preferential treatment of the Victorian gambling industry, so we will support it in that context, but in so doing we urge caution and encourage meaningful gambling harm reduction.

Gambling Regulation Amendment Bill 2023

Second reading

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Bev McArthur) (15:55): I have now considered the amendments circulated by Ms Payne, and in my view – I am reliably informed – these amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that the instruction to committee is a procedural motion. I call on Ms Payne to move her instruction motion.

Rachel PAYNE (South-Eastern Metropolitan) (15:56): I move:

That it be an instruction to the committee that they have power to consider new clauses to amend the Gambling Regulation Act 2003 to prohibit gambling advertising at sporting grounds.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:56): I thank Ms Payne for the intention that she has in relation to bringing this topic and her out-of-scope amendment to the chamber today. It will not surprise many people that were here in the previous term

that it is not the government's practice to endorse out-of-scope amendments by way of motion. There are many ways and avenues for members in this chamber to present ideas: through private members bills or through discussions with ministers' offices about appropriate vessels to hitch amendments to. It is not my intention to draw too much onto the topic. It is an important topic that you raise, but the advice is that they are out of scope and therefore the government does not think it is appropriate to hitch it to this piece of legislation. Therefore we will not be supporting the instruction motion today.

David LIMBRICK (South-Eastern Metropolitan) (15:57): The Liberal Democrats will be supporting the instruction motion, regardless of whether we support the amendments themselves, which I do not support. But I am happy to have that debate.

Rachel PAYNE (South-Eastern Metropolitan) (15:58): I am just acknowledging the Attorney-General's comments and obviously understand that this motion is out of scope. However, harm reduction, particularly around gambling, is an important issue, and I do encourage other members of the chamber to make a contribution in that space.

Motion agreed to.

Committed.

Committee

Clauses 1 to 68 agreed to.

New clauses (16:01)

Rachel PAYNE: I move amendment 1 standing in my name:

1. Insert the following New Clauses to follow clause 68 –

'68A Offence to display betting advertising in certain locations

- (1) After section 4.7.1(1)(b) of the Principal Act **insert** –

“(ba) at a sporting ground; or”.

- (2) In section 4.7.1(2) of the Principal Act, in paragraph (b) of the definition of *static betting advertising*, for “billboards” **substitute** “billboards, scoreboards”.

68B Exemptions

Section 4.7.1A(b)(iii) of the Principal Act is **repealed**.’

David LIMBRICK: The Liberal Democrats will not be supporting this amendment. We believe that the person that should decide what goes on the scoreboard should be the owner of the scoreboard.

Jaclyn SYMES: I do want to thank Ms Payne for raising this important issue. It is a serious issue, and we in the government certainly recognise the proliferation of gambling advertising and the fact that it is out of step with community expectations, and we are of the view it contributes to gambling harm. It is important that due consideration be given to the issue of gambling advertising reform. It can be highly complex as it is likely to affect existing sponsorship arrangements and the like.

It would be a good time just to bring to the house's attention some of the measures that the Victorian government has already taken in relation to ensuring that the community is not exposed to excessive gambling advertising, including banning static betting advertising within 150 metres of a school, on public transport infrastructure and on or above public roads, road reserves and road infrastructure. And we have certainly played a critical role in increasing protections for broadcast and online advertising through the national consumer protection framework for online wagering, including replacing ‘gamble responsibly’ with new evidence-based messages, enacting monthly activity statements so people can keep track of how much they are spending and giving consumers more opportunities to refuse to receive direct marketing.

So, again, Ms Payne, it is an important issue. It is a priority for the government. The minister has certainly spoken at length to colleagues on our side about this issue. I am sure she would be happy to speak further with you about it. But we are not in a position to support your amendment today. Notwithstanding there is further consideration and discussions available for topics such as this, but it is certainly not appropriate to deal with this issue through an amendment to the Gambling Regulation Amendment Bill 2023 when it is out of scope and not in line with what the intent of this bill is designed to do. We believe some further consideration in relation to the specifics of what you are trying to do needs a little bit more discussion.

Katherine COPSEY: As I stated in my contribution earlier, the Victorian Greens are supportive of the Legalise Cannabis amendment to this bill. We know that the community is extremely frustrated with the saturation of gambling advertising and believe that all steps should be taken to limit the exposure of the community to further gambling advertising.

Evan MULHOLLAND: I would like to thank Ms Payne for bringing the amendment forward, but the Liberals and Nationals will not be supporting the amendment. In line with what Ms Symes was saying, it is very much out of the scope of the intentions of the bill.

I would note that we do see the issues with gambling advertising and that it is not in line with community standards. I will note that it is the Liberals and Nationals federally that have proposed to ban gambling advertising, which they are responsible for, and I will note that around the country it has been the Liberal Party that has been quite forward leaning on these issues, but the Liberals and Nationals will not be supporting this amendment.

New clauses negatived.

Clauses 69 to 92 agreed to.

Reported to house without amendment.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:07):
I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:08):
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.

Gambling Taxation Bill 2023

Second reading

Council divided on motion:

Ayes (35): Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane,

Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Rachel Payne, Aiv Puglielli, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Noes (2): David Limbrick, Georgie Purcell

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 28 agreed to.

Clause 29 (16:17)

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendments 1 to 3, which test your amendments 4 and 5.

Katherine COPSEY: I move:

1. Clause 29, page 25, lines 16 to 18, omit the definition of *Gaming Minister*.
2. Clause 29, page 27, lines 26 and 27, omit the definition of *Racing Minister*.
3. Clause 29, page 28, lines 9 to 12, omit the definition of *Victorian racing industry payment*.

As discussed in my contribution on the bills earlier, we all can agree that the gambling industry should pay its fair share of tax. However, we should not see that revenue then being directed back into the harmful racing industry. My amendments seek to remove the Victorian racing industry payment.

David LIMBRICK: The Liberal Democrats will be supporting this amendment, although I have nothing against the racing industry per se, unlike the Greens who have a selective opposition to corporate welfare and we consider this corporate welfare. The Liberal Democrats oppose all forms of corporate welfare, so we will support this amendment.

Jaelyn SYMES: We will not be supporting the Greens amendment today. It goes without saying that the Andrews Labor government supports the racing industry and the many, many people that work in it. The Gambling Taxation Bill 2023 will increase the wagering and betting tax – the point-of-consumption tax – from 10 per cent to 15 per cent, which will apply to net wagering revenue effective from 1 July 2024, bringing the state into line with the rates that already apply in other states such as New South Wales, Western Australia, South Australia and Tasmania. We have publicly announced this already, and our intention is to pass through part of the increase to the racing industry with the racing industry's share of revenue being 7.5 per cent of the current 15 per cent.

The government is committed to providing support for the racing industry in this way to provide long-term certainty for the industry, helping the industry to back jobs and events that bring millions of dollars each year to communities right across the state; many contributors in today's debate have talked about their local racing clubs and the benefit that racing brings to particularly country towns. The Victorian racing industry, on that note, is a significant contributor to the state, adding \$4.7 billion annually in economic activity and providing more than 35,000 full-time equivalent jobs. It is particularly important, as I said, to country areas where more than 100 clubs are supported by more than 70,000 participants and provide \$2.45 billion annually in economic value to those areas.

It is certainly the government's intention to not support these amendments, because they would be in direct opposition to the racing industry, which we are on the record as wanting to support through these important measures in the bill today. So we will not be in a position to support your amendments today, Ms Copsey.

Council divided on amendments:

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

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

Amendments negatived.**Clause agreed to; clauses 30 to 80 agreed to; schedules 1 and 2 agreed to.****Reported to house without amendment.**

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:29):
I move:

That the report be now adopted.

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

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:29):
I move:

That the bill be now read a third time.

The PRESIDENT: Just to alert the house, according to standing order 14.20, this bill requires an absolute majority. The question is:

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

Council divided on question:

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

Noes (2): David Limbrick, Georgie Purcell

Question agreed to by absolute majority.**Read third time.**

The PRESIDENT: Before we call the next order of the day, I acknowledge Professor Ken Coghill, who is a former Speaker, and I believe he has accompanying him – I hope it is the right person, because if it is not him I will be embarrassed – Mr Karl Kurtz, former CEO of the National Conference of State Legislatures in the US. Welcome.

Just so people know too, the previous bill, pursuant to standing order 14.28, will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Building Legislation 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) (16:35): I am pleased to rise and make a contribution to the Building Legislation Amendment Bill 2023 and to indicate that the opposition will not oppose this bill, although we do have some amendments, which I will circulate shortly.

To give a short summary of the bill, it amends the Building Act 1993 and thereby allows the appointment of a state building surveyor and a building monitor. It makes provision for certain information sharing and data exchange in categories of building practitioner and puts in place an offence relating to building practitioners, requiring building surveyors to give certain information to people to whom building permits are issued. It provides for building manuals to be prepared and updated. It allows for a number of other purposes. Money can be paid out by the Cladding Safety Victoria account. It also allows changes to the delegation authority of the Victorian Building Authority (VBA), and I will come back and say more about them shortly.

It amends the Architects Act 1991, to make changes to the governance and procedures of the Architects Registration Board of Victoria, and the Domestic Building Contracts Act 1995 in relation to the disclosure and sharing of information by conciliation officers under the act. It amends the Building and Construction Industry Security of Payment Act 2002 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to the disclosure and sharing of information or data, and the Owners Corporations Act 2006 is also amended through some consequential amendments. On Cladding Safety Victoria matters, the Owners Corporations Act amendment will allow the provision of an approved building manual at the first meeting of an owners corporation.

This is a modest bill, let us say, and I should indicate that there has been considerable work done on this bill by the opposition – by our Shadow Minister for Planning David Hodgett and by Wayne Farnham, the member for Narracan, who has obviously got building knowledge and experience that he has brought to the fore with this bill and related matters. I put on record the thanks of the opposition to those two and to the very large number of people that they have consulted with, including the many building bodies and associations – the Housing Industry Association, the MBA, the Urban Development Institute of Australia, the Real Estate Institute of Victoria, various architects, including the consulting architects and the institute of architects, and building surveyors. The planning institute has also been consulted here, as has the property council, Ratepayers Victoria and the Municipal Association of Victoria. They have done extensive work working through a number of these points.

It is fundamentally a bill about greater consumer protection but is, as I say, a modest bill. It links into the work of the building system review expert panel that has been around as a way to improve building reform. The cladding levy is a separate matter, and there are implementations around recommendations from stage 1 of the expert panel report.

The first change that comes to mind with the bill is the formalisation and strengthening of the role of the state building surveyor, and this is a good step. That is already a role that has been established at the Victorian Building Authority, but it will give it a statutory underpinning as the primary source of expertise and technical guidance for the building and plumbing industries. That includes the power to issue binding determinations relating to a number of technical and other aspects of building and plumbing regulations with codes and standards.

A second component establishes a building monitor to represent domestic building consumer interests in the system. Part of the logic of this is that there is an alleged series of systematic issues, and I think that is right. I think we have seen a whole series of issues across the building industry. Any electorate officer understands that you do get people coming in with serious issues and, frankly, miscarriages of

the way we would all want to be treated, so there is a need for reform. As I say, I do not think this building bill gets there, but there are some worthy and practical matters in it.

It expands the categories of building practitioners required to be registered and enables the regulation of building designers, project managers, site supervisors and building consultants to ensure, in theory, that the practitioners have the necessary skills or qualifications to carry out parts of high-risk work. Although, as you will see, that is not as sharply defined as we think it should be.

The bill enhances the approvals process, including by requiring relevant building surveyors to provide their clients with an information statement requiring building manuals to be prepared for certain classes of building. The information statement aims to address the lack of consumer understanding about the role and functions of building surveyors in the permit process. With the building manuals, the plan is that they are intended to provide a single repository of all information relevant to the construction and subsequent building works on a building and any relevant maintenance work. It does create, in theory, a one-stop shop and in that sense is an improvement.

A final component relates to the expert panel's work. It amends the distribution of the cladding rectification levy to provide financial and other support to owners who are not eligible to receive funding under the current program, which is administered, I think, by Cladding Safety Victoria. The authorities at the moment cannot authorise that the cladding levy be used to fund activities where the final rectification solutions are not funded by the state. The amendments provide greater flexibility in how the levy can be used, and this needs to obviously be acquitted satisfactorily.

There is a concern about inspections of high-risk buildings and provision for local councils to undertake pre-occupation inspections of high-risk buildings. I think on balance we welcome that – sorry, that was in the 2022 bill but is not in this bill, we note.

I should say that industry stakeholders have stated to the Liberals and Nationals that they are supportive in general of the legislation. They have suggested a number of strengthening requirements for building surveyors practising in Victoria to be members of professional standards schemes. I think this is a complex area. There is of course a significant workforce shortage at the moment, and I think that needs to be a significant focus of the government, a significant focus of the VBA and a significant focus of the training system.

The bill has other obvious weaknesses. Again, on the electorate office test, what is coming through the electorate office is a range of faults that are not well managed. Waterproofing defects is one of them. There has been a very high percentage of these over at least a couple of decades, and there is no clear solution in any of this, I might add.

I should indicate that the opposition will move some amendments. If they could be circulated, that would be helpful. We would welcome support for those. Again, I think these were amendments that were discussed at the briefing. I was not at the briefing, but I am told they were discussed by the opposition at the briefing.

Amendments circulated pursuant to standing orders.

David DAVIS: While those amendments are being circulated, I might draw the chamber's attention to the need for better regulation of building more generally, and I think the community understands this. What we have seen in this recent period is a catastrophe really in the way Porter Davis and a number of the other firms that have been hit have not been able to help their clients. Their clients have been left high and dry. The government was initially very slow to respond, and still the solutions are imperfect. It is clear that many people have been caught after they have signed contracts. They have put very significant contributions forward and many of them have now lost those contributions, and the progress on their buildings at whatever stage it was, whether it had started or whether it was yet to start, has been stalled. There are so many families that we are aware of, and I think the community's heart goes out to those families.

I pay tribute to the work of my leader John Pesutto and the team around him – Jess Wilson, Wayne Farnham and others – who have been consulting widely with those affected and with the building industry. They held a building summit to discuss the problems that were faced and to try to find useful solutions, try to propose solutions, because the truth is there was a significant vacuum for that period, a really very unsatisfactory vacuum where the government sat on its hands and did not act. There were clearly families that were in desperate straits, and I pay tribute, as I say, to the work of the opposition team, the housing team that have been working very hard on this to try and provide and find solutions and proposals that will at least help in this regard. One of the things you can do in opposition is to lead with ideas and proposals, and by doing that John Pesutto, Jess Wilson, Wayne Farnham, David Hodggett and co have shamed the government into acting to support some of those who have been left high and dry. I think it has been very unfortunate that they have not had that early action from government.

It is very interesting to see that Danny Pearson, the Assistant Treasurer, did not act early on these matters. He did not act on the warnings that the Victorian Managed Insurance Authority (VMIA) was not up to scratch. He did not act early on some of the points of warning that had come to him, including in a briefing provided to him on 11 July 2022 headed ‘Insolvencies in the residential construction sector and options to de-risk consumers’. That was a Department of Treasury and Finance brief provided to him as Assistant Treasurer. It was about insolvencies in the construction sector, and obviously he did not act at that time. The rest is history in one sense, and we cannot unwind the history that has occurred. There is his culpability, his failure to act and his failure to take those steps at an early point and protect consumers properly. I do not know whether electoral matters weighed in his mind in July last year; I do not know what was in his mind that he did not choose to act.

It is a matter of fact now that the government has been dragged to act, it has been forced to act, but it would have been much better if it had acted earlier and sought ways to prevent these problems occurring. It is true that not all these problems are the government’s fault. Let us be quite clear about that and be very reasonable about this. There are labour shortages and there are price escalations that are occurring in part because of overseas factors, but you have got a government that is slapping new taxes all around on construction, putting new taxes and new charges through the construction sector and forcing new arrangements in place which have not helped the sector.

It is not all the Ukraine and us pointing at the Russians and so forth as the cause of increased prices in the sector. It is one component; it is only one component. There are other components. Inflation is there of course too. But with the state government, you have got to ask what it could have done to bring prices of properties down – what it could have done and what steps it could have taken. One of the things it could have done is it could have brought on more supply, and it did not bring on more supply. That would have helped keep the price down. It would have helped keep in check the costs of construction and the costs of properties for young families that are seeking to get into home ownership. Instead of that they have closed down supply and made it more difficult. I say very clearly here that I do not blame the state government entirely, but I do not let them off the hook entirely either. There are things that the Assistant Treasurer could have done. He clearly had a list in front of him in July last year, and he chose not to act on any of it. Now, he can wash his hands like Pontius Pilate if he wants, but that is not going to actually help him. The community knows that the government ought to have acted.

Let us be clear about the scheme that we have had in place with the VMIA. It is a very poor scheme; it is a genuine last resort scheme. People sign up to that insurance thinking, often I think, that they are getting a product that is a much broader and more satisfactory product. Instead of that the builder basically has to die, become insolvent or abscond. There need to be the most extraordinary circumstances for people to access that. I think it is true that we have had an unsatisfactory system. The state government have been in power now for nine years – nine years! No-one else is responsible; it is the state government that sets the regulatory framework here. This bill is a slight tweak to that regulatory framework, but they cannot point the finger and say that it is this one or that one. It is the

state government's ultimate responsibility. I think in that context it is important to have got on the record that the state government ought to have done more and ought to have done things a lot earlier.

There are some points made by the Scrutiny of Acts of Regulations Committee, and I will leave those on this occasion. There are a number of points that we made, as people would be aware, and I draw attention to those comments made by SARC.

The amendments that we propose to clause 48 allow for a number of simple changes to occur. With new categories that are being introduced, there is no qualification attached to the categories that are being proposed. The conversation was that this is only for high-risk construction – that is, high-rise, major works et cetera. This was at the briefing. The fear I think that people like Wayne Farnham and others point to is that there are a number of unintended consequences of the bill and that they filter through into domestic instruction. At the moment the bill does not define high risk clearly enough. It needs to be a lot narrower, if in fact that is the intention of the bill.

With respect to the building consultant category, there is a concern again that there is no qualification for this category. When referring to prepurchase due diligence, inspection, essential safety measures and maintenance, disability access and energy efficiency work, anyone who is inspecting these works should have a qualification, the opposition would argue, equal to the building surveyor category. A lot of these issues should be inspected by a building surveyor, arguably. In regard to energy efficiency, we have seen all sorts of schemes and arrangements in place, and most of us are very keen to see better energy efficiency, but to achieve those aims you need to have high-quality people in place and standards that ensure that what you are fitting is actually what it says it is and that what is fitted is fit for purpose.

If we talk about energy efficiency, this should actually start at the frame stage and sometimes even the pre-slab stage of construction. Frame inspection should occur before insulation is installed so that building surveyors can see connections et cetera within the structure of the frame. When the insulation is installed, it becomes more difficult to see and inspect. Ceiling insulation is also important, and you need to be able to inspect that properly. Disability access work should also fall under the responsibility of the building surveyor. There are a number of these key points that members of the opposition have made publicly and that our amendments respond to.

The site supervisor category is another one. A lot of supervisors in the industry have qualifications away from the construction sector. If this is to become a sensible category again, there is a set of questions about what qualifications should be attached to that. A number of my colleagues expressed concern about the unintended potential in the bill, and they fear that this could just become a category and filter into domestic construction, where a lot of builders will have unqualified supervisors who may not meet some of the standards that are appropriate for larger and more extensive construction locations.

I would welcome any commentary that the minister may wish to make on a number of these points. I just make the point here that these amendments are put forward in good faith. They are not seeking to make political points, as it were, but they are put in place to see if we can make some sensible improvements in the way a number of these sections of the act would operate. Again, this is a bill that we are not opposing. It is a bill that we see there is some merit in. In one sense, whilst minor and modest points are welcome, at the same time the bill falls well short. The problems in the building industry at the moment are very significant, and the government does not appear to have grappled with these problems closely. The government does not appear to have taken the steps that are required.

I should say something here about the Victorian Building Authority. I mean, many of us have known for a number of years that there are problems at the VBA, and in fact I have raised matters in this chamber over the years. The VBA has been a body that is not fit for purpose. I notice that the CEO has taken a walk, and that is welcome. It is clear to me that she is not up to it. There is a new CEO being put in place. That is also welcome. The VBA is a body that has got to do the work. It has got to

actually have a sensible set of arrangements in place. It has got to be transparent. I am worried about the cost structures at the VBA. It is not that many years ago that we had an earlier predecessor completely out of control, but the VBA I think is a body that is ripe for overhaul, ripe for repair and ripe for proper examination and review. It is a body that I do not think most of the industry has confidence in, and it is a body that I do not think consumers have confidence in either. It is not that it is pro industry, and it is not that it is pro consumer. It is just a blancmange that does not regulate properly, and that is in many respects the worst of all worlds: where you get the costs and the superstructure of the regulation without the positive impacts of proper regulation. You have kind of got the worst of all worlds, not the regulation that I think most people would want to see.

The government, as I say, has not come to grips with the issues around the building demise that has occurred in this recent period, and there are literally hundreds and hundreds of families that are still in terrible straits. I know that the schemes that are being put in place now seek to help them, but still I think many of us have had people at our electorate offices talking to us about the problems that they are still facing. So I think there is a long way to go on this.

I do not want to, as it were, overly politicise this. I do get that there are other factors going on other than the government's steps and the government's behaviour. But the question you would ask yourself is: has the government taken all reasonable steps to help consumers? Has the government taken all reasonable steps to put in place a regime that will actually protect consumers? Has the government taken all reasonable steps to ameliorate some of the problems and cost burdens that are flowing through the system? Some of it, as I say, is not their fault. But the question is 'What can we do at a state level?', and the answer is quite a lot. We know that the minister was presented with many options back in July and he failed to take them.

Tom McINTOSH (Eastern Victoria) (17:01): The building industry is incredibly important to our lives and to our economy. It employs over 350,000 people, and at one point that included me and included the President in this place. It equates to \$40 billion for the economy every year, and it literally puts roofs over our heads. Everybody wins when we build quality homes and when we do it safely. It is so important that all workers get home safely to their kids, to their partners and to their parents. I believe that quality and safety go together. When we build safely we get quality, and when we build to quality standards everyone from workers in the industry to the public and people living in these homes is safer.

Registering workers results in better work outcomes and results in pride – pride of profession and pride of work, resulting in quality work. We want professionals in the industry – professionals who become experts in their work and professionals who are well paid and make careers of their work. This leads me to talk about TAFEs.

Quality workforces require quality training, and I am delighted that this side invests in TAFEs. In my electorate in Eastern Victoria we have the wonderful facilities in Sale and Morwell that are thanks to the investments that this government and indeed the minister who is sitting right in front of me, Minister Tierney, have overseen in Victoria and in Victoria's TAFE system.

Some of you here may have heard me speak about my excitement about the SEC. Not only will it result in cheaper bills and new renewable generation, but incredibly importantly it will provide pathways for a generation of Victorian workers through apprenticeships and traineeships. I am proud this government is continuing its commitment to getting apprentices and trainees into work across major projects in Victoria – and the SEC is an extension and a continuation of this – unlike those opposite, who slashed and cut and privatised, effectively putting the car in gear and taking their hands off the steering wheel. We saw a generation of workers who lost access to training and quality jobs. I always talk about the last of the overall wearers, the men – and they were mostly men, something which I am proud we are addressing to see that is not the case today and going forward – who stayed in jobs for a lifetime, but that was before the Kennett era of hire and fire.

I am also a very strong believer in consumer support and protection, and we have seen how vulnerable consumers can be in the building industry. The system is not currently set up to support consumers well enough, and the changes in this bill support consumers. At present there is no overarching peak body or dedicated organisation representing Victorian domestic building consumers, remembering that for consumers interacting with the building industry it most often represents the largest purchase they will ever make. Could there be more important consumer protections? The consumer protections in this bill are practical and commonsense, like the requirement for a building surveyor to provide an information statement.

In terms of looking after people who interact in the building industry, I want to note how it is important to look after the mental health of those who work in our industry and who, particularly in the construction sector, have some of the highest incidence of workplace accidents and suicides. It is so important to look after apprentices and trainees as they enter the industry. I have spoken before about new vocational VCE and TAFE. Whether they are coming in as young workers or mature workers, these apprentices can be vulnerable in the building industry, and the skills, qualifications and safety regulations all go hand in hand to ensure there are safe workplaces and safe homes as a result of the building process.

We are delivering better standards through the National Construction Code (NCC), including improved building access, health, safety and amenity outcomes. These include new mandatory accessibility standards for homes and apartments, which will ensure these homes are suitable for occupants across all stages of life. It is so important that the housing stock suits as many people in the community as possible. I have heard some say this will have a negative effect on the availability of housing, but this is not true. Having the maximum number of houses suitable for the maximum number of people reduces transaction costs in the market, improving its efficiency and ultimately outcomes – firstly, for people with different access requirements but then for everyone else as well.

An area I am particularly passionate about is energy efficiency in homes. Further changes to the NCC will significantly enhance energy efficiency requirements in houses and apartments, increasing home thermal performance to 6 to 7 stars, making new dwellings more comfortable and reducing energy costs for consumers. This will help reduce our emissions and provide more comfortable homes, both for owners and renters. Coupled with other state government policies like rooftop solar, battery rebates, bringing back the SEC and the development of the offshore wind industry, all of this will contribute to Victoria's world-leading climate and renewable goals of 95 per cent renewable energy by 2035 and net zero emissions by 2045. It is estimated that Victoria's energy system transitioning to renewable energy will increase gross state product by about \$9.5 billion and help create 59,000 jobs, including 6000 traineeships and apprenticeships in solar, wind and emerging energy industries. More broadly our investment in training and skills is supporting the construction workforce of tomorrow. As I spoke about before, we do not want to see a gap in the next generation of workers. In 2023 there are 6300 fee-free TAFE places available in construction courses alone.

The Building Legislation Amendment Bill 2023 will deliver much-needed reform to Victoria's building system, placing consumer protection as central to these changes. The government is alive to the fact that major defects in residential buildings cost Victoria \$675 million each year, with residential apartments making up two-thirds of this cost. Strengthening our building system will benefit consumers, give builders and industry more confidence and certainly reduce the need for costly rectification works. This is part of the Andrews Labor government's commitment to delivering a building system that provides safe, compliant and durable housing and buildings.

The bill will create the following reforms. It will formalise and strengthen the role of the state building surveyor (SBS), it will establish a building monitor, it will expand the categories of building practitioners that will be required to be registered, it will enhance the building approvals process by introducing further safeguards to better inform consumers, it will strengthen information sharing between statutory entities with a role in the building regulatory framework, it will amend the

distribution of the cladding rectification levy and it will strengthen and improve the government's arrangements for the Architects Registration Board of Victoria under the Architects Act 1991.

The Andrews Labor government provided \$2.3 million in the 2022–23 budget to establish Victoria's first state building surveyor. The state building surveyor was established by the government as an executive staff member of the Victorian Building Authority (VBA) to provide authoritative compliance advice, technical guidance and interpretation of the relevant building standards. The bill will give the state building surveyor a statutory role as the primary source of expertise and technical guidance for the building and plumbing industries.

This will encourage improvements to regulatory oversight and practices within these industries, with a particular focus on the building surveying profession and councils. The SBS will have the power to issue binding determinations relating to technical interpretation of building and plumbing standards and requirements. Industry practitioners will be required to ensure that they carry out building work or plumbing work or exercise particular functions in accordance with any relevant binding determination. This will deliver greater certainty within the industry and help deliver better building outcomes.

At present there is no overarching peak body or dedicated organisation representing Victorian domestic building consumers. This means that the building system is designed in a way that does not sufficiently consider the needs, abilities or experiences of domestic building consumers, and their voices are absent from key decisions made about the building industry. The building monitor aims to address this gap, with the responsibility of representing and advocating for consumers on systemic issues within the building industry. The government provided \$2 million, as I said before, in the 2022–23 budget to establish this role. The building monitor will advise the Minister for Planning on systemic issues and risks facing domestic building consumers. This includes engaging with domestic building consumers to understand their experience in the industry. The building monitor will publish an annual building monitor issues report with key findings and recommendations to government.

Consumers have an expectation that practitioners have the appropriate experience, skill and qualifications to be performing key roles in the building industry. Registration of building practitioners is an important market entry tool to ensure competence, accountability and regulatory oversight. The bill will expand the building practitioner registration system to achieve greater national consistency, thereby improving compliance with national building standards and facilitating national labour mobility. The existing category of draftsperson and a description of project management will be renamed 'building designer' and 'project manager'. The bill introduces two new categories of building practitioner: site supervisor and building consultant. Consistent with how existing categories and classes of building practitioner are set, the regulations will prescribe the authorised work and registration requirements of these practitioners, and the industry will continue to be consulted as part of these changes.

The bill introduces a requirement that a draft building manual be prepared by the applicant for an occupancy permit and that that be provided to the relevant building surveyor for approval. Building manuals are intended to be a single repository of all relevant information relating to the design, construction and ongoing maintenance of a building. The building manual will address a significant hurdle for owners and owners corporations in accessing information about their building. By making information about the design, construction and maintenance of a building more readily accessible, the building manual will support not only the owners and owners corporations but also other parties such as building practitioners and regulators in future. Once the draft building manual has been approved by the relevant building surveyor, the manual will be provided to the owner or the owners corporation, who will be responsible for maintaining and keeping the documentation current. Subsequent amendments to the Building Regulations 2018 will prescribe a number of matters necessary to operationalise the building manual requirements, including what classes of buildings and building work will require a manual to be prepared or updated, the digital format of the manual and the information that must be contained within that manual.

The bill will require the relevant building surveyor to provide at the time of issuing the building permit a document that clearly details their roles and their responsibilities. This will improve consumer understanding about the role and functions of building surveyors in the building permit process. The Victorian building sector is made up of a number of agencies, each with an important role to play in maintaining a safe and well-regulated industry. A number of reviews, including the building system review stage 1 report, have highlighted that a lack of coordination, information sharing and data collection is a central issue for regulating the building industry. Consumers are often frustrated at the duplication of processes or requirements to provide information to different entities within the building system. There is an expectation that building system entities should work together to support how consumers interact with the system. Different entities will often be required to interact with the same consumers for different purposes. For example, a complaint about non-compliant building work may be made to the VBA for action under the Building Act 1993, and a dispute about the same building work may be managed by Domestic Building Dispute Resolution Victoria in accordance with the Domestic Building Contracts Act 1995.

While agencies generally have arrangements in place to communicate and share information about particular matters, this is often done at an individual level and limited provision is made for considering information about the building system at a systemic level. The government is taking steps to enhance the ability of these agencies to better share information and improve collaboration. By integrating building systems information, clarifying information-sharing arrangements and making that information accessible through clear pathways, participating agencies will have the opportunity to aggregate data to better inform targeted and evidence-based decision-making. This will also enable better transparency and better reporting on the health of the building system.

I would like to close by simply highlighting the challenges that have been faced in the building industry. The building regulatory system has not been comprehensively examined since the early 1990s, and since that time there have been significant challenges to design and construction practices. These changes have led to a growing disconnect between the regulatory framework and industry practice. Several high-profile building failures in Australia and around the world have reduced the public's confidence in the building regulatory system. This includes the use of combustible cladding, which led to the 2014 fire at the Lacrosse apartment building in Melbourne's Docklands, the 2017 Grenfell fire in London and the 2019 fire at the Neo200 building in Melbourne's CBD.

Aiv PUGLIELLI (North-Eastern Metropolitan) (17:16): I rise to make some brief comments in support of the Building Legislation Amendment Bill 2023. This bill aims to strengthen the regulation of the building industry in Victoria and to improve protections for domestic building consumers, both timely and important reforms, as for years we have been failing at both. In Victoria we have let the development and building industry run riot over our city for years, and while I know all of us in this chamber agree that in a housing crisis we need thousands more high-quality affordable homes and more medium- and high-density housing, we also need to properly regulate the development industry to ensure these homes are built to a high standard and are actually affordable.

For years we saw thousands of poorly built, badly designed homes across the state. Developers and builders were able to cut corners and do things on the cheap in order to maximise their own profits, and the result was a scourge of substandard and even dangerous homes – mould infestations caused by leaking roofs; cracks in walls and floors; and cheap, dangerous, substandard materials used in construction, like the combustible cladding that was used in the construction of thousands of apartment buildings across the city. It was possible to cut these corners because our regulatory system was not up to scratch and the systems in place to provide oversight and checks on construction standards and materials were clearly not working. This was a result of the mass privatisation of the Kennett years, where domestic building was deregulated and largely privatised. The privatisation of building surveyors meant builders were able to choose their own surveyor rather than go through council and simply hire yes-men who would tick off building works, in turn allowing builders and developers to shirk the rules and cut corners.

The Greens are pleased to see this government commit to undoing some of the harm caused by the Kennett era neoliberalism by strengthening building standards and improving the quality of homes, including through the improvements identified by the building system review expert panel, some of which are included in this bill today. But there is more to do, especially as we have seen two high-profile failures of building regulation in Victoria in recent years. The first is the flammable cladding crisis, which is far from over. Since the scale of the crisis was revealed by high-profile fires at the Neo200 building and the Lacrosse tower, thousands of homes have been audited by the Victorian Building Authority and over 1500 have been rated as a fire risk due to dangerous cladding. For many of these households the dangerous cladding is just the tip of the iceberg. Initial quotes for cladding rectification frequently reveal multiple building defects, most of which need to be repaired before cladding rectification works can even begin. The second is the collapse of home builder Porter Davis earlier this year, which left around 1700 homes in limbo and hundreds of customers without a deposit. The failure of Porter Davis revealed that builders were frequently avoiding or delaying their responsibility of obtaining the necessary insurance for residential buildings before accepting a deposit.

This meant that about 500 Porter Davis customers had paid a deposit under the assumption that they were insured against insolvency and ended up losing this deposit when Porter Davis collapsed. This common practice in the industry has gone on for years, but the regulator, the Victorian Building Authority, had failed to crack down upon it. In both of these examples, customers and residents ended up in this situation through no fault of their own. Instead both crises were the result of a failure of government regulation and a lack of oversight. While the government has conceded some support for affected residents, too many are still being left to foot the bill.

Fixing building defects on top of initial inspection and legal fees plus the actual cladding works means that the full cost of cladding rectification runs into the hundreds of thousands of dollars. While the government provided some funding to cover cladding rectification, only some households are eligible to receive financial assistance to cover these costs – the cladding audit gives each home a risk rating of extreme, high, moderate or low, but only the extreme and high-risk categories are eligible to receive funding from Cladding Safety Victoria. For Porter Davis customers, the government announced a compensation package for customers who lost deposits due to the builder's failure to take out insurance, but this was only for those who had signed contracts. Those who had paid some money but were still in the tender process were ineligible for the government's package. We would strongly encourage the government to continue investigating ways to support all building consumers affected by the cladding crisis and the collapse of Porter Davis.

But the best protection for consumers is to prevent these situations from happening in the first place, and the best way to do that is to strengthen regulation and oversight of the building industry. The reforms in this bill, like expanding registration of building practitioners and new requirements for manuals and information statements from building surveyors, will go some way to improving our regulatory system, and we look forward to future reform in this space, including through the work of the building system review expert panel.

A brief commentary in regard to the amendment from the Liberals: we feel that the intentions of the proposed amendments would be better dealt with through regulation rather than with this bill. Also, specifically relating to the clause of review, we understand that there will be an oncoming formal review process and so the review clause, we are concerned, would lead to multiple reviews occurring at the same time. As such, these two points are cause for the Greens not to support the Liberals' amendments.

Evan MULHOLLAND (Northern Metropolitan) (17:23): I echo the statement of my colleague Mr Davis, and I thank him for his thoughtful contribution to this debate. I would also like to acknowledge the Shadow Minister for Planning Mr Hodgett in the other place for his tireless work in consideration of this legislation put forward by the government.

I have to take a moment to respond to Mr Puglielli saying that we need to support the need for more housing in the middle of a housing crisis. As I said in my maiden speech, at the first sign of any new, sensible development for housing that would increase housing for my generation, protesters with green triangle placards show up quicker than a seagull to a chip on St Kilda Beach. We see that over and over and over again in the northern suburbs. Whether it be Greens representatives at the City of Yarra, whether it be Greens representatives at Merri-bek council or whether it be Greens representatives at Darebin council, the Greens representatives of local government have a storied history of opposing sensible development that would house, in a humanitarian way and a compassionate way, my generation and alleviate some of the pressures of the housing crisis my generation are facing. The Greens like to say in places like this that they are supportive of new housing to fix the housing crisis, but let us have a closer look at what their representatives do at a local government level. I certainly will hold them accountable for that.

As earlier speakers have said, this bill has merit. It responds to many concerns about our current legislative framework held by consumers and industry alike. It will, among other reforms, formalise and strengthen the role of the state building surveyor, establish a building monitor, expand the categories of building practitioners requiring registration and enhance building approvals by introducing further safeguards to better inform consumers.

There is room for more reform. There should be a requirement for building surveyors practising in Victoria to be members of a professional standards scheme, which would allow the industry to assist in regulating practitioners in a responsible manner and assist government in the building permit process. The workforce shortage of building surveyors in Victoria needs to be urgently addressed; the government must do more to encourage building surveyors into our state. Our councils are chronically understaffed of surveyors, which means that local communities have to go without many of the building control functions being administered effectively. The shortage of building surveyors is a particular issue for regional Victorians, and my colleague Ms Bath would know that all too well. Some of our regional councils and shires really struggle to have the same access to those surveyors as metropolitan councils do.

I am pleased to quote my colleague in the other place Wayne Farnham. Before he was elected earlier this year Wayne was a self-employed builder. He has been in the industry for more than 30 years. He notes that costs will come from new red tape in this bill and like everything the government does it will pass on the new costs to young aspirational families who are just looking for a new home. We have been told the intent of the bill is for high-risk construction only, but Mr Farnham notes there is no mention of high risk or a description of what high-risk construction is in the actual bill. My fear is that if we do not narrow that description, it will filter into all building projects and make our housing crisis even worse. This will raise the cost of new building and reduce supply, which is absolutely the last thing our economy needs right now. There is also a need for this bill to sharpen up the definitions of 'building designer', 'project manager', 'building consultant' and 'site supervisor' because, as Mr Farnham has noted, there is currently some overlap that makes these distinctions unclear and some terms are too loosely defined.

While with a few amendments these reforms are welcome, they still steer clear of the largest issues facing the Victorian construction industry. Critically the bill does not properly address the catastrophic collapse of major building companies in Victoria that is having a terrible impact on young families just trying to build their first homes. The northern suburbs, which I am proud to represent, are somewhat at the epicentre of Victoria's construction boom. Unfortunately my community is also bearing the brunt of the fallout from Victoria's building companies falling into administration.

While after weeks of limbo we acknowledge the state government has finally stepped in to secure some housing deposits, it did not need to come to this. We know from documents released under freedom of information that former Minister for Housing Danny Pearson was briefed by his department back in July 2022 on the risks in the residential construction sector and options to alleviate risks – a nine-month warning before the collapse of Porter Davis. The minister's department was

actively concerned about this developing issue and he was warned about the inadequate state of consumer protections. What was Danny's response back then to that advanced warning? The same response he seems to have to everything in this place: putting his ministerial duties to one side and instead focusing on his share portfolio. As a result of that we have seen hundreds of Victorians being left with half-built homes and others being forced to go through a painful process to claw back their deposits on their unbuilt homes. The regulator has failed to make sure that when a building insurance policy has been taken out by a customer the builder has bought that insurance at the time they have paid their deposit. There is no question that this is a failure of government to ensure the most simple of consumer protections were adhered to.

My colleague David Davis is right to mention that the government has been somewhat dragged into acting, and this proves again the effectiveness of the Liberals and Nationals opposition. We called a housing summit. We were the first to meet with housing industry stakeholders and those affected by these decisions and have established a housing industry task force as well. We have been calling on – with the sector – the government to make sensible arrangements and holding them accountable for seemingly sitting on their hands when they were actually warned of the risks in the residential construction sector.

The legislation and the regulations are very clear in this space that insurance must be taken out at the time the deposit is paid. So why was the government asleep at the wheel in ensuring compliance? Why were audits not taken? The Labor Party represents what is the great majority of growth suburbs in this place, for now, so it is no wonder so many feel let down by the government, who have not been able to protect them because they did not take a proactive approach to ensure that people that they represent were not sent into a crisis they had been actively warned about.

We have been representing them. I have certainly had many people affected by the collapse of residential housing in my electorate in areas like Greenvale and in areas like Kalkallo, where the government seemingly have done nothing. Government members are seemingly not willing to be forthcoming with a response. Maybe it is the guilt, knowing they had a minister who was warned about risks in the residential construction industry and who was also seemingly more focused on his share portfolio than actually paying attention to the briefs that were sent up by the department on risks in the residential construction industry. What we see is a government that have seemingly been sitting on their hands instead of focusing on the people that they represent, the people that are doing it really tough because the government failed to act.

So I reiterate calls from my colleagues. Let us pass the opposition's sensible amendments to this bill. This bill is a step in the right direction, but it can be better. Victorians should feel safe when entering into building contracts. When they take a step towards the great Australian dream of owning a home, we should back them.

David ETTERS HANK (Western Metropolitan) (17:33): I rise to speak to the Building Legislation Amendment Bill 2023 and commend the comments of Mr McIntosh and Mr Puglielli. Legalise Cannabis will support this bill. The bill provides for a number of sensible reforms. It introduces the statutory appointment of a building monitor who will identify and report on systemic risks and issues facing domestic building consumers and advocates on behalf of those consumers. The building monitor will work with building system entities and strengthen information-sharing between the Victorian Building Authority and other building system entities. It formalises the role of the state building surveyor as the primary source of technical expertise and guidance for the building and plumbing industries, and it requires relevant building surveyors to provide owners with information about the RBS's role and responsibilities. The introduction of building manuals is a great win for transparency and owners rights. Accordingly, we are supportive of the legislation.

I understand that the opposition intends to move amendments to this bill. Legalise Cannabis Victoria will not be supporting those amendments. We are, let me say first of all, disappointed about not receiving a briefing from the opposition on these amendments, despite having requested that.

In respect of the proposed amendments relating to practitioner registration and the definition of ‘registered building consultant’, we are supportive of the proposed consultation process envisaged through the regulation reviews, and we are satisfied that these are both already adequately accounted for in the bill.

In respect of the proposed amendment for the exclusion of domestic building work from the scope of work for registered site supervisors, we are of the view that the amendment would not be appropriate, primarily due to the scope of that concept of domestic building work that is contained within the proposed amendments. Personally, I am deeply troubled that this proposed amendment would exclude oversight of high-risk residential apartment buildings, including Building Code of Australia class 1, 2 and 4 structures. I say this having seen firsthand the issues that arise in the construction of residential aged care facilities and retirement living developments in my role as a client representative over the last 10 years or so. During that time I saw some great builds and I saw some absolute shockers. I have also been involved in complex rectification projects, including removing flammable cladding from operating aged care facilities, and that has been a nightmare. In the removal of that flammable cladding, that which has been exposed has often struck me with the question ‘How did this building get approved in the first place?’, because those were vulnerable people in high-risk buildings. It seems to me that the amendments that are being proposed by the opposition would effectively take those buildings out of play for the purposes of the act, and that would be utterly counterproductive.

These kinds of facilities in all their forms, including residential apartment buildings, should be treated as high risk for the purposes of this act. For these reasons Legalise Cannabis Victoria will be supporting this bill and will not be supporting the amendments proposed by the opposition.

Jacinta ERMACORA (Western Victoria) (17:37): The Building Legislation Amendment Bill 2023 put forward by the Andrews Labor government outlines the commendable efforts undertaken by this government to address systemic issues in Victoria’s building industry. This legislation marks a significant milestone in ensuring the safety, integrity and sustainability of our built environment. A robust building industry is critical for the growth of our state. Community wellbeing is hugely influenced by the places where we live, work and play. However, in recent years we have witnessed alarming instances of building failures, substandard construction practices and breaches of safety standards. As mentioned in an ABC News article from 9 November 2022, the system was previously based on luck:

... Victoria’s building system was self-regulated with a lack of protection for final buyers and was defined by “uncertainty”.

Common sense would dictate that what is designed and what is actually built should align. However, currently the final construction of a building does not have to match what was originally designed; it just has to align with the minimum standards. We must recognise that most of our builders, designers and architects are professional and capable of complying with our building regulators. However, a number of poor-quality building practitioners contribute to the majority of our problems in this space, and it is now clear that our regulatory system does not help the situation. This means that consumers moving into new houses or apartments have to trust, without guarantee, that all of the processes were done correctly through the construction process and that they will not encounter unexpected problems after purchasing and moving into their homes. Sadly, there are countless accounts of frustrated homebuyers being hit with unexpected costs and inexplicable problems such as leaks and mould issues once they have moved in.

After establishing a world-first program in response to the cladding challenge, which a number of our colleagues here in the chamber have referred to, compliance problems with the basic construction principles were identified as a result. Removing high-risk cladding exposed many other issues. ABC Ballarat reported on 29 November 2022:

Black mould is being uncovered in the walls of defective apartment blocks, in what experts describe as an “absolute catastrophe”.

Workers have laid bare wall cavities riddled with black mould and rotten timber in poorly constructed apartment buildings ...

This bill is a response to the building system review expert panel established due to the final report of the Victorian Cladding Taskforce and the Commonwealth *Building Confidence* report, which highlighted construction and cladding issues. This panel made a recommendation for a comprehensive review of Victoria's building system and is conducting a root-and-branch examination of Victoria's building regulatory system.

The government has placed consumer protection at the centre of the process, heralding a new era for the integrity of building regulation in Victoria. The government has become increasingly aware that major defects in residential buildings cost Victoria \$675 million each year, with residential apartments making up two-thirds of this cost. Incidents and the uncovering of poor building standards have shaken public trust, calling for urgent action to rectify the systemic issues plaguing the building industry. The Building Legislation Amendment Bill 2023 represents a comprehensive response to these challenges. It introduces a range of measures designed to enhance accountability, transparency and professionalism within the building sector.

The bill will create the following reforms. It will formalise and strengthen the role of the state building surveyor. This is a role already established within the Victorian Building Authority, but this legislation will give it a statutory role as the primary source of expertise and technical guidance for the building and plumbing regulations, codes and standards. It establishes a building monitor to represent domestic building consumer interests in the building system. It will expand the categories of building practitioner that will be required to be registered, to enable the regulation of building designers, project managers, site surveyors and building consultants. The bill enhances the building approvals process by introducing further safeguards to better inform consumers with an information statement and requiring building manuals to be prepared for certain classes of buildings. It will strengthen information sharing between statutory entities with a role in the building regulatory framework. It amends the distribution of the cladding rectification levy, and it strengthens and improves the governance arrangements of the Architects Registration Board of Victoria under the Architects Act 1991.

These reforms will establish a robust regulatory framework that reinforces the responsibilities of building practitioners. It sets out clear obligations for builders, designers and engineers, ensuring they adhere to high standards of competence and professional conduct. By imposing strict penalties for non-compliance, the bill promotes a culture of accountability, holding practitioners accountable for their actions and driving the industry towards a higher standard of quality.

As a former local government councillor, I can cite numerous examples where homes were constructed not in compliance with the planning and building approvals. The issue is that the teeth of the enforcement were not strong enough to be a disincentive, and that is what is being addressed in this bill. For example, one house was built with an additional dormer window put in that was not included in the plans, and the particular legislation that construction was subject to only allowed for a \$1000 fine. The consequence of not complying with the rule did not put off the non-compliance, so it just became a cost of construction and not really a disincentive.

Another example is a home that was built with an additional floor, but not an entire additional floor. It was like a verandah kind of thing. It was a lookout that was tacked onto the top, which also did not comply with the permit that they had been provided. Again, they were able to just apply for a retrospective permit and essentially got away with it. So it is really hard when the majority of people are complying with the rules and a few are not complying and just totally flouting the law, knowing full well that the consequence is not really going to play out very badly for them.

A comprehensive system of oversight and regulation for building products will be put in place with this legislation, which establishes a certification scheme to ensure that construction materials and products meet the necessary safety and quality standards. It sounds obvious, doesn't it? By requiring

mandatory testing and certification, the bill curtails the use of substandard and non-compliant products, safeguarding the structural integrity of our buildings and fostering public confidence in the safety of our built environment. This also includes new mandatory accessibility standards for homes and apartments, which will ensure these homes are suitable for occupants across the stages of their life. This is another example of the Andrews Labor government maximising the effect of reforms with mandatory accessibility standards, ensuring people can stay in their homes safely for longer, something of great importance for many communities.

Furthermore, the Building Legislation Amendment Bill 2023 enhances the powers of the Victorian Building Authority to enforce compliance and investigate potential breaches. The VBA plays a pivotal role in regulating the building industry, and these expanded powers will enable it to act swiftly and decisively against those who flout the rules. This stronger regulatory framework ensures that the VBA is equipped to detect and address issues proactively rather than merely reacting to incidents after they occur. Improvements will also be made to the Architects Registration Board of Victoria as a result of stakeholder feedback, with the composition of the board being amended to require a minimum of three members to be registered architects with leadership experience in the building industry.

Comprehensive stakeholder feedback was sought for this bill. Industry stakeholders, including the Housing Industry Association, Master Builders Victoria, the Municipal Association of Victoria and the Australian Institute of Architects, have been consulted on the bill. Broad consultation was also undertaken by the expert panel leading the building system review. The panel received 142 written submissions from stakeholders, including consumers, practitioners, unions, industry groups and local government, and engaged 40 key stakeholders in one-on-one discussions with eight workshops.

Responses to the panel's consultation informed the development of this bill. I am pleased there are real examples in this bill of the government responding actively to stakeholder and community feedback. For instance, the government has decided to remove an amendment that would have introduced an additional building inspection to be undertaken by a municipal surveyor, and it is important to note that the industry is generally supportive of reform in the building industry to deliver greater certainty and improve the confidence of the industry and regulators. I support this removal because we know that adding regulatory burden does not always produce the outcome that you need. Sometimes it just adds a further burden, and we do have a shortage of building surveyors.

It continues to strike me that much-needed reforms made by the Andrews Labor government strongly align strategically with other significant milestones and a vision for our state. We know that the Andrews Labor government recognises the importance of promoting sustainable and energy-efficient building practices. This bill includes provisions that align with Victoria's commitment to reducing greenhouse gas emissions and transitioning to a low-carbon economy. By prioritising energy efficiency and the use of sustainable materials, this legislation sets the stage for a more environmentally conscious building sector, reducing our ecological footprint and creating healthier living spaces for all Victorians and also creating jobs.

I was thrilled during the week to announce government funding for the construction of a new \$5 million innovation and design centre at South West TAFE's Sherwood Park campus, which will focus on providing renewable trade training. This was absolutely fantastic news for South West TAFE. The centre will include a large trades workshop and specialist equipment like green plumbing, solar and battery electrical systems, sustainable integrated building designs and new construction technologies. These renewable trade skills will augment the already growing renewable economy in south-west Victoria. These new emerging skills will play a role in the wind and solar sectors in our region and may even play a role in emerging technologies, some of which are under development at Deakin University in Warrnambool. I am very excited about the future development of hydrogen currently under construction at Deakin. We are going to have renewable trade expertise specifically in the space of renewable energy and technology developing side by side with possible future integration due to this government's leadership. I am very proud that this new investment will facilitate the

training of apprentices for future jobs in our carbon-neutral economy as well as having an established best practice for consumers due to the new regulations proposed in this bill.

In conclusion, overall it is crucial to acknowledge the broader context in which this bill is situated. The Andrews Labor government has shown unwavering dedication to addressing the systemic issues in Victoria's building system. It has taken significant steps to rectify the failures of the past and prevent future issues from emerging. This legislation is a vital step towards creating a safer and more accountable and sustainable built environment. By strengthening regulations, promoting professionalism and prioritising safety and sustainability, the bill lays the groundwork for a future where buildings are constructed to the highest standards and where confidence in the building industry is fully restored. I support the bill.

Melina BATH (Eastern Victoria) (17:52): I rise to say a few words this afternoon on the Building and Planning Legislation Amendment Bill, acknowledging the fact that this is a recycled bill, or one that has been brought back into the 60th Parliament after lapsing in 2022, with some minor parts removed for a later date. The main purpose of this bill is to amend the Building Act 1993. I just want to put on record that I concur with my Liberal colleague the Honourable David Davis that the amendments that the Liberals and Nationals have put forward to this building bill are most sensible and practical in relation to the changes that will apply all the way through a number of different acts in relation to the automatic mutual recognition of building practitioners, building employees and plumbers who are registered or licensed in other jurisdictions. So we are replicating this in various other acts. It is the same with the Architects Act 1991 for the automatic mutual recognition of architects who are registered or licensed in other jurisdictions and indeed for the Surveying Act 2004 for the automatic mutual recognition of surveyors who are registered or licensed in other jurisdictions.

I take up my colleague Mr Mulholland's point about the lack of surveyors in rural and regional Victoria. I know many of my councils in Eastern Victoria Region could expedite their processes considerably if they were able to attract and retain regional surveyors and municipal building surveyors in our fantastic part of the world. It is unfortunate. I know that they work as hard and as dedicatedly as they can, but they cannot duplicate themselves, so I put on record the importance of attracting people into rural and regional areas for work.

The main part of the bill that I would like to spend a little bit of time on is the protection of municipal green wedge land and the importance of it. I just want to reiterate the Nationals' strong commitment to green wedge zones and the protection of these valuable landscapes and distinctive areas. It is a requirement for councils to proffer and review green wedge management plans, and this bill provides a mechanism through which this can be implemented. We always like the word 'streamlined'. Sometimes streamlined can be more of a philosophy and an aspiration than an actuality, but this bill certainly seeks to streamline the process around endorsing a statement of planning policy for a distinctive area and landscape.

One of the beautiful parts of my electorate in Eastern Victoria Region is the Mornington Peninsula. Certainly it has a green wedge council, and it has done considerable work over a long period of time to find that balance, to work through planning and dwelling guidelines to create that green wedge zone and all the regulation that is required to sit on top of that, to get the balance between meeting the needs of a growing population – and people want to go and live in that magnificent area – and also having that balance and certainty for landowners, those people that want to build on land that is designated as green wedge zones, and businesses as well, to have that protection of distinctive areas and landscape. So it is an ongoing issue that needs to be dealt with sensitively and with respect and certainly acknowledging the fact that these also cost money to do – these plans. Whilst we certainly recognise the importance of green wedge management plans, sometimes there can be a requirement for councils to foot the bill for extensive consultation on this, and that can also have a bottom line and an impact on council financial implications. So it would be interesting if green wedge zones are brought up when we have the upper house inquiry into local government –

Harriet Shing: This is a different bill. This is the Building Legislation Amendment Bill.

Melina BATH: Yes, I am talking to it. In relation to the Building and Planning Legislation Amendment Bill, it is also really important to provide that clarity in the building industry. One thing that we have absolutely seen this last week is the uncertainty of construction materials, the supply of construction materials and the ability for Victorian builders to actually access those at a reasonable cost. We have seen when we are looking at builders that the carpentry can actually represent up to 20 per cent of the cost of the average new home –

Harriet Shing: This is a different bill. You're talking about the planning bill; this is a different bill.

Melina BATH: I am looking at the Building and Planning Legislation Amendment Bill, and I am speaking about construction.

Harriet Shing: That's from earlier this year.

Melina BATH: What I am making a point of in relation to the Building Legislation Amendment Bill is the fact that, because of the Andrews government's decision on 22 May to close down the native timber industry, we are going to be footing the bill for construction materials – hardwood timbers – from either overseas or from New South Wales or from Tasmania, where they are still able to have a hardwood timber industry and support that. It is going to make it ever so much harder for our local builders to access that construction material and to work in this way. What we also know is that over the past 18 months we have seen the cost of a new home go up by 20 per cent, power prices have gone up and again only recently we saw that they have gone up both in the domestic sphere and also in the commercial. Those prices, borne again in construction material – glass, steel, windows and bricks – are all going to have to be factored into the cost of new construction.

Harriet Shing: We passed this bill earlier this year. You're on a different bill. This is the Building Legislation Amendment Bill, not building and planning.

Melina BATH: Yes. Thank you. I have just nominated that we are speaking on the building registration amendment bill.

Harriet Shing: The Building Legislation Amendment Bill, Mel. You're on the wrong bill.

Melina BATH: Minister, you can have your chance to sum up and make any comment you like at the end of this. That is fine.

My point around the building sector is that it is going to be, again, harder and harder for building practitioners to be able to access equipment, access construction material and support their industry and their welfare, and with that I say that the Nationals will not be opposing this bill. We do support Mr Davis's sensible amendments to the Building Act 1993, and we wait for the committee of the whole.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (18:00): We have heard a number of contributions today on this bill and indeed contributions on things like the green wedge which were the subject of building and planning amendment legislation which was passed earlier this year by the Parliament. That is worth noting by way perhaps of dispensing with some of the concerns that Ms Bath has just raised.

What I want to do is touch on the building regulatory system, which has not in fact been comprehensively examined since the early 1990s. We have seen around 30 years of change in the world which has not been matched by our regulatory system. Design and construction practices have changed in a really significant way, and there has been therefore a growing disconnect between the way in which the regulatory framework operates and industry practice on the ground. Several high-profile building failures in Australia and around the world have shaken the public's level of confidence and trust in the building regulatory system. As a consequence of this, it is necessary to lean into those

challenges and to create a more robust and consistent and accountable framework which, pleasingly, has the support of so many speakers in this chamber and indeed has enjoyed endorsement from speakers in the other place.

When I go to examples of what has occurred and has really challenged the sector and the industry and government, there is the use of combustible cladding and the 2014 fire at the Lacrosse building; the 2017 Grenfell fire in London, which was such a tragedy and really illuminated the challenges of the way in which materials are regulated; and the fire at Neo200 in 2019 here in Melbourne's CBD was a really big wake-up call as well. The cost of this combustible cladding crisis has been substantial, and there is also a human cost, so the stress on home owners around that uncertainty as well as the risk to health and safety. This is where we introduced, as people would recall, a \$600 million package to fix buildings with high-risk combustible cladding. Residential buildings across Victoria are costing, as a consequence of major defects, around \$675 million every year, and residential apartments make up about two-thirds of that cost.

This bill, the Building Legislation Amendment Bill 2023, delivers a lot of reform to the building system in a way that directs change to those areas of deficiency that have been identified. At the heart of this bill is consumer protection and the way in which that leads to a range of remedies but also to processes which inspire a greater level of rigour and therefore public trust and confidence in the way in which the system operates.

There is a process whereby the recommendations of the building system review expert panel will be delivered, again lending greater measures of confidence to the industry and ensuring that we do have safe, compliant and durable housing and buildings. We have seen, as I said earlier, that these reforms are necessary – and I want to touch very briefly on a summary of what it is that many speakers in this chamber this afternoon have gone through – in formalising and strengthening the role of the state building surveyor with a statutory role as the primary source of expertise and technical guidance; establishing a building monitor to make sure that consumer experiences are at the heart of monitoring systemic issues in the industry; expanding the categories of building practitioner that will be required to be registered and also ensuring that practitioners have the relevant level of expertise and skill and qualifications to be performing key roles in the industry; and enhancing building approvals processes by introducing further safeguards so that consumers are better informed and can make better choices because of the information that they are provided in preparing to make surveyors part of the building manual and building requirement processes and information statements as well. We all know that the provision of information, where it is well prepared and where it is targeted at relevant audiences, does change consumer behaviour and does improve outcomes and reduce risk.

Amending the distribution of cladding rectification levies provides greater flexibility to determine how that cladding levy should be directed to support the rectification of buildings which are found to have non-compliant combustible cladding. There is also a strengthening and improvement of governance arrangements of the Architects Registration Board of Victoria under the Architects Act 1991.

Mr Davis has spoken to a number of components of the amendments. The amendments attempt to limit the scope created by this bill to require the roles of building practitioners, site supervisors and a building consultant to be registered. The bill itself only creates a power for government to regulate these roles, so the detail of the scope of work, qualifications and experience requirement will be determined through regulation, and this will also include consultation with stakeholders.

It is also important to note that, in relation to the building consultant category, the regulation-making process will consider any overlap with the authorised activities of other registered practitioners, such as building surveyors. This notes the distinctions between different practitioner types. For example, building consultants are intended to provide quality checks at defined stages of a build or to be engaged post occupation to investigate potential defects in a building. This is expected to include people who carry out due diligence inspection work, fire safety installers and maintenance providers, specifically those who are not engineers or plumbers already subject to a registration and licensing requirement,

which we know is within the purview of a separate system. Disability access consultants, energy efficiency consultants and building supervisors play a regulatory role in providing independent oversight of building work to ensure that this work complies with standards and requirements. The bill also acts on the building system review expert panel's recommendation to regulate the role of a site supervisor, and it will consider the kind of work that registered site supervisors will be authorised to carry out and related classes of buildings.

We want to make sure that we are not weakening protections for consumers and minimising oversight of the people who are carrying out work in high-risk buildings. As I said earlier on, major defects in residential buildings cost Victorians around \$675 million every year and residential apartments are about two-thirds of this cost. So there is a compelling process around making sure that regulation takes place in a way that is transparent, in a way that is consistent and in a way that delivers on the objects of the bill. And we want to make sure we have an ongoing engagement, such as that which has led to wide-scale approval and endorsement and support of these changes.

Again, looking at the architects engagement and the minimum of three architects as part of the panel work, this is an important development around making sure we have that relevant level of expertise, making sure that we have skills and qualifications that assist better decision-making and making sure that we do have those protections in place into the future.

I am looking forward to this matter going through to the committee stage and being able to answer any questions, including as they relate to the amendment, but also making sure that we are responding to stakeholder feedback around additional inspections and removing that otherwise duplicating process that would not in practice lead to a better outcome as a consequence. Industry is generally really supportive of reform in the building industry, as I have noted, where it delivers greater certainty and improves confidence in the industry and in regulators. To that end, I commend the bill for consideration in the committee and thank you, President, for this opportunity to sum it up.

Motion agreed to.

Read second time.

Harriet SHING: I move:

That the bill be committed to a committee of the whole on the next day of meeting.

Motion agreed to.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (18:10): I move:

That the house do now adjourn.

Tutor learning initiative

John BERGER (Southern Metropolitan) (18:10): (247) My adjournment this evening is for the Minister for Education in the other place, Minister Hutchins. Every Victorian family should be able to count on a great local school wherever they live and whatever their needs are. That is why I was proud to learn that this budget invests \$618 million to build nine new local schools and that this budget commits to planning and early works for three more schools. I am proud that one of the schools that will receive support in this budget is the Camberwell Primary School, to kickstart planning on upgrades.

Victoria is known as the Education State for a reason, and Labor will always invest in ensuring Victoria is a leader on the world stage with education. Our government knows that education is a great social equaliser. Giving Victorians the best learning opportunity means that we have a smarter, fairer and

more prosperous society. Every industry requires well-educated Australians, and early learning opportunities are the best way to ensure students can achieve their best.

We know through Australian and international research that effective learning intervention is achievable through tutoring and small group learning support. In 2021 the tutor learning initiative supported more than 185,000 students with over 8000 tutors, and in 2022 almost 160,000 students were supported with more than 7000 tutors. An independent evaluation found that tutors have strong and positive impacts in schools, with 88 per cent of primary school principals and 75 per cent of secondary school principals reporting improvements in student achievements because of tutors. Tutors are delivering great outcomes for students and assisting them to stay engaged with their education.

I am proud that the Andrews Labor government has supported schools to provide more than 435,000 opportunities for students to participate in intensive small learning groups at school. In this year more than 90,000 students have been supported by more than 4200 tutors, guaranteeing more kids the hands-on guidance and support they need to go further in school. More than 88,000 students in low-fee non-government schools have been able to receive targeted small learning group support in 2021–22. So far more than \$738 million has been invested in this initiative.

I have no doubt that for many young people this program will be what they need to have the best possible education. I personally know how big a difference it can make to students who just need a little bit of extra help. The program is part of this government's commitment to improving education throughout the state. So tonight the action I seek is for the minister to provide an update on how the tutor learning initiative has improved learning outcomes for children in my community of Southern Metropolitan.

Commonwealth Games

Gaëlle BROAD (Northern Victoria) (18:13): (248) My adjournment is to the Minister for Commonwealth Games Delivery. I call on the minister to provide comprehensive details of funding and time lines for the Commonwealth Games infrastructure promised for Bendigo. There was very little detail in last week's state budget.

One of the government's key promises was an athletes village to be built in Flora Hill, which would house up to 1600 people during the games. Afterwards it would provide much-needed affordable housing in the city. In the minister's own electorate increasing numbers of homeless people are sleeping rough in tents and cars. Just last week Haven Home Safe acting CEO Vanessa Brotto told the media that social housing in Bendigo is verging on an emergency. There are around 400 homeless people in Bendigo, with another 3000 on the waiting list for social housing. She said there was increased demand from people who have never needed to use Haven's services before. The shortage of housing is such that it is rare they can place someone in a house. Meanwhile, other groups such as the MADCOW homeless service have reported a sharp increase in people needing to use their shower and laundry services. The Bendigo Winter Night Shelter is also gearing up to provide emergency accommodation for the next three months to assist some of the homeless through the worst of the winter nights. The legacy of the athletes village as low-cost accommodation will provide a significant boost to the region.

In the lead-up to last year's state election the minister also promised the Bendigo showgrounds would be transformed for the games so the venue could host track cycling and table tennis and their para-sport counterparts, including a pop-up velodrome and a new 3000 square metre building at the site. The purpose of hosting the Commonwealth Games in regional areas was to build long-term infrastructure that will leave a legacy, but there have been no further details in the state budget. A lot is riding on these projects, and with the games just three years away it is imperative that the minister provides further details.

Western Metropolitan Region bus services

Moira DEEMING (Western Metropolitan) (18:15): (249) My adjournment matter is for the Minister for Public Transport. When will the government actually deliver the missing link for public transport services in the Western Metro Region, which is of course a world-class bus network, one that is frequent and direct and lines up with train timetables. The western suburbs have some of the fastest growing populations in Australia and yet we are constantly expected to put up with less by this government.

As stated in the research paper 'Better buses for Melbourne's west' by the University of Melbourne, most of Melbourne's west – unlike inner and middle suburbs elsewhere in the city – does not have tram networks and thus the benefit of the relatively dense network of frequent trams well suited to local trips. Our current system in the west is so inefficient and disjointed that using public transport is either far too painful or completely unrealistic. Standard waiting time for bus services in the west is a whopping 40 minutes. Countless experts, analysts and local councils have demonstrated the benefits to the environment, the community and the cost of living that would be achieved by the simple act of investing in and restructuring bus routes into grid networks of simple, frequent and direct services.

In the west we are sick of the promises and the endless business cases that go out of date and the projects that never start construction. I call on the government to make public transport truly accessible for people in the west by fixing our broken bus system.

Tamil community

Michael GALEA (South-Eastern Metropolitan) (18:16): (250) My adjournment matter is to the Minister for Multicultural Affairs in the other place. The action that I am seeking is for the minister to update the house on the support given to the Tamil community in the South-Eastern Metropolitan Region and across Victoria. The south-east is home to many in the Tamil community; they are a vibrant and integral part of my electorate. They are an active community that hold many cultural events that bring the community together and extend that culture to the broader community. I am glad to see the culture and tradition of Tamil Victorians being kept so strong, with 32,000 Victorians speaking Tamil language at home.

In the Victorian state budget the Andrews Labor government provided \$400,000 to support the Tamil Festival Australia. One hundred thousand dollars per annum from 2023 to 2026 will help to deliver this fantastic event, a much-anticipated event for the community and one I look forward to on my calendar. I had the pleasure of attending the Tamil Festival Australia this year, on 22 January, one of the first events I attended after being elected to represent the South-Eastern Metropolitan Region. It was fantastic to have a chance to speak at the festival, along with my fellow guest speakers.

I would like to thank Sivasuthan, Siva, for extending an invitation to the event and everyone who made me feel welcome and made the fantastic festival a success. The festival was alive, from the stalls, performances, dancing, music, cultural programs, exhibitions and workshops to the community Pongal. The funding provided in this budget will go a long way to keeping this festival as extensive and successful as it was this year. I was taken aback by the massive turnout to the festival this year, and I look forward to a repeat success in 2024.

In acknowledging the \$400,000 in funding for the Tamil Festival Australia, I repeat that the action that I am seeking is for the minister to update the house on the support being given to the Tamil community in the South-Eastern Metropolitan Region and across Victoria.

Timber industry

Melina BATH (Eastern Victoria) (18:18): (251) My adjournment debate matter this evening is for the Minister for Agriculture, so I am very pleased to see that she is sitting at the table and can listen to this. Minister, in your ministers statement today you made mention of the native timber industry. You mentioned mental health support and also intensive one-on-one case management. My adjournment

debate relates to the mental health support systems that must be in place for an industry that is undergoing catastrophic change.

The action I seek from you is to explain how you are going to implement a holistic mental health triage for mill operators and contractors who run haulage and harvest and their staff right across my Eastern Victoria electorate, including the towns of Orbost, Heyfield, Noojee, Bairnsdale and Drouin, for example, and also the Latrobe Valley. How are you going to implement and serve the mental health needs of the people in the industry? Is it going to be a telehealth system where they can phone a number? If so, what is that number? And how will you explain to those people in Eastern Victoria Region how they are going to be able to access that telehealth?

If it is one on one, what does that look like? Will they go to those individual towns? Will they set up a pop-up facility so that people can access it? I hope you recognise that these people are absolutely hurting, so their mental health is in a very vulnerable state, and they need to be able to access genuine support with professionals to work through both their change of situation and any potential concerns they have and distress they have within their family about the loss of income and the where to from now into the future. You have said on a one-to-one basis, so I would like you to explain that. You can explain through Australian Forest Contractors Association's Carlie Porteous, the CEO. I am sure she would take your call and receive that explanation. You can explain it through Deb Kerr, who is the Victorian Forest Products Association CEO – how her members are going to be worked and supported. I ask you to explain how you are going to help support the mental health of the native timber industry workers.

Stalking law reform

David LIMBRICK (South-Eastern Metropolitan) (18:21): (252) My adjournment matter today is for the attention of the Attorney-General and is related to the Victorian Law Reform Commission's report into stalking. I would like to acknowledge that the government have taken some steps to improve some elements of the justice system, making changes to the processes around personal safety intervention orders and working with Victoria Police to implement recommendations from the Victorian Law Reform Commission's interim report on stalking. The Attorney-General has also indicated the government's commitment to further work in this space, stating it on the record in previous debates and demonstrating it by referring the matter to the Victorian Law Reform Commission in the first place.

This inquiry represents a significant body of work. The combined interim and final reports total over 250 pages with 47 recommendations. The law reform commission received 115 submissions, and 254 people completed an online survey of their experiences of stalking. In addition to commending the team, which has produced a very detailed and comprehensive report, I would also like to quote the chairperson, the Honourable Anthony North KC, from the foreword of the report:

A special acknowledgement should be reserved for Aggie Di Mauro. In the depth of her despair from the death of her daughter Celeste Manno under terrible circumstances, she successfully pressed the Attorney-General to investigate the law relating to stalking to save others the grief which she has suffered.

The experts that have contributed to this report and the victims of stalking that have shared their experiences have helped to highlight an issue that has frequently been under-acknowledged, under-reported and poorly understood. The recommendations cover a range of areas, including justice system improvements, improved research and reporting, better education and improvements to both support services and assistance for victims of stalking in accessing both justice system options and support services. They also overlap with several recommendations from the report into the justice system, which the government is overdue to respond to.

It is good work, both comprehensive and innovative, but a response from the government has not yet been provided. The 254 people who completed the survey outlining the impact to their lives of stalking

behaviour are waiting for a response. My request for the Attorney is to provide a formal response to the law reform commission report or, at a minimum, provide a time line for the government's response.

Jewish Arts Quarter

Ryan BATCHELOR (Southern Metropolitan) (18:23): (253) My adjournment matter this evening is for the Minister for Small Business, and the action I seek is a request for more information on the multicultural traders precincts initiative, particularly the funding awarded in the recent state budget to establish the Jewish Arts Quarter in Elsternwick, which is in my electorate of Southern Metropolitan. The Jewish Arts Quarter in Elsternwick will stand as a testament to the artistic and intellectual achievements of the Jewish community. It will be a place where creativity will flourish in the spirit of innovation and expression will thrive. I am excited to see that the Andrews Labor government will commit an additional \$2 million to build this vibrant community facility right in the heart of Selwyn Street in Elsternwick, bringing the total state contribution to \$7 million.

Last week I visited the Jewish Arts Quarter to hear more about their plans for the site. The vibrant community will be not just a collection of buildings but a testament to the power of the arts to bring people together, to bridge gaps and to foster understanding and appreciation of the diversity of cultures we have right here in Melbourne. The Jewish Arts Quarter will serve as a reminder that creativity knows no boundaries and that artistic expression has the ability to unite us all.

Furthermore, this year we acknowledge the 75th anniversary of Israeli independence, and it is particularly important to recognise the remarkable journey of the state of Israel and its people. In just 7½ decades Israel has become a thriving nation and a beacon of arts and innovation in the Middle East. The Jewish Arts Quarter will be a celebration of the Jewish journey from ancient traditions to the modern day and recognise their contribution to arts and innovation across the world.

Last year at the 2022 election we promised to build, upgrade and renovate community infrastructure for the Jewish community, and this budget delivers on those commitments. We are making sure that there are spaces in our iconic multicultural precincts to come together, celebrate and share in culture and tradition. I am excited to see what is to come for the Jewish Arts Quarter. I am proud to lend my support to the project and cannot wait to work with the community to continue the great tradition of Jewish arts and culture in the Southern Metropolitan Region.

Metropolitan bus network

David DAVIS (Southern Metropolitan) (18:26): (254) My matter is for the attention of the minister for transport in the lower house, and it concerns his media release of 10 May this year, which lays out new Melbourne bus contracts, which he says will benefit passengers. He announced the process of recontesting 30 per cent of the metropolitan bus network, and he said that this is about greening fleets, he said it is about new buses and he said it is about zero emissions. We support all of those aims; however, there does appear to be a focus in this on excluding or squeezing out many of the established family businesses. Some have been operating bus lines for 50, 60 or 80 years in time, and those family bus lines have been very effective in delivering good services for the community and are prepared to work with the government to ensure that they continue to deliver those services.

We saw the government up to its tricks in 2017–18 when it sought to squeeze out the private operators. They made a series of threats that they would take over not only their buses and their intellectual property but their depots as well. It seems the same old fears are being reignited, because the government appears to be focused not on delivering for the local community or for the long-established bus networks but on squeezing out the established businesses that have worked well and built up services, often before public funding was involved. I am very concerned that the matter of compulsory acquisition of bus depots has been put into the mix. I am very concerned that the government appear to be heading towards a predetermined or preordained outcome where they squeeze out the established bus companies and actually insert a small number of big international or multinational companies. That would concern me greatly.

Yes, I understand the replacement of diesels; yes, I understand the zero emissions focus; and yes, I understand the need for network and other efficiencies. All of the bus companies and the bus association, as I understand it, are very prepared to work with the government to deliver better value for money for Victorians, rather than having big operators come in. We have seen how that did not work in the recent period. We have seen one large operator had to go because it was not up to scratch, unlike many of the small operators.

What I am seeking from the minister for transport is that he step back from this and actually work with the local bus companies to get the outcomes that he desires – to get the energy efficiency, to get the zero emissions, to get the better bus routes and to get the better value. That can be achieved without a totalitarian or left-wing approach that squeezes out established family businesses.

The PRESIDENT: Can I confirm, Mr Davis, that was for the Minister for Public Transport?

David DAVIS: Yes.

Deer control

Jeff BOURMAN (Eastern Victoria) (18:29): (255) My question is for the Minister for Environment. A constituent in Mount Eliza contacted me about a deer control program that Parks Victoria is conducting in the Gippsland Lakes national park. My constituent is one of about 50,000 recreational deer hunters in Victoria, and my electorate of Eastern Victoria really is a mecca for deer hunters. My constituent understands the need for sound deer management but is concerned particularly about the impact of this control on a particular species of deer – the hog deer. Hog deer are a very small species of deer, weighing around 50 kilograms, and their impacts, particularly when compared to sambar deer, are benign. Hog deer are also endangered in their native range, and Victoria is home to the only secure wild population remaining in the world.

My constituent wants to know what consideration was given to the hog deer in planning this control program, when the government will publicly release the pre and post control deer population counts and what consultation government agencies had with acknowledged deer experts such as the Australian Deer Association before embarking on this program.

Apollo Bay child care

Sarah MANSFIELD (Western Victoria) (18:30): (256) My adjournment matter is for the Minister for Early Childhood and Pre-Prep. The action I am seeking is for the minister to work with Colac Otway shire to find a way to ensure ongoing local access to childcare services for people in Apollo Bay.

Access to child care is profoundly lower across regional Victoria than in metro Melbourne. The female workforce participation rate, which is 57.7 per cent, is also lower than for men at 65.2 per cent. While there are many reasons driving women's workforce participation, access to child care is a significant factor, particularly in the Barwon region and even more so in remote towns such as Apollo Bay. The largest employing sectors for women are health care and social assistance, retail trade, education and training, and accommodation and food services, which are all experiencing significant workforce shortages. A lack of affordable housing in Apollo Bay is a key factor in not being able to get workers, and commuting workers from other towns who might be looking at a 2-hour drive is just not feasible.

The lack of child care is embedding inequality for women, who cannot return to work as they do not have adequate childcare options. Apollo Bay now also faces the devastating reality that its only childcare service will close its doors. Apollo Bay child care is a private operator providing the town's only childcare services out of buildings owned by Great Ocean Road Health. This space is now required by Great Ocean Road Health so they can expand their allied health services as soon as possible. The high cost of real estate in Apollo Bay and the lack of alternative suitable sites for childcare provision, plus the workforce shortage, means the owners of AB child care cannot afford to set up their business from an alternative site. This will create a desperate situation for working parents

who need child care in Apollo Bay and will have a dramatic impact on the capacity of local businesses and the provision of essential services. I ask the minister to commit to working with Colac Otway shire as a matter of urgency to ensure child care can continue to be offered in Apollo Bay.

Community food relief

Bev McARTHUR (Western Victoria) (18:32): (257) My adjournment matter is for the Minister for Disability, Ageing and Carers and concerns the budget's hidden cut to the regional food networks program. Initiatives like this are set up by ministers who milk positive publicity from generously distributing taxpayer cash, but when they come to be cut there is no accountability, no admission and no word of explanation or apology either to the service users or to those who work so hard in delivering to them. I am the last person to advocate unrestrained spending of public money, but the regional relief hubs show the effectiveness of a small team of paid staff harnessing a much larger team of volunteers. Two of the six hubs are in my electorate: Geelong Food Relief was receiving \$250,000 and Warrnambool and District Food Share \$100,000.

The service is hugely cost-effective: 685 volunteers collect, sort, store and distribute food across the hubs. The small paid staff recruit and organise their volunteer cohort and provide operational management, financial accounting and warehouse coordination. Remaining funding goes to power, rent, fuel and vehicle costs and bulk food purchase. With local management and volunteers, food distribution is efficient. Seventy-two per cent of the hub's intake is sourced locally. Geelong Food Relief, for instance, does 26 pick-ups daily from local supermarkets and manufacturers, sorts the items and gets them directly to where they are most needed. To quote one of the local provider's email:

Further, we are community hubs. A basic example from this morning: we had six participants from GenU and their carers arrive at the workplace, as they describe it. They have a sense of worth. The volunteers gain a sense of appreciation for those who are different. Our farmer is always happy, as the out-of-date bread is ready for the animals. This is community. None of this just happens. It takes safety processes, coordination, resources and funding. This is cost-effective, local spending supporting volunteers and enhancing communities.

The Geelong centre in turn provides 45 smaller agencies with 930 tonnes of free bulk nutritious food for cooking efficiently in volume and distributing locally. It also distributes directly to 15,000 families annually through its CBD mini-mart, which just the week before the budget extended its opening hours to cope with the growing demand. Shockingly, the cut to these services appears to affect only regional hubs. So, Minister, I ask you to allocate discretionary funding to allow these small, efficient community-driven enterprises to continue or alternatively to redistribute the available funding to reverse the unfair abolition of regional support while Melbourne programs remain.

St Augustine's College, Kyabram

Wendy LOVELL (Northern Victoria) (18:35): (258) My adjournment matter is for the Minister for Education, and it concerns the current bus services for St Augustine's College, Kyabram, students who reside in Tatura. The action that I seek is for the minister to ensure that dedicated school buses are introduced to cater for students residing in Tatura who attend St Augustine's College in Kyabram, saving them from the current practice of using the V/Line public bus system to get to and from school each day.

St Augustine's College, Kyabram is a P-12 Catholic school with a current student enrolment of 800 students. The student cohort at St Augustine's predominantly comes from the Kyabram township but also other towns in the surrounding area. One such town is Tatura, which is home to 45 St Augustine's students, and this number is expected to grow by up to 20 new students from Tatura next year. The Tatura students choose to attend St Augustine's College in Kyabram rather than a school in Shepparton, and this is a testament to the high standards of the school. The bus service to Kyabram also provides the most practical and quickest route for students from Tatura who choose to access a Catholic school education. In addition, Notre Dame College in Shepparton is full and would not have the capacity to accept a further 65 students, and the travel time to St Anne's College in Kialla,

which currently does not offer all year levels, would be considerably longer. With the number of students travelling from Tatura to St Augustine's expected to rise, it is concerning that there is no school bus service available to them.

I have recently been contacted by a year 8 student who resides in Tatura and who detailed the current transport arrangements for students attending St Augustine's. Students are forced to use the public V/Line bus service, and I am told they are regularly subjected to vile comments and intimidation by members of the public using the bus service. Because of the large number of public patrons, buses are normally overcrowded, forcing many students to sit on the floor of the bus, raising unacceptable safety concerns for the students. The students stated that there are regular fights at the public bus stop, and a St Augustine's student was recently assaulted by three assailants while waiting for his bus. On behalf of all students living in Tatura, the student who wrote to me asked why there was not a dedicated school bus service to transport the growing number of students attending St Augustine's. The minister should take action to spare these students from having to travel on the public V/Line bus system and provide a dedicated school bus system for the students travelling from Tatura to St Augustine's in Kyabram.

Timber industry

Renee HEATH (Eastern Victoria) (18:38): (259) My adjournment matter is for the Minister for Agriculture, and the action that I seek is that she outline the plan to deal with the myriad of consequences that the decision to shut the native timber industry brings to regional Victoria. Behind every policy there are people, and behind every industry is a community that relies on it. The impact of closing down the timber industry will be felt most by regional communities that are already struggling to provide employment in their area, especially in Gippsland, which is still recovering from the closure of Hazelwood, Carter Holt Harvey and the impending closure of Yallourn. This week, with the stroke of a pen, the government has destroyed a completely sustainable industry, and as a result it will destroy the communities that rely on it. As was reported in the *Sunday Herald Sun*, Mr Fenner from W & J Fenner Logging said:

If we all move interstate there will be no one to help out with bushfires, like the last time. I hope people realise that ...

Cr Dale Harriman, who was the chair of the National Timber Councils Association, said:

The Native Timber Industry supplies our only renewable and sustainable building product and has provided a living to regional Victorian families for nearly 200 years.

This decision has already cost workers their jobs and has left business owners with millions of dollars of equipment which is now close to worthless – this is equipment bought thinking they had until 2030 to continue with their work.

The Timber industry only accesses 6% of Victoria's native forests and harvests 4 out of every 10,000 trees a year. They provide the frontline resources and personnel to every bushfire at no cost to the community.

This decision will now put our entire native forests at risk as well as the native wildlife that make it home. In 5 years we will be facing unprecedented undergrowth fuel load, no access roads and no experienced timber workers to fight the inevitable fires.

The effects of this move from the government are catastrophic. Only an abusive and self-serving government would shut down an industry that is completely sustainable, knowing full well that the state does not have the resources to fairly compensate the communities that are affected.

In closing, I would like to acknowledge the incredible advocacy by my colleague Melina Bath. Week after week I have seen her stand in this place and fight for our community with facts and compassion. Although this has been ignored by the Labor government, I, along with our community, am so grateful. This fight is far from over.

Responses

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (18:41): There have been 12 matters that have been raised tonight, ranging from education, Commonwealth Games, public transport, agriculture and multicultural festivals to early childhood and planning. I thank members for their contributions. They will be referred to the relevant ministers.

Just on the point of assistance for workers, which was mentioned in my ministers statement and referred to by Ms Bath this afternoon, can I take this opportunity to encourage all affected workers to come forward and engage with the department. The government has announced that there will be a series of support mechanisms for directly affected workers, and we will continue to consult with workers, peak organisations, businesses and timber communities. The overarching concept, Ms Bath, is that this will be a just transition. We are aware that many workers are affected in many different ways, but this government is committed to a just transition for all workers. Can I also of course encourage people to make contact with the department and to make contact with the Department of Energy, Environment and Climate Action's forest transition team. There is also ForestWorks, and of course there are the skills and jobs centres, just to name a few.

The PRESIDENT: The house stands adjourned.

House adjourned 6:43 pm.