

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 1 SEPTEMBER 2022**

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## **The Governor**

The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

## **The ministry**

Premier. ....	The Hon. DM Andrews MP
Deputy Premier, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for Commonwealth Games Delivery .....	The Hon. JM Allan MP
Attorney-General and Minister for Emergency Services .....	The Hon. J Symes MLC
Minister for Training and Skills, Minister for Higher Education and Minister for Agriculture .....	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development, Minister for Industrial Relations and Minister for Trade .....	The Hon. TH Pallas MP
Minister for Planning. ....	The Hon. EA Blandthorn MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers .....	The Hon. CW Brooks MP
Minister for Police, Minister for Crime Prevention and Minister for Racing. ....	The Hon. AR Carbines MP
Minister for Public Transport, Minister for Roads and Road Safety, Minister for Industry Support and Recovery and Minister for Business Precincts .....	The Hon. BA Carroll MP
Minister for Energy, Minister for Environment and Climate Action and Minister for Solar Homes .....	The Hon. L D'Ambrosio MP
Minister for Tourism, Sport and Major Events and Minister for Creative Industries .....	The Hon. S Dimopoulos MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Local Government and Minister for Suburban Development .....	The Hon. MM Horne MP
Minister for Education and Minister for Women. ....	The Hon. NM Hutchins MP
Minister for Corrections, Minister for Youth Justice, Minister for Victim Support and Minister for Fishing and Boating .....	The Hon. S Kilkenny MP
Minister for Commonwealth Games Legacy and Minister for Veterans .	The Hon. SL Leane MLC
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Housing .....	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources .....	The Hon. JL Pulford MLC
Minister for Water, Minister for Regional Development and Minister for Equality .....	The Hon. H Shing MLC
Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport and Minister for Youth. . . .	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood and Pre-Prep .....	The Hon. I Stitt MLC
Minister for Health and Minister for Ambulance Services. ....	The Hon. M Thomas MP
Minister for Mental Health and Minister for Treaty and First Peoples. . .	The Hon. G Williams MP
Cabinet Secretary .....	Mr SJ McGhie MP

## **Legislative Council committees**

### **Economy and Infrastructure Standing Committee**

Mr Finn, Mr Gepp, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Tarlamis.

*Participating members:* Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Vaghela and Ms Watt.

### **Environment and Planning Standing Committee**

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.

*Participating members:* Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

### **Legal and Social Issues Standing Committee**

Ms Burnett-Wake, Mr Erdogan, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

*Participating members:* Dr Bach, Ms Bath, Ms Crozier, Dr Cumming, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

### **Privileges Committee**

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

### **Procedure Committee**

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

## **Joint committees**

### **Dispute Resolution Committee**

*Council:* Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

*Assembly:* Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula and Mr R Smith.

### **Electoral Matters Committee**

*Council:* Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

*Assembly:* Ms Hall, Dr Read and Mr Rowswell.

### **House Committee**

*Council:* The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.

*Assembly:* The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Mr Fregon, Ms Sandell, Ms Staley and Ms Suleyman.

### **Integrity and Oversight Committee**

*Council:* Mr Grimley.

*Assembly:* Mr Halse, Mr Maas, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

### **Pandemic Declaration Accountability and Oversight Committee**

*Council:* Ms Crozier and Mr Erdogan.

*Assembly:* Mr J Bull, Mr Eren, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

### **Public Accounts and Estimates Committee**

*Council:* Mrs McArthur and Ms Taylor.

*Assembly:* Ms Connolly, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

### **Scrutiny of Acts and Regulations Committee**

*Council:* Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

*Assembly:* Mr Burgess, Ms Connolly and Mr Morris.

## **Heads of parliamentary departments**

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

*Council:* Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

*Parliamentary Services:* Secretary: Ms T Burrows

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

**President**

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

**Deputy President**

The Hon. WA LOVELL

**Acting Presidents**

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

**Leader of the Government**

The Hon. J SYMES

**Deputy Leader of the Government**

The Hon. GA TIERNEY

**Leader of the Opposition**

The Hon. DM DAVIS

**Deputy Leader of the Opposition**

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	McIntosh, Mr Thomas Andrew <sup>9</sup>	Eastern Victoria	ALP
Bach, Dr Matthew <sup>1</sup>	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Meddick, Mr Andy	Western Victoria	AJP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Melhem, Mr Cesar	Western Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	Mikakos, Ms Jenny <sup>10</sup>	Northern Metropolitan	ALP
Burnett-Wake, Ms Cathrine <sup>2</sup>	Eastern Victoria	LP	O'Donohue, Mr Edward John <sup>11</sup>	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Dalidakis, Mr Philip <sup>3</sup>	Southern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Quilty, Mr Timothy	Northern Victoria	LDP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Erdogan, Mr Enver <sup>4</sup>	Southern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas Christopher <sup>5</sup>	Western Metropolitan	DLP	Shing, Ms Harriet	Eastern Victoria	ALP
Garrett, Ms Jane Furneaux <sup>6</sup>	Eastern Victoria	ALP	Somyurek, Mr Adem <sup>12</sup>	South Eastern Metropolitan	Ind
Gepp, Mr Mark	Northern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Symes, Ms Jaclyn	Northern Victoria	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Tarlamis, Mr Lee <sup>13</sup>	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne <sup>7</sup>	South Eastern Metropolitan	ALP	Taylor, Ms Nina	Southern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Limbrick, Mr David <sup>8</sup>	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai <sup>14</sup>	Western Metropolitan	Ind
Lovell, Ms Wendy Ann	Northern Victoria	LP	Watt, Ms Sheena <sup>15</sup>	Northern Metropolitan	ALP
McArthur, Mrs Beverley	Western Victoria	LP	Wooldridge, Ms Mary Louise Newling <sup>16</sup>	Eastern Metropolitan	LP

<sup>1</sup> Appointed 5 March 2020

<sup>2</sup> Appointed 2 December 2021

<sup>3</sup> Resigned 17 June 2019

<sup>4</sup> Appointed 15 August 2019

<sup>5</sup> LP until 24 May 2022

Ind 24 May–2 June 2022

<sup>6</sup> Died 2 July 2022

<sup>7</sup> Resigned 23 March 2020

<sup>8</sup> Resigned 11 April 2022

Appointed 23 June 2022

<sup>9</sup> Appointed 18 August 2022

<sup>10</sup> Resigned 26 September 2020

<sup>11</sup> Resigned 1 December 2021

<sup>12</sup> ALP until 15 June 2020

<sup>13</sup> Appointed 23 April 2020

<sup>14</sup> ALP until 7 March 2022

<sup>15</sup> Appointed 13 October 2020

<sup>16</sup> Resigned 28 February 2020

**Party abbreviations**

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

DLP—Democratic Labour Party; FPRP—Fiona Patten's Reason Party; Greens—Australian Greens;

Ind—Independent; LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party



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**Thursday, 1 September 2022**

**The PRESIDENT (Hon. N Elasmr) took the chair at 9.34 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The PRESIDENT (09:34):** On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

**Papers**

**PARLIAMENTARY INTEGRITY ADVISER**

*Report 2021–22*

**The Clerk:** I lay on the table the parliamentary integrity adviser's report 2021–22, as required by section 4(b) of the resolution of the house of 30 April 2019.

**PAPERS**

**Tabled by Clerk:**

Auditor-General's Report on The Effectiveness of Victoria Police's Staff Allocation, September 2022  
(*Ordered to be published*).

Sentencing Act 1991—Sentencing of emergency worker harm offences: Review into the operation and effectiveness of the *Sentencing Amendment (Emergency Worker Harm) Act 2020*.

**Business of the house**

**NOTICES**

**Notices of motion given.**

**ADJOURNMENT**

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (09:39): I move:

That the Council, at its rising, adjourn until Tuesday, 13 September 2022.

**Motion agreed to.**

**Members statements**

**WINCHELSEA MEMORIAL CAIRNS**

**Mrs McARTHUR** (Western Victoria) (09:39): I want to pay special tribute to various people who were involved in the Winchelsea RSL opening of the memorial cairns. I was very pleased to be there on 21 August along with my federal colleague Dan Tehan and my state colleague Richard Riordan, who spoke very eruditely about this very important institution that has now been erected in Winchelsea, which commemorates those Winchelsea locals who have fallen in various battles. I want to pay particular tribute to Christine Alsop and Kevin Bennett. Unfortunately Kevin passed away before the unveiling, but they were instrumental in collating all the names of the locals whose names are on these memorial cairns. It is a beautiful place, and it has been very well presented and done. I was certainly very pleased to be there, as were my colleagues. I pay tribute also to David Kelly, who

worked very hard to make sure everything was done properly so that we could unveil the cairns in an appropriate way and pay tribute to an extraordinary number of local Winchelsea people.

### **GIPPSLAND NEW ENERGY CONFERENCE**

**Mr McINTOSH** (Eastern Victoria) (09:41): I rise to inform the Parliament that on 11 and 12 August I attended the first-ever Gippsland New Energy Conference in Sale. There is \$40 billion in investment planned across offshore wind, solar, large-scale battery, waste to energy, hydrogen production and zero-emissions vehicle manufacturing in the Gippsland region. This investment will create thousands of jobs. Over the coming years I will be meeting with local tradies, businesses, TAFEs and community groups to talk about how local families can thrive off this investment for a generation. The conference was organised by a local grassroots community organisation, the Gippsland Climate Change Network, with support from the Latrobe Valley Authority and Wellington shire. The organisers, particularly Kate Foster and Darren McCubbin, did a fantastic job, and I congratulate them on a brilliantly run event that included many, many community groups. The conference was attended by Sale Catholic college and Gippsland Grammar students as well as members of the Gippsland Community Power Hub, Friends of the Earth, Gippsland climate action network, Energy Innovation Co-operative and the Earthworker Cooperative. The conference was evidence of the positive impact of strong commitments, investment and leadership shown by the government in regional Victoria. Over the last decade Victoria has been leading the transition to new jobs under the leadership of Minister D'Ambrosio, and this will mean more jobs for Victoria sooner. Victoria is now the leader in offshore wind as the nation moves to a low-emission economy. Not only will the jobs service Victoria, but the rest of the country will require the technical manufacturing and construction skills that we will possess first. I am proud this government has led the nation.

### **GOORAMBAT VETERANS RETREAT**

**Ms MAXWELL** (Northern Victoria) (09:42): Last week I visited Goorambat Veterans Retreat, run by former army staff officer and veterans welfare advocate Phil Thomson. Phil is supported by his wife, Jo, who runs an associated social enterprise called the Diggers Wife Cafe. Goorambat is a wheat belt community near Benalla that is home to almost 300 people. Since late 2019 this not-for-profit charity has been transforming the old primary school into a retreat for Australian Defence Force veterans and their families. It offers emergency accommodation and support for those challenged by the return to everyday life or facing personal hardship. The last census identified 5900 former defence personnel living in Shepparton, Wangaratta, Euroa and Mansfield, but almost 2000 are not connected with Veterans' Affairs. Among all of them are those who look to Goorambat for respite, support and recovery. Some are identified as young, having left the ADF in the past 22 years, and they include 18- to 24-year-old ex-servicemen, who tragically suicide at twice the rate of Australian men in the same age range. The veterans retreat has worked hard to win state and federal grant support, but demand is high. More is needed, and the hunt for funds is constant. I invite the Minister for Veterans to visit Goorambat and hear what can be done to help this vital service, and I extend my best wishes to Phil Thomson, who has done an absolutely incredible job of maintaining and creating this incredible retreat.

### **JOBS AND SKILLS SUMMIT**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (09:44): I want to make a comment regarding the Jobs and Skills Summit that is occurring in Canberra. You would hope something useful does come out of it. But let me just make it quite clear here that there are a number of key points that are being dealt with there relating to skills shortages, and we all know the challenges across the economy. In Victoria's case immigration is important—targeted immigration to deal with areas of need and sectors of need. Victoria, unlike the other states, has had its population fall over the last two years—a catastrophic fall in population. In fact in one year Melbourne's population fell by 60 000. That is a very significant impact. We actually need to deal with these workforce shortages in a constructive way. I welcome the discussion at a national level of those issues, but the state

government does need to be focused on this as well. Health and hospitality are two areas; indeed agricultural workers is a clear area. I would just say to the community that we have really got a significant issue to turn around in Victoria's case because our population has been falling over two years under this government with the world's longest lockdown, the biggest mistakes made by this government and the highest death rate in the country—a terrible and catastrophic situation in Victoria. That has got to be turned around. Immigration, specifically targeted immigration for sectors and areas of need, is very important.

### EID AL-FITR

**Mr ERDOGAN** (Southern Metropolitan) (09:46): Last Friday I had the honour of attending a multicultural celebration of Eid at Broadmeadows town hall. Although it was a belated celebration, it was still a fantastic evening celebrating the vibrant multicultural communities in Melbourne's north. The night involved dance and music performances, awards to acknowledge some of the outstanding community organisations and businesses, as well as some delicious food to go with it.

I was joined by several other community leaders, representatives and dignitaries: His Excellency the High Commissioner of Pakistan, the Consul General of Pakistan, the Honourable Andrew Giles, Peter Khalil, Marie Vamvakinou and obviously a whole raft of the state Labor team, a team that is committed to multiculturalism. There are so many names to list here, but I will do so in recognition of their contribution: Minister Ros Spence, Minister Natalie Hutchins, Minister Lily D'Ambrosio, Deputy Speaker Natalie Suleyman, my Legislative Council colleagues Dr Kieu and Sheena Watt, and Minister Colin Brooks.

I would like to acknowledge in particular Dr Naveed Mughal for his work in organising this fantastic event. I was amazed by his ability to bring so many different multicultural communities together: members of the Indian community, Pakistani community, Bengali community, Iranian community, Afghani community and some of the African communities—just to name some of them. It is not exclusive; there were many, many more. It is fantastic to have these celebrations, and it was a fantastic evening, which I enjoyed. I want to wish everyone Eid Mubarak.

### KUNYUNG ROAD, MOUNT ELIZA, LAND REZONING

**Mr HAYES** (Southern Metropolitan) (09:47): Three parcels of pristine green wedge space with native wildlife thriving hang in the balance at Kunyung Road, Mount Eliza. Passionate community members have been lobbying for these significant spaces to be conserved as a natural and historical wonderland, but some hard work needs to take place. This is why I raise the issue in this place. At these two sites the government has some tools for control to ensure they are protected. The first site is a parcel of land purchased by multinational healthcare group Ryman, with proposals for a high-density nursing home. At present the land is zoned as special use, but the government is currently sitting on amendment C270 to rezone the space as green wedge. The government should, I believe, follow through on approving the amendment, giving local residents the best chance to maintain this stunning place for a parkland. The second site, which is already Crown land, simply needs to have its ownership transferred to Parks Victoria. That can and should be done. With some rehabilitation it will be a wonderful space for wildlife and for the community. Our green wedges are important and rapidly disappearing. We must do everything we can to protect them. Mount Eliza is a great place to start, as the gateway to the Mornington Peninsula. A chain of green wedge parks running down to the beach here would benefit not just the community but the masses of visitors and tourists who pass through this coastal town each year.

### ONAM FESTIVAL

**Mr TARLAMIS** (South Eastern Metropolitan) (09:49): Recently I had the pleasure of attending a wonderful Onam celebration at the Springvale town hall organised by the Malayalee Association of Victoria. At this event the vibrant and growing Malayalee community came together to celebrate Kerala's traditional harvest festival and welcome the new season. This festival is celebrated not only

in Victoria but by communities of people all around the world. It was a great opportunity to share this vibrant culture, enjoy traditional dishes and spread the message of unity with the community.

This event was also dedicated to acknowledging the amazing work of our dedicated and passionate healthcare workers, nurses and midwives, reflecting on the sacrifices they have made on the front line during the pandemic by staying away from their own families and loved ones to keep them safe while fighting to keep everyone else safe too. This was quite special, given a large proportion of those in attendance were nurses, midwives or from the healthcare sector. The successful event ran throughout the day and was attended by around 1500 people of all ages. It featured activities, events, traditional cultural performances and a traditional meal.

I want to thank the Malayalee Association of Victoria for allowing me to be part of this beautiful and special Onam celebration. The work that this organisation does and events like this celebration are instrumental in preserving, promoting and retaining the culture and traditions of Kerala and the Malayalam language for future generations as well as creating awareness and understanding by the wider Australian community. Events like this that share and celebrate our diverse cultures contribute so much to our vibrant multicultural state, and the strength of our diversity is something for which we should all be proud. I know it is certainly something that I am proud of.

#### WESTERN RENEWABLES LINK

**Mr GRIMLEY** (Western Victoria) (09:50): The Western Victoria Transmission Network Project has a new name, the Western Renewables Link. The new name makes the assertion that groups who oppose the project are against renewable energy, and this could not be any further from the truth. Groups such as Stop AusNet's Towers are all for renewable energy. However, they are against big ugly powerlines running through their properties destroying their farms and their communities. This project has been a disaster from the start. Federal Labor MP Catherine King said in an article in the Ballarat *Courier* a few weeks ago that:

It is increasingly clear to all of us the northern corridor proposed to build the transmission lines and the transfer station at Mt Prospect is unviable ...

The project needs to go back to the drawing board and have an active community participation that includes responding to the concerns, not just listening to them.

#### CLERK OF THE LEGISLATIVE COUNCIL

**Mr GRIMLEY:** On a very quick note as we near the pointy end of the season, I want to wish our esteemed Clerk, Mr Andrew Young, all the very best. I know there is another week to go. You will be sincerely missed in this place. You have done a tremendous amount of work for me and my party. Like I have always said, only good things come from Western Australia, and you are a prime example of that. All the best, mate.

#### BRAYBROOK SPORTING CLUB

**Dr CUMMING** (Western Metropolitan) (09:51): I stand to congratulate the Braybrook football club on their fantastic season. The Braybrook Sporting Club is a historic football club that was founded in 1874 and is one of the league's most successful clubs, having won over 40 premierships. Braybrook currently holds the record in Australia for the club that has produced the most homegrown AFL and VFL players. They include Ted Whitten, George Bisset, Brian Wilson and Dougie Hawkins. It is a multicultural community-based club with a great family and social atmosphere. Last weekend both the reserves and seniors teams took on Sunshine Heights Football Club, and their wins have taken them into the preliminary finals. The seniors defeated Sunshine Heights, as did the reserves. The preliminary finals will be kicked off on Sunday at Pennell Reserve in Braybrook. The reserves will take on Wyndham Suns Football Club, followed by the seniors taking on Albanvale Football Club.

The Braybrook club rooms need to be upgraded. I will continue to fight for an election promise from either this government or the opposition as Braybrook deserves the best. If you have ever been to the

Braybrook football club and the club rooms—they are the oldest club rooms, I would actually say, in the whole of Victoria, and they deserve an upgrade. Come on, Brookers.

### **COUNTRY FIRE AUTHORITY PORT FAIRY STATION**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture)

#### **Incorporated pursuant to order of Council of 7 September 2021:**

Last month I had the great pleasure of officially opening the new state-of-the-art Port Fairy Country Fire Authority (CFA) station.

It was great to see the ecstatic response from the CFA members and their community, and I thank the 33-strong brigade for their patience with a project that was a long time coming.

I'm confident that the new facility will show the region's younger members that they can make a contribution to their community in a safe space that caters for diversity.

How good it is that the brigade was able to move their unique, iconic table into the new station. It features the insignias that are special to a unit that dates back to 1905.

A shout-out too to the SES crew that will co-locate to the CFA site when its new facility is completed during next year, with the aim of being operational by the end of June.

This will be a fantastic step up from their current situation, where their equipment and activity are spread over three different sites.

Volunteering continues to be strong in regional Victoria, and both units are part of the fabric of their community in the south-west.

I congratulate and thank Hugh Worrall, captain of the CFA unit, his brigade members and VICSES unit controller Stephen McDowell and his crew for their dedication and contribution, often as first responders, in situations which put their personal safety at risk and often involve trauma.

All deserve fit-for-purpose facilities, and the investment by the Andrews Labor government of \$2.7 million in the CFA station and more than \$4 million for the SES unit will achieve this.

### **RAY HORSBURGH**

**Mr MELHEM** (Western Metropolitan)

#### **Incorporated pursuant to order of Council of 7 September 2021:**

Today I rise to pay tribute to and acknowledge the passing of an exceptional individual and friend, Ray Horsburgh.

A captain of industry, a supporter of fair rights for workers and a well-known figure within the Williamstown and Spotswood area, Ray had a passion for manufacturing and football.

Ray started his career at ACI glassworks in Spotswood, rising to become the chief executive of Smorgon Steel for 15 years till 2007.

He was highly respected within the industry and amongst workers and unions alike. Ray had a great working relationship with AWU and always believed in a worker's right to organise and a fair go for all.

Ray also believed in giving back to the community. He held many board positions, including president of Essendon Football Club, chair of Toll Logistics and chair of the VFL commission.

His tireless works were acknowledged with an Order of Australia Medal in 2006.

Ray passed unexpectedly on 6 August 2022. I send my deepest condolences to his wife, Pam, family and friends.

He was a man of steel and a true leader.

Vale, Ray Horsburgh, and thank you.

**Business of the house****NOTICES OF MOTION**

**Mr TARLAMIS** (South Eastern Metropolitan) (09:53): I move:

That the consideration of notices of motion, government business, 683 to 730, be postponed until later this day.

**Motion agreed to.**

**Bills****RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION  
AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022***Second reading*

**Debate resumed on motion of Ms SHING:**

That the bill be now read a second time.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (09:54): This is the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. The purposes of this bill are to provide for Homes Victoria to provide community impact statements with certain applicants for a possession order; to provide for Homes Victoria to specify certain areas to be common areas; to amend the Housing Act 1983 and to amend the Residential Tenancies Act 1997 in relation to the provision of affordable housing; to amend the Housing Act in relation to the functions and constitution of Homes Victoria, formerly known to most of us as the director of housing, and to establish an advisory board; to extend the default commencement date for the Social Services Regulation Act 2021; to extend the operation of regulations under the Supported Residential Services (Private Proprietors) Act 2010; and to make some other consequential amendments.

We want to ask some questions in committee about appointment to this new Homes Victoria advisory board. How will that be shaped? How will the government go about this? What will be the criteria? I think these are legitimate questions, and I put the minister on notice that we will ask some points around that. There are also questions about the joint ventures that are proposed and how these will operate. Will the surpluses or any profits or uplift be directed into Treasury or will they be siphoned off for other purposes? If so, what purposes, under what criteria? How will that operate and who will have control of that? We will seek some clarity on some of those points.

There are issues about the position of tenants. I notice a number of points have been raised by the Scrutiny of Acts and Regulations Committee concerning these issues, and I have not seen a response from the minister. It may be that I do not have the very latest, but SARC said it would write to the minister seeking further information as to whether or not clauses 4 and 5, to the extent they permit or require VCAT to have regard to de-identified evidence provided by one party to a proceeding, are compatible with the charter. If the minister has responded, she may want to make that letter available.

I should also point out some broader comments around social housing at the moment. We strongly support greater options and models for social housing. We do depart from the government with respect to the special arrangements that have been put in on planning requirements. We believe councils and local communities ought to have a say on the future of their municipalities. I just want to make it clear that in that respect we have some different views from the government.

I also want to make clear that we think there is no provision made in the Housing Act for disallowance. We believe there should be opportunities to disallow things that are done by Homes Victoria, and I will distribute some amendments. We propose to insert new provisions to allow for disallowance.

**Opposition amendments circulated by Mr DAVIS pursuant to standing orders.**

**Mr DAVIS:** The short story with this amendment is it inserts a set of arrangements that allow for disallowance by either house of Parliament. A number of these bodies have become very distant over time, unaccountable bodies, and it is time that they were made more accountable to the Parliament and the broader community. In that respect we think the disallowance amendment is a justified amendment. It is a moderate amendment. Why it is not part of the normal regime as it is now I do not know, but the minister may want to make comment on that and why she either supports or does not support the approach that we have adopted with this amendment.

With those comments, I do not want to drag this on any longer than is required, but I will make the point again that we see that the provision of public and social housing has been largely a failure by this government. Waiting lists have increased massively since 2014. Those waiting lists reflect very unfortunate outcomes for so many people. We are prepared to look at a range of different models for provision. However, I do make this point: the model should be accountable and there should be proper arrangements in place to hold the bureaucrats and others to account.

As I have also said, we do believe that where new stock is built, that should have the planning involvement of the local community and the local council. We do not agree with special amendments VC187 and VC190 and the like, which provide all power to the minister to make whatever planning decisions they want and also provide in a number of cases the ability to even proceed without consultation. We think that is an overreach, and we think accountability is very important here—hence, by the way, the disallowance amendment.

**Mr GEPP** (Northern Victoria) (10:01): It delights me, I have got to say, to be able to rise to talk about the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. No, this is not a valedictory because I get to talk for the next 15 minutes about public housing, but it is a delight to be able to do so. I have spoken many times in this place about the need in Victoria for public housing, social housing and affordable housing and how important it is for people on low incomes who are struggling in a variety of different ways to be supported, because if you have not got a roof over your head, if you have not got that basic human right, then you will struggle in every aspect of your life, and we know that. We also know that if you are in housing that is unaffordable and it is taking up the lion's share of your income just to maintain that roof over your head, that leads to a series of other socio-economic problems for you.

There is no greater cause in my view in this place than for us to pursue the very basic right for all of our citizens to have affordable housing—an affordable roof over their head. It gives you dignity, it gives you opportunity and it gives you a basic standard, and if we cannot get that right then everything else we talk about is just white noise. It is white noise to those people who have not got the opportunity to go home at the end of their day, whatever that day has entailed. If they have got nowhere to go or the place that they are going to is so unaffordable that it causes stress in all other aspects of their life, then, as a wise person once said back in 1970, 'Houston, we have a problem'.

I am thrilled; as my time in this place draws to a close, it causes me to reflect on my time here and all of the issues that we have dealt with—and we have dealt with many, many hundreds of different issues while I have been in this place. This one is near and dear to my heart and the hearts of so many people on all sides of the chamber, but there is nothing that gives me a greater sense of pride, being part of a Labor government, than the efforts that we have made in this space during my time here. I think it is an absolute credit to people like the Honourable Richard Wynne, the member for Richmond, who is also finishing up his time in this place in a couple of months time, given his outstanding work and the legacy that he will leave Victoria with due to his efforts and the efforts of his staff and his departments as the Minister for Housing.

Of course the mantle has been taken up by the Honourable Danny Pearson, the new Minister for Housing, and, gee, hasn't he got some energy. He is your classic, quintessential Eveready bunny and he goes at a million miles an hour. But it really is at the core of who Labor are that we have invested

so much in this space, and we will continue to focus on housing and affordable housing as key pillars of the work that we do.

This bill is important because it allows Homes Victoria to support Victorians by providing a variety of options. It is not just one size fits all. There is not just one type of housing. There are a variety of different needs out there, and it is important that Homes Victoria is given the opportunity to tailor the product to fit the needs of the people that we are providing housing for—that diversity of needs that exists across our community. Homes Victoria is providing housing on a continuum from delivering a Housing First approach for people experiencing homelessness to more stable and secure housing for low-income Victorians right through to affordable housing options for low to moderate income Victorians, including essential workers.

I know that in my electorate of Northern Victoria, when I talk to employers right throughout the biggest electorate in the state, they all say the same thing: ‘There’s a labour shortage’. But even where we meet that labour need, the problem is we have got nowhere to house people. When you need to get workers to places like Mildura and Ouyen, right throughout the Mallee and right along the Murray River, places like Robinvale and Swan Hill—and I am talking about bigger towns—the problem that they have is that when they get the workers there, there is nowhere to house them. These sorts of efforts of Homes Victoria will be so important to economically assist those towns to remain vibrant and those businesses to remain viable.

I do want to talk a little bit about what we have done, because I think it is important that we continue to remind ourselves of the biggest commitment in this state’s history through the Big Housing Build: \$5.3 billion. It is the biggest investment in social housing of anywhere in this nation, and it will deliver, upon its completion, more than 12 000 homes, including 2400 affordable homes for those who need them the most. Those numbers are staggering, but we also know that even if they were built tomorrow, we would still have more work to do. We have still got much more work to do. But what a wonderful commitment to the people of Victoria to say, ‘For you who are homeless, you who are on low incomes and you who have a series of issues that are impacting your life, we’re going to step up to the plate and we’re going to make the biggest investment in this state’s history into social housing because we understand the importance of putting a roof over your head’.

When I was preparing for this contribution, one of my bugbears—and I say ‘bugbear’, but I want to be clear and say from the outset that I do not apportion blame and I am not criticising anybody or any government, current or past—is I think there is still a big body of work that needs to be done in this space. As I have just talked about, \$5.3 billion is the biggest investment in this state’s history, indeed in the nation.

I was a young boy growing up in public housing—and there are so many. I had dinner with a Victorian minister last night who also grew up in public housing. I will not name the minister—that is their story to tell, not mine—but we were talking about the kids that we lived with in our communities back then, and we were wondering how many of those kids have made it out of poverty, have made it out of social housing. With all of the money, all of the programs that governments of all colours and persuasions over the years have invested in this space, how many of those kids have made it out into a different life, or how many are still experiencing the intergenerational poverty and socio-economic gaps that come with being in a low-income environment?

We do not know the answer. We just do not know the answer. I do not know how many of the kids that I grew up with in the Flemington flats today are out of the social housing environment, how many have made it to a different lifestyle—whether they are renting or whether they are buying, whether they have got good jobs, whether they have education, whether they have got other health issues. There is no body of work that has been done that can tell us that, and I think there are still some challenges in this space for all of us to think about. We do spend billions and billions of dollars across this state and across the country in this space on programs—not just housing initiatives but in other social policy areas—for people who are living with poverty and living in challenging circumstances, and we just



do not know. There has never been that body of work, and I think there is a challenge for us to actually commit to researching, finding out.

We know who these people are, we know all the children from those times and we know the people who are living in those circumstances today. And being able to see the impact of the public policies that we have put in place over a period of time, to see whether we are starting to really crack the egg of that intergenerational poverty and shifting the needle, moving the needle, on these things I think is an important part of the work going forward. Perhaps for those that remain in this place after the next election that might be an erstwhile endeavour, for a committee to start that body of work, because I think it is so crucially important that we understand. Many things that we do are based on the needs of today, and we understand that, but I am confident that the Andrews Labor government will be able to step up to the plate and deal with any issues that are thrown up by such a body of research.

I see the Minister for Early Childhood and Pre-Prep in the chamber. We understand the need to deal with the here and now but also the need to look into the future. There is some fantastic work that she has done in her portfolio, none better than the Best Start, Best Life initiatives. We understand that if we invest in our children today, tomorrow it will pay enormous dividends to the whole of the community because these kids will be far better educated. They will have far better opportunities in life. They will be far more productive in economic terms, but they will be better, well-rounded, adjusted people because they have had a plethora of opportunities that up until now they might not have had.

I am confident that we can do this body of work. I think it is such an important area of public policy for us to look into. I am confident that whatever challenges are identified through such a body of work, this government, this Parliament, will have the capacity to deal with them. As I said, out of everything that I have dealt with in this Parliament nothing has given me more pride than being able to vote for the Big Housing Build initiatives and many of the associated social policy areas attached to this. It has been an absolute privilege to speak on this bill today. As I was a little boy who grew up in the Flemington flats, I am so pleased that our elected leaders in this state are looking at kids who look like me, who were me, who are me, and delivering the best that they can for them.

**Ms WATT** (Northern Metropolitan) (10:16): I rise to speak on the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. Can I just say how very, very difficult it is to follow Mr Gepp speaking on housing, because in this chamber is there anybody who speaks with more conviction, pride and personal authority than Mr Gepp on their life in housing? Can I just say I did not have the opportunities that he had from housing, because we were just waiting to get in. I know that your neighbours, the people that you grew up with, should take a moment to be filled with enormous pride for the advocacy that you do on their behalf. The stories that you tell of pride in your community do sit with me and will continue to sit with me for years to come.

I am a little bit delighted that the Flemington flats will soon move into the Northern Metropolitan Region—sorry to the members for Western Metropolitan Region—because it is a community of enormous pride and resilience and with some of the very best people you would ever meet. You just need to ask the member for Essendon, because he will tell you many, many times just how much he loves his community. I am going to talk for some time on this bill about my own experiences, because there is some key detail I want to get across today about just how significant this bill is. Social and affordable housing provides so many Victorians with the safety, dignity and security of a home, and this bill today only builds on our incredible work with the Big Housing Build and our commitment to expand an effective and sustainable social and affordable housing system.

I am really proud to be a member of the Andrews Labor government, a government that includes members like Mr Gepp and like Mr Richard Wynne, the powerhouse outgoing Minister for Housing. You just cannot go anywhere in this state without seeing the impact of his profound leadership and commitment to social and affordable and public housing. To you, Richard Wynne, I do owe a lot, and

I am learning each and every day from the example that you set. They are just two people that love and speak with such passion and conviction on the importance of housing. There are so many more—others that have quiet stories to tell and others that will scream from the rooftops about the chance and the opportunities that have been afforded to them by investment in social and affordable housing and public housing.

I know that the Big Housing Build is special. It will build more than 12 000 new social and affordable homes, increase our stock by 10 per cent, create 10 000 jobs a year over four years, spend \$1.25 billion in regional Victoria—and I know the member for Northern Victoria Mr Gepp is incredibly happy about the remarkable investment in regional Victoria—and of course it will boost regional economies. We have hit the halfway milestone in the unprecedented Big Housing Build, delivering more social and affordable homes to those who might need them right across our state. More than 6300 homes have been completed or are underway, many in the Northern Metropolitan Region, let me just say proudly, with more than \$2.8 billion of invested funds already poured into new and secure homes under the program. Since the program was announced in November 2020 more than 1400 households have either moved or are getting ready to move into their brand new homes. The construction boom has resulted in 20 000 jobs across Victoria, creating a much-needed boost to the economy as we recover. Larger projects currently taking place across Victoria include the redevelopment of sites at Hawthorn, which will develop 200 homes; another 200 homes being built at Ascot Vale, not far from me; and 178 dwellings in Ashburton.

Back to regional Victoria, at least \$1.25 billion is being invested to ensure the benefits of the Big Housing Build are spread right across our state. Large-scale developments are already underway, including 150 homes being delivered in Ballarat, 120 dwellings in Bendigo and 54 in East Geelong. This is on top of our commitment to build 1000 new public homes, the public housing renewal program, the family violence housing blitz and our groundbreaking ground lease model development. Importantly, 10 per cent of new dwellings will support Aboriginal Victorians to have culturally safe and self-determined housing options. We know a safe and secure home is the foundation of a good life, and we are building good-quality housing for those that need it most. This is real change.

I know the importance of safe and secure housing. As I said upon my appointment as Parliamentary Secretary for Housing, I come from very humble beginnings. I remember fondly my time moving from place to place to place, but not so fondly having half my childhood packed up in a box because ‘Why unpack, because we’re going to move again pretty soon’. To this day I still have that box with my special items, the things that remind me of a childhood lost in unstable and insecure homes. For me this is very, very close to my heart, and I think about how one day I will get to a home where I can unpack. I will get there, Mr Gepp. I will get there. So I speak of this with a bit of a trembling voice because it is very real to me and it is very dear to me. I have some big shoes to fill but an enormous passion and a lived experience that needs to be heard. Let me just say, we know that good-quality housing is great and incredibly urgent. While the Sheena of the 1980s was failed, the Sheena of the 2020s is going to do something about it, and I am just getting ready. I am just getting started.

Homes Victoria really have their work cut out for them. I met with them earlier this morning, and let me tell you, they are employing multiple approaches to boosting the supply of social and affordable housing throughout our state. There are significant investments that are transforming people’s lives, including in areas where we just need more homes. This bill will ensure that through Homes Victoria we can continue to boost the supply of modern, energy-efficient, affordable homes for Victorians most in need so they have a place to call home where they can live with dignity and security and maybe, just maybe, they get to unpack their boxes. That is the dream I have for them.

The Big Housing Build will boost the social housing supply by 10 per cent, but central to this also is sustainability. I have my work cut out for me, being the co-chair of the community consultative committee in North Melbourne, but one of the really important parts of that project and the redevelopment on Molesworth Street is sustainability. We have put our eyes and ears out to what

works best when it comes to sustainability, and we are learning each and every day from what is happening in the ever-increasing innovative space of home sustainability.

I even recently went out to Nightingale 2 in Fairfield with the member for Northcote, Kat Theophanous, and saw this not-for-profit housing provider and the fact that the residents there have access to low-cost energy through a combination of solar panels and green power. And do you know what they have also got? They have got homes in that building set aside for essential and critical workers and for Aboriginal and Torres Strait Islander people. The folks involved in that are just made of the right stuff, so can I just give a quick shout-out to the folks at Nightingale. The Andrews Labor government has supported the sustainability of these buildings across Melbourne, and construction is underway for more homes in Preston.

Look, there is more to be said, so I am going to get to it, but I do want to talk about the fact that with these 10 000 new jobs right across our state we are creating employment opportunities throughout the Victorian community. But significant for me are the apprentices, the cadets and the trainees that will form 10 per cent of the work on these major projects. On top of that is the gender equity plan that will support the increase of women's participation in the construction industry, helping address inequalities that have been exacerbated through the pandemic. We need more women in trades, and the gender equity plan is going some way to making that a reality. Hundreds of new jobs will be created for Aboriginal Victorians, people with a disability, social housing renters and people from diverse backgrounds.

I do often talk about all the various things I did before coming into this place, but one of them was working with residents of and also people on the waitlist for public housing to get apprenticeships and traineeships for their kids. Now, that was really special because they just had not had anybody reach out to them before and say, 'We believe in the hopes for you and your children, and we reckon that a trade is right for you'. So I am hoping that somebody else has taken up those really proud conversations with residents and will continue to build more opportunities for apprentices and trainees right throughout these projects. There is a young trainee working in Brunswick West, and every time I pass that project I think about them and what they are doing there, because that position would not be there if not for the decisions made by the Andrews Labor government to invest in opportunities for young people here on our sites.

Also, remarkably, there is the establishment of Homes Victoria as a contemporary housing agency with a robust governance structure. This provides powers to build a more commercial way of operating Homes Victoria but also keeps at the forefront the objectives of the Housing Act 1983 to ensure that everybody in Victoria has adequate and appropriate housing at a price within his or her means. This will allow Homes Victoria to deliver housing on a continuum from social housing for the most vulnerable Victorians to affordable housing for low to moderate income earners, including our essential workers, who we value and honour each and every day.

The bill formalises the transition of the director of housing to Homes Victoria and establishes an independent skills-based Homes Victoria advisory board to provide strategic advice to the CEO of Homes Victoria and the minister. Our government has a longstanding commitment to increasing diversity on boards, and the bill ensures that this body is reflective of our vibrant community and enshrines Aboriginal representation on the board. Now, let me just say that I was absolutely delighted to see that. The minister will appoint members with a range of skills and experiences who hold office for terms of two years. The inaugural advisory committee established last May to support Homes Victoria with the implementation of the Big Housing Build will transition to become the new Homes Victoria advisory board. Members will have a range of skills from impact investing to engineering, infrastructure and financial risk management, and can I just send my best wishes to that committee and my thanks for all that they have done.

The Big Housing Build is something that I am enormously proud of, and everyone in the Andrews Labor government team is also enormously proud of it. This bill here contributes further to ensuring

the largest social and affordable housing building program in Victoria's history. The delivery of 12 000 homes means Homes Victoria needs to work closely with industry, the not-for-profit sector and the community to maximise the social and economic benefits of our build—of our builds, rather, because there are just so many of them, let me say. The bill also allows for structures that can more quickly allow for reinvestment back into delivery of the pipeline of social and affordable housing our state needs.

I have so much more to say about this and so much more that I have noted down to contribute. I will say that every time something comes up on housing I put my name down because I have got something to say and a lived experience to share, and so to the community that live in caravan parks, to the families that are doing it tough in rooming houses around our state and to those that are finding their home tonight in their car, know that I am trying. I am trying for you each and every day, and I am really proud that today is a day when my efforts are held on the public record of Victoria and will be for a long time to come. I will finish up by saying: Mr Gepp, I am proud to follow you in this contribution.

**Mr BARTON** (Eastern Metropolitan) (10:31): What a great speech to follow. I rise to speak on the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. I have stood many times in this place and said the words 'Housing First', because this truth must be acknowledged if we are to address the housing crisis faced by Victorians today. The public housing waitlist in Victoria has increased by 55 per cent in only the last five years. We have 54 945 households waiting to access public housing. These are individuals who have already been approved, their situation has been assessed and we have already decided they are in serious need of public housing, yet we cannot provide it to them. We have mothers escaping domestic violence sleeping in their cars with their kids. We have people with addictions who want help but every day face the challenges of sleeping rough. I had a constituent come to my office only the other day who has been sitting on a priority waitlist for over a year and has heard nothing. He is 75 years of age and he is couch surfing. Housing First—but this is not often the case. While the general public get the short end of the stick, property developers rake in millions of dollars. Yes, this government has committed to the Big Housing Build, part of which is being legislated in this bill today, and I do not want to underestimate the enormity of the Big Housing Build. It is a magnificent project, but I see this as a foundation from where we are going to move forward. The Big Housing Build promises to build 12 000 social and affordable homes for Victorians, which is a fantastic effort and the first time in this country.

I was in Scotland recently, and their government has committed to 10 times this amount. They want to build 110 000 affordable homes over the next 10 years. Seventy per cent of these will be social housing. Since 2007 Scotland has built 108 000 affordable homes, with the majority of these for social rent. Keeping in mind their population is slightly smaller than Victoria's, that is a commitment. The Scottish system is focused on the rights of tenants. Landlords can only increase rent once a year, and if it is considered too much the tenant can report it to a rental officer. Tenants are formally engaged and consulted. Twenty-three per cent of all homes in Scotland are classified as social housing. Around half of this stock is held by local authorities and councils and the other half held by registered social landlords.

We know the housing crisis can be resolved. In Victoria we see time and time again housing being subject to planning only at the next election cycle. That has to stop. We are still to hear the government's plans for after the Big Housing Build, where we are still expected to be far behind the national average of social dwellings, which is at 4.5 per cent. In Scotland they have conscientiously implemented a system of inclusionary housing, something we only see occasionally in Victoria. It may be 40 per cent of a housing project, and they get funding from the banks for the rest of it. The property is then built and run by one of the many housing associations, who ensure they offer social and affordable housing to vulnerable cohorts. We need to be looking at models like this in Victoria.

I am not sure that some of the strategies employed by the Big Housing Build rollout are doing the very best that we can do for the Victorian public, but we are doing something. ‘Social housing’ is a term often used to describe both public housing and community housing. The increased use of the term ‘social housing’ to describe such initiatives as the Big Housing Build is masking a general decline in the amount of truly public housing available. What we have seen reported recently is that the government is selling off land that has been 100 per cent dedicated to public housing—so directed particularly at vulnerable cohorts—and is allowing developers to provide a mix of social and affordable housing. This means that we are technically increasing the number of social and affordable dwellings but losing public housing property and selling off public land. This is not a win. Clearly the close to 55 000 households on our public housing waitlist are losing out.

Housing must be our first priority. Everything else is great, but if an individual does not have a safe and secure house over their head, they will face immense challenges. A long-term 10-, 20-, 30-year commitment is what we need and what Victorians deserve. Our population is getting older, and it is getting bigger. Rents are only increasing, the cost of living keeps going up, and we are not prepared. We have the capacity and the resources to end homelessness, so we need to make a decision as a community that this has to end. Housing is a human right. I commend this bill to the house.

**Ms TERPSTRA** (Eastern Metropolitan) (10:38): I rise to make a contribution on this bill, the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. I have had the benefit of listening to some of the contributions in this chamber, and I listened to Mr Barton’s contribution as well. I normally agree with a lot of what Mr Barton says in this chamber; however, there are a few things that I think need to be corrected just in regard to some final points that Mr Barton made. I think the imputation was that the government is looking at selling off land that is publicly owned for private housing. It is not actually correct, because there is a suite of arrangements that the government is entering into. What he was suggesting is actually not what it will look like, so I will just read this out so he can get an appreciation of what is actually going on. I know the Greens try and take some high moral ground on these sorts of issues as well, but let us face it, they oppose social housing at every turn in their neck of the woods. It is just a disgrace. I can point to multiple examples around the City of Yarra and those sorts of places, where any attempts by the government to try and develop social housing are met with opposition by Greens-dominated councils.

In regard to the point about what we are doing with land, what the bill does is provide Homes Victoria with a flexible toolkit to enter into partnerships it needs to with the private and not-for-profit sectors to boost the supply of social and affordable housing. The bill will allow Homes Victoria to innovate, and a good example of this is the ground lease model, which will roll out to deliver 1110 social, affordable and market rental homes, which will be financed, designed, built and operated by a consortium for 40 years. At the end of the period, the homes and the lease will revert back to the state. There is lots of granularity in what we are proposing to do, and that is just one aspect of this bill.

When you talk about, ‘We’ve got land stock and land supply’, if you look at some of the rebuilding that is going on as part of the Big Housing Build, for example, in my community in Heidelberg West—actually I live near there—there was lots of very old housing stock that had lived beyond their life, and I have been inside a lot of those places as well. They have been bulldozed, and what you are seeing is not only are those homes being rebuilt but the density is increasing. We are getting more new homes, fit-for-purpose homes. None of those homes would have had energy efficiency ratings or the like. All of those homes are being replaced. It is like a salt-and-pepper model, so you will have some private and some public. We are doing that at a range of sites. We are actually increasing the supply—we are increasing the density and the supply—and then we are looking at how we get a better mix of tenants in those properties as well, which addresses some of the other issues.

One of the things that I really do not like about this debate is when we talk about the types of people that need housing. We tend to stigmatise people who are looking for social and affordable housing, and I think that is a tragedy because there are a range of reasons often that people will need access to

social and affordable housing. Some people will need it for a lifetime. Some people will need it for a period of their life. We should be careful not to characterise this debate as an all or nothing kind of debate and say it is certain types of people. There are all types of people who might need it for all types of circumstances. That is what our government does—we are there for people when they need us.

Again, I will just touch on some of the things around the rental scheme. We talk about social and affordable housing, but if you really want to look at what is behind it, if you dig deeper about why we have got a housing crisis, it is because the federal government for a number of decades has pulled out of this space and basically left it to the states to mop up. Traditionally, if you go back over decades, it is the federal government that should have had more of a role in providing social and affordable housing. It was up to them to provide funding to the states to deliver it, and they just have progressively been opting out, so it is up to the state government, and we have. We have stepped into this space with a massive commitment. As part of the Big Housing Build we have already secured 2000 homes for Victorians who have a mental illness and 1000 homes to provide safety and security for survivors of family violence, and 10 per cent of new dwellings will support Aboriginal Victorians to have culturally safe and self-determined housing options. The previous Morrison government—I do not think we heard anything from them about any of that, let us face it.

The Big Housing Build will deliver more than 12 000 homes, including 2400 affordable homes for Victorians who need it the most. Again, I wish we had a magic wand or we could snap our fingers and we could have this happen right now, today, but we cannot. That is not reality. This bill, for example, is part of rolling out the important legislative framework that we need to make these things happen. All these things take time. We are acting as quickly as we can to do all that we can. I mean, a \$5.3 billion investment to the Big Housing Build is the single biggest investment in social housing out of all the state and territories and in Victoria's history. I do not know what more we could do at this point in time. I think we are actually doing a lot. There is a hell of a lot going on.

I know Ms Watt has talked previously about the types of people who need social and affordable housing, but I also want to talk about the impact if you are a renter, for example. This is sort of tangential, but it goes to why people cannot afford to even get into the property market. If you are a casualised worker or you are working in the gig economy, how do you save to get a deposit? You cannot. So what do you need? You need social and affordable housing. You need a rental scheme to be able to access housing. So let us not forget for a moment about the multiple pressures that are impacting people in this space. We talk about the types of people who need social and affordable housing. The working poor—this is what the federal government has created. Thanks very much, Scott Morrison and your predecessors. The working poor are working their guts out often with 12-hour days and are either getting underpaid and ripped off or not getting paid at all and cannot bargain. As we know, the Jobs and Skills Summit is happening right now in Canberra because we have got a crisis in this country where workers cannot bargain to improve their wages. If you do not have money in your pocket, how do you put a roof over your head? It is actually appalling. Again, the government steps into this space and says, 'All right, we will provide a scheme where people can access affordable housing'.

The bill is important because it allows Homes Victoria to support Victorians by providing a variety of housing options to meet the diversity of our needs. Homes Victoria is providing housing on a continuum, from delivering a Housing First approach for people experiencing homelessness to providing stable, secure housing.

I will just talk about homelessness for a moment. I volunteered for a number of years with a group where we would go and see people who were suffering from homelessness, and sometimes getting a roof over someone's head who is homeless is very complex. It is not just about saying 'Here's a roof; go live there', because often what happens is people who are homeless are suffering a range of other conditions. There could be mental illness, poor health—all those sorts of things. Someone who has suffered trauma in their life needs mental health treatment. I have met people who, despite being offered a roof over their head, choose to sleep on the street. It is not that simple. If homelessness was

a simple thing to fix, we would have fixed it years ago. Countries around the world are struggling to fix homelessness. I know that in Finland they have got the Housing First model where they go, 'We don't care what your circumstances are; you've got a roof over your head'. But like I said, I have met people who have said to me, 'I would rather sleep on the street than sleep in a place where I don't feel safe and secure'. It is much more detailed and in-depth than that.

Homes Victoria, as I said, will provide that continuum, delivering that Housing First approach which is so critically important to enable people to get into stable, secure housing. That is critically important—stable, secure housing for low-income Victorians right through to affordable housing options for low to moderate income Victorians, including essential workers.

I just talked about low to moderate incomes. Why? Wages have been suppressed in this country. We have had 10 years of low wages growth. How many more problems did our federal government want to create for us? Honestly, if people want to get angry about housing, get angry at the previous government and their previous iterations for pulling out of social housing and their obligations. They abrogated their responsibilities on providing funding to the states so we could provide social and affordable housing. There is that. Then there is suppressed wages. We have had no wages growth for 10 years. Honestly, what do people want to do? Do you want to talk about what contributed to the homelessness and housing crisis? I think there is an answer. There is an answer right there.

I am really pleased to see this government taking such strong action, because we have had to step in. We have had no alternative but to step in—and we are proud to do that, because that is what Labor governments do. We actually do that stuff. We fundamentally understand what people need, because, you know, in Canberra they clearly did not. Thank goodness we have now got a Labor government in Canberra which understands these issues as well, and no doubt we will look forward to a long and productive working relationship with the federal Labor government on these sorts of issues.

Around Australia we hear stories of locals being priced out of their communities. It is all too common, right? People cannot get into the housing market because some people, fortunately for them, have been able to make a lot of money out of this. We also see the number of Airbnbs exploding exponentially. Wouldn't it be nice to have two or three properties where you could have Airbnbs? Honestly, how many is enough? It is getting a bit obscene, isn't it? How many properties do you need to have in your portfolio? You can rent one out as an Airbnb and make heaps of money, but we have got a situation in our country where people are living in their cars. Families are living in their cars. Honestly, it is obscene. Things need to be done about that as well, which is again tangential to this bill, but it goes to show you the mosaic of issues that have come together to bring this issue into sharp focus.

I wish it was so easy. Like I said, I wish we could snap our fingers, wave a wand and have it resolved straightaway, but the pressures and drivers and levers that influence property prices in this country are complex. We know what some of them are, and we know that a lot of them are really federally related. As I have said, we have heard stories around the country of people being priced out of the market. In Victoria recent reports point to rental vacancy rates in Melbourne being at around 1.6 per cent, while in regional Victoria rates have plummeted below 1 per cent. Boosting the supply of social and affordable homes is critical, and the Andrews government is ensuring we can do both.

This bill will play a critical role in facilitating the delivery of affordable housing through Homes Victoria. The bill creates a legislative framework for affordable housing programs to provide eligible households with access to affordable properties managed and accounted for distinctly from social housing. Once the minister has declared a program to be a housing program the legislation sets out the elements which can be determined and published by the director of housing to operationalise and declare that. The operational settings could include eligibility criteria, application processes, rent setting and tenure length. They are some of the things that Mr Barton mentioned in his contribution.

Certainly around the world you see examples. I think in France they have got some of the best, most favourable frameworks for tenants. There are examples of, I think, even postwar tenancies where you

cannot increase the rent. It was set maybe in the 1940s and 50s, and landlords are actually prohibited from increasing rents. There are all sorts of measures. If you look around the world, there are a range of options.

Certainly these amendments are well on the way to improving circumstances for tenants. It is great to see housing being given such a focus, but I look forward to a bit more of a focus on wages for people, because ultimately young people find it very difficult to get into the housing market and they should have the same capacity that other people have had, like the boomer generation and even my own generation, to be able to access housing if that is what they want. And why not? Why shouldn't you have the right to have a roof over your head and a place to call your own? We know that housing and having a stable and secure place to live is so important in a range of ways.

We also know that the affordable housing rental scheme is set to deliver approximately 2400 affordable rental homes to address affordability pressures not only in metropolitan Melbourne but also in regional Victoria. We know that housing affordability in the regions is at a critical point, and this bill will support the delivery of new affordable homes in Ballarat, Greater Geelong and Bendigo from late 2022—that is now. Under the scheme fixed-term rental agreements of three years will be available to low to moderate income households in metro Melbourne and regional Victoria who meet income eligibility criteria, so it goes to protecting tenants from the vagaries of people who just want to keep jacking up the rent. Essential government-funded service delivery workers such as nurses, police, teachers and care workers could also be eligible in areas of workforce shortage in regional Victoria, recognising the importance of these jobs to local communities, because we know it is hard to attract those sorts of essential workers to regional Victoria and we need to do that because there are critical shortages of, as I said, nurses, police, teachers, care workers—all those professions. And I know, having worked at the nurses union previously—I used to bargain for people who worked in the aged care sector—that it was so difficult to get real wage gains in those sectors, because as soon as you did, they would cut jobs. It is terrible, and again it goes to the point I made earlier about making sure we address wage stagnation in this country.

I might conclude my contribution on this bill at this point. It is a good bill. It is a great start—a \$5.3 billion investment in making sure we get the Big Housing Build underway. I am proud to be part of the Andrews Labor government, which has shown such a huge commitment to housing, and I commend this bill to the house.

**Mr HAYES** (Southern Metropolitan) (10:53): This is a welcome bill and an inoffensive bill, but it falls well short of the benchmark. I rise to speak on legislation that makes a range of mechanical, technical and structural changes to legislation governing tenancies and housing in Victoria—changes that are sensible and understandable but far too little to make a dent in the chronic shortage of affordable housing in our state. The government has had every opportunity since 2014 to improve housing livability, and we are only this year taking some steps. In 2014 we had 9990 people on the priority waiting list for housing. As of March there were 30 508 people on that same damning list, and I think Mr Barton quoted a number even higher than that. So the time for action is really—well, it is not now; the time for action was eight years ago, but now we have to move. These figures expose a broken system, a system that has not worked for years, a system in chaos, with delays and unwillingness to respond. Isn't housing a universal human need? The government prides itself on its big build for housing yet until recently has all but ignored the increasing need for affordable housing. While the government has made a promising commitment to addressing this issue in the latest budget, those investments will not be realised for many years.

We must be suspicious of this model of private social housing as mentioned here today by Mr Barton too. We know all too well that both of the major parties have suspect relationships with property developers, and it gives me little faith to think of an affordable housing model where developers are prioritised over residents.

**Ms Taylor** interjected.



**Mr HAYES:** Well, didn't the Premier promise them super-profits?

**Ms Taylor** interjected.

**Mr HAYES:** Well, you don't want to deny it. As I have previously raised on the issue of public housing properties such as Barak Beacon estate, Braybrook and Ascot Vale being neglected and housing options being inadequately maintained and not refurbished, we need more publicly owned housing, not less. The pursuit of private contracts rather than restoring existing publicly owned housing has an adverse outcome for Victorians, both in social and in economic consequences, especially the loss of publicly owned land. Such partnerships are opportunistic rather than strategic, and I hope the government soon wakes up to the mess it is creating with these complex arrangements.

Just as an alternative, perhaps Australia could look to Singapore to fix our housing crisis. Mr Barton brought up Scotland, but he knows more about that one. I have done a bit of research into Singapore. Singapore has got a population similar to Melbourne's, only they do not plan to double it over the next 25 years. Here I am going to quote some information from an article by Cameron Murray in 'Australian property' of 21 January 2022. He said:

During the past four decades in which home ownership among Australians aged 25–34 has sunk from around 60% to 45%, home ownership among the same age group in Singapore has climbed from around 60% to 88%.

That is dreamland for us. He said:

There's a good chance that's because Singapore is doing something right.

What Singapore has that Australia does not is a public housing developer, the Housing Development Board, which puts new dwellings on public and reclaimed land, provides mortgages, and allows buyers to use their compulsory retirement savings (what Australians call superannuation) for both a deposit and repayments.

There's more to it than that. It limits eligibility by income and age, requires owners to hang on to the property for five years, and limits their resale to only other eligible buyers.

Eight in ten of all the dwellings in Singapore today were built over the past half century by the Housing Development Board.

Perhaps to copy this system exactly would be too much for our private developer model, but something not quite so extensive might be worth consideration, as with other models—mentioned here today—of public investment in housing which have been successful in other countries. Many of these overseas models could be worth consideration in this area too.

However, back to today's bill, this is an unoffensive effort but it falls well short of what we need as a community to house our people. The Jobs and Skills Summit was mentioned today, and we say, 'Just build more homes', but we are building—we are building a hell of a lot of homes. If you drive around Melbourne, you will see cranes everywhere. You will see homes and houses being developed, housing all over the place. But we have a population that has been growing—and the opposition called for more population growth today—in Melbourne at 135 000 people per year, so that is 135 000 homes needed every year. 2500 people per week was what Melbourne was growing at pre pandemic, which is what they want to try to bring it back to after the Jobs and Skills Summit.

With that sort of growth we have got to build 2500 homes a week, and we leave it to the private market to do that, but that is an enormous amount of housing to build. That is just something we have got to keep in mind when we are planning to boost our population for economic reasons. That adds to the demand on housing overwhelmingly. We have got to build that and then build more public housing as well. This is an enormous effort and puts an enormous strain on Melbourne's infrastructure—and housing of course.

It is a delicate balancing act, governing Victoria. It is not easy, and it is the opinion of the Sustainable Australia Party that today's government has failed in this act to match infrastructure with population growth. It has encouraged that population growth without matching infrastructure. There has been far

too much money spent on purported vote-winning infrastructure projects and far too little on hospitals and homes. These are essentials for health and livability. I do not oppose the bill, but I must strongly urge the government to start taking housing unaffordability seriously.

**Ms BATH** (Eastern Victoria) (11:00): I rise to make my contribution on the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. In doing so I would like to reiterate what the previous Liberal-Nationals speaker said in that we do not oppose this bill. It is largely a functional bill and certainly an administrative one, as the title informs us, but it does give me an opportunity to raise some issues from my Eastern Victoria electorate and also to delve into some of the—we will call them flaws or some of the things that could be improved in this bill.

We have heard some interesting topics and conversations and had some patting on the back from Labor members in this house. Anyone would think that all is hunky-dory, but we know that in the regions particularly the situation is still quite dire in terms of public housing accessibility and affordability. The Andrews government promised this Big Housing Build, and we have heard it all today. The Premier has talked about, 'We've delivered the biggest investment in social housing Victoria has ever has seen X, Y and Z', and 25 per cent of that was earmarked for regional Victoria.

I have concerns, and my concerns are not based on my thoughts alone but are from speaking to members of the community and also the sector that really is at the very coalface of this, the people who work with our homeless people and people looking for permanent roofs over their heads. They say to me, and I will identify who they are shortly, that they have identified in this big build there are supposed to be 88 of these homes constructed in Gippsland. We are two years on from this grand announcement, and they are still none the wiser as to where those 88 houses are, how far along they are and whether they have been built or not. These are people who work in the sector, so we are hearing all this fantastic, 'We're solving it', yet people working right at the heart of the sector still do not know the pathway to those homes being available.

In relation to earmarking and tagging money in various LGAs, local government areas, out of the six in Gippsland, only three are targeted for funding. The other three have not been identified for funding. My community in Gippsland is saying they are feeling very vulnerable that again Labor will have these big announcements but on-the-ground homes for people in our region will not come to fruition. They are quite nervous about that.

The other thing—and I have raised this in an adjournment debate—is around people still living in motel units. Families are living in motel units. I raised this issue in Parliament a couple of months ago; there were 20 families, roughly 60 people, who spend their nights in motel rooms because of that dearth of social housing and the long waitlist. Labor has been in government for eight years and we still have this massive problem.

I thank all those people who work in the services. They do an enormous job. I have had the privilege of communicating with people like Chris McNamara through the Gippsland homelessness sector and through Quantum Support Services. She most recently informed me that there are 2200 Gippslanders on a priority waitlist with no property available at present. She stressed also the entry point services. She feels that those intake officers are absolutely overworked and we need more of those intake officers, because there are only a couple of them that cover all of the variety of centres across Gippsland. When you see the Premier's spin machines and Facebook professionals, you just wonder why some of that money—some of that superfluous money—cannot be directed to employ people who actually help face to face Gippslanders, in my case, but Victorians as a whole. It is more important to spin it than to deliver those services to vulnerable people.

As we have heard before—and I fully agree—people can come from all walks of life and find themselves in a situation where they are homeless. It is very distressing. You hear on the radio on a number of occasions that professional people for whatever reason—marriage separation or domestic

violence—end up in a caravan park. Some people do that by choice. I have got relatives who live in Queensland, and they love their permanent home in a caravan park. They think it is awesome, and I agree, but for others it is not their chosen place and it is very challenging for them—if they are lucky enough to get into one.

These services include the need for, as I have just said, intake-assessment staff to triage those complexities that individuals face, such as rental arrears advice, private rental assistance and negotiating with our real estate agents. Often people are in a stressed situation and they need that support. They are absolutely willing to go that length, but we all need help. This is one example this very good group of people have identified. Mitchell Burney runs the Quantum youth refuge in Morwell, and he has been in this space for many, many years. He told me some of the harrowing statistics when it comes to youth homelessness. The age group between 16 and 25—a quarter of Gippsland's homelessness is represented in that age group. As the issues for this age group are focused on income and lack of rental history—you know, 'Have you got a history?', 'No, because I'm too young; I'm just leaving home' or 'I'm leaving someone's couch'—their reliance certainly is on crisis facilities. And indeed crisis facilities are scarce in Gippsland, with only 16 refuge beds spread across six centres. With the limited length of stay in terms of that crisis accommodation, it is really hard to exit them when they are exiting them to nowhere, so there is this bottleneck of need versus throughput. As I say, I thank them very much for giving me their time and their information, and I put it on the public record. If you cannot be a squeaky wheel in here—this is part of our role, to identify the need for all levels of government to hear.

I would like to talk about the private sector as well and what some of the proactive councils are doing in our electorates, and I will give you one example. Without a doubt the cost of living is pressurising all families on a low to medium income, and for those who are unemployed that is exacerbated and magnified. The analysis of rental data by the commonwealth government's Everybody's Home campaign revealed that rental prices in Gippsland increased by an average of a bit over 8 per cent per year over the last three years. Again, that surge in cost-of-living pressures really significantly impacts on people. The East Gippsland shire has recognised that finding rental accommodation is challenging. They have been very proactive, and I congratulate them for it. They have put letters out to ratepayers who have secondary properties, sent from the council, asking them to consider the rental market. The initiative responded to the lack of rental accommodation in our region. We know when we talk to anybody in small business in our regions it is very difficult to attract staff. That staff could be the chefs to bring people back into our region and have high-quality experiences in our pubs and clubs but also certainly in our beautiful restaurants in Eastern Victoria. Having those chefs, they need to have a home. They are often bringing their families. Police officers, teachers, doctors and nurses are certainly on that list too, who are looking to get into the rental market. And if they are struggling and they have a good income ahead of them, if not already, then it is really hard for that lower socio-economic group to get in there.

The East Gippsland shire certainly looked at growing this via developing a housing and settlement strategy providing over 1000 lots for subdivision and issuing planning permits. I just would like to make a comment on some of the words that Ms Terpstra said in her contribution and take umbrage of behalf of fully self-funded retirees. It feels like if they have worked hard—whether it is, as I said, a teacher working long hours and serving the community through education or whether it is a farmer who has worked 16 hours a day for 40 years—and they choose to buy a second home and then use that to help fund their retirement as part of their superannuation program or funded retirement program, apparently under the eyes of Ms Terpstra that is now a wicked thing. It is unfair and I think short-sighted, because we need to have a great range of people in this state. Unless we are going to go to a socialist state or a communist state where everybody gets measured out the same and there are no privately owned assets, then we need to have that range, and if people choose to own a house as part of their self-funded retirement, well, so be it. It is also wise—and I congratulate East Gippsland Shire Council for being proactive—to engage with people who may be self-funded retirees or have that second place to see if they would like to rent it out in the market.

Indeed The Nationals in government will—and we have made a commitment along with the Liberals—unlock 50 000 regional and rural housing lots in our communities. We will do that and support our councils by having planning flying squads that really leverage the pathway of planning permits. I am sure there is again a bottleneck on the Minister for Planning's desk about getting those lots through. I am not saying that they should not be totally properly worked through in all their capacity and all their requirements, but where possible we need to unlock those and we certainly will be supporting our community and our councils to do so.

In the time I have left I just also want to share something about housing affordability in the social housing realm. My colleague the Honourable Tim Bull is a very active member in his community. He put some questions to the Department of Families, Fairness and Housing, and he came out with the following research: East Gippsland has 33 social housing homes sitting vacant, and they have been vacant for a considerable period of time. The response was that they are being held for the homeless for an extended period under a program to assist with homelessness. It is called the From Homelessness to a Home program. So we have got 33 public housing homes sitting vacant, waiting for people to go into them who are homeless, and there are whatever reasons sitting behind this. But it should not take six months for suitable families on a waitlist to get into these homes, so I call on the government to fix that up. The other thing is that this is just the municipality of East Gippsland. If you extend that right across the state, there would be hundreds of homes for sitting vacant in the state government's hands that are there for the From Homelessness to a Home program. Go and work that one out. I wish the government would and release those for people in need.

Finally, I would just like to finish my contribution in terms of the work that people do in our communities that sits in the social housing realm. I would like to flag the Traralgon East Community Centre, who have an open-door policy and support all people staying in their homes in East Traralgon but really provide a communication forum for those people in public housing. I would like to give a shout-out to Sarah Callow. It is very much on a very limited budget—really it is funded through donations of clothing and the like and very small gold coin donations. These people—and there are many of them across all our communities who work in that social housing space—do an amazing job. I had the privilege of speaking with some of the people that came in for a nutritious lunch the other day and listening to them, so I actually want the government to go out and listen to those people sitting in those sorts of centres to understand the issues facing them.

**Ms TAYLOR** (Southern Metropolitan) (11:15): I am not taking lectures from the Liberal-National parties about social housing. Speaking for the metro areas, they seem to oppose every upgrade or rebuild that we have in our metro areas, so I am just not copping that; that just ain't going to sit. You cannot have it both ways: 'We want social housing—but we oppose every development you do'. I am not copping that today.

The reason that we are pointing out with regard to the \$5.3 billion investment in the Big Housing Build that it is the biggest single investment in social housing out of all the states and territories and in Victoria's history is that it is factually correct. It is not about proposing one way or another as to what that actually says other than that it is factually correct. So we are putting it on the table, because otherwise people will distort, manipulate, undermine and diffuse that message, and that is not fair to fellow Victorians, because they deserve the truth. They deserve to know what we are spending and what we are investing in for their benefit. I do not think it is good to trivialise these matters, because we are talking about homes for fellow Victorians.

The Big Housing Build will deliver more than 12 000 homes, including 2400 affordable homes, for Victorians—and I am going to speak more to those nuances shortly—who need them most. As part of the Big Housing Build we will secure 2000 homes for Victorians who have mental illness and 1000 homes to provide safety and security for survivors of family violence, and 10 per cent of new dwellings will support Aboriginal Victorians to have culturally safe self-determined housing options. No-one is under any illusion that this is not an urgent matter. I do live in a suburb, I do live in my own area, and I can see people absolutely battling. There is not any day of the week that we are not aware

of the incredible challenges that so many Victorians are facing, and it is frankly patronising when people try to suggest that we would not be aware of such matters. Regularly we get calls to help and support people for various issues with regard to housing and housing affordability, so trying to suggest we are not aware of that is frankly just incorrect. I should say with regard to where matters are at in terms of the rollout of the Big Housing Build, because this is another factual element that Victorians deserve to be made aware of, Homes Victoria have passed the halfway mark, with 6300 homes already completed or underway and 1400 households being either settled in or about to move into their brand new homes.

Another element that is incredibly relevant with regard to the construction of these homes for Victorians who very much need them is the jobs associated with the Big Housing Build. It will create an average of 10 000 new jobs each year, creating new employment opportunities throughout the Victorian community. Only a Labor government knows well that it is important to constantly be supporting local Victorians and creating where we can employment opportunities, because, guess what, that helps people to be able to afford to rent and to be able to buy food and other things; it is a circle. So we join those dots, because it all matters as part of helping Victorians to be housed and to have safe shelter. Furthermore, apprentices, cadets and trainees will undertake 10 per cent of the work on major projects. A gender equity plan will support the increase of women's participation in the construction industry, helping address inequalities that have been exacerbated through the pandemic. Hundreds of new jobs will be created for Aboriginal Victorians, people with disability, social housing renters and people from diverse backgrounds.

I note there has been quite a bit of discussion regarding the ground lease model. On the one hand this is a positive thing because it is good to get clarity. It can be a little complicated, and it can be hard to get through some of the more detailed elements of the ground lease models in a 30-second grab on the television, so having a good and proper debate about these things is actually very healthy.

I think there are some elements that need to be clarified here and now. This model enables the community housing providers to play an important role by providing tenancy management and high-level property management and maintenance. The sector is well regulated and has a track record of providing specialist services to support vulnerable residents, connecting them with the support services they need to ensure vibrant, thriving and inclusive communities. There is a lot more I want to say on this, and I am getting to the heart of what I am trying to convey here. It is the model being used with projects currently underway in Brighton. I was there the other day with Minister Pearson, looking at great progress. I should say that the kids from the local Elsternwick Primary School were very excited because they know there will be new families coming to those homes, or some families who might be returning to those homes who lived there previously. They are going to get new friends at their local school, so they are excited about that.

This ground lease model you will find is helping to build homes in Flemington and Prahran as well, which will deliver approximately 1100 social, affordable and market homes on land which will be leased. Let us get this on the table. The land will be leased for 40 years to the consortium, and at the end of that period the housing and land returns to Homes Victoria, so I do not want to hear any more pork pies about this or distortions. It drives me crazy. Stick to the facts, please, out of respect for fellow Victorians and those who may end up living in these properties.

Another thing is that you cannot have an integrated model unless you integrate. If you only build social housing, you cannot integrate. That is the point. It is actually a positive. Instead of putting it down, pulling it apart and undermining it every second of every day, maybe just think that somebody in government—many people in government—has thought through this carefully because they want to build an integrated model for the benefit of fellow Victorians. Maybe just for a second stop the putdowns and look at what this can deliver for Victorians in our community.

Some of the other benefits that have been cleverly avoided by people not in government are the benefits of these rebuilds; namely, energy efficiency, climate-friendly homes and accessibility. I spoke

earlier in my speech about being able to tailor to people with mental illness, Aboriginal communities and also people with disabilities. There is also flexibility to allow for people who might need more bedrooms or less bedrooms depending on the size of their families. Also, there will be very carefully constructed landscaping to create true amenity in the area.

Let me tell you, there is very intensive consultation with the local community, because there are those in this chamber that say, 'Yeah, just build tons more social housing'. But I tell you what: if it were next door to them, they would oppose it. I know there are some people in here who do not realise that with each of those sites where we are rebuilding there has been careful consultation with the local community to get the right balance in terms of height and density. I am not sure—I think they kind of want to have their cake and eat it too, because on the one hand they are saying, 'Yes, build more social housing', but I tell you what, if we were to increase those heights or those densities on those sites, they would be the first to complain. You cannot have it both ways, and I think there are some politically opportunistic arguments that have been laid on the table here that are frankly irritating and that distort what is happening out there.

I am proud of these rebuilds and obviously all the new housing that is coming to the fore, because it is fellow Victorians that are building them as well. It is giving so many opportunities in terms of jobs, and it is making sure that we have housing that is fit for purpose and meets contemporary design standards. For instance, I recall when I was visiting one of the housing sites there was a mother, she had a child with asthma, and she—

*Members interjecting.*

**Ms TAYLOR:** Frankly, I am having trouble hearing myself because of the din in the chamber. Excuse me, but I am having trouble hearing myself. It is a bit distracting.

**The ACTING PRESIDENT (Mr Bourman):** Order! Could Ms Taylor be heard in silence. I am looking at you guys.

**Ms TAYLOR:** It is a little difficult, sorry, but I need some peace. So there was a mother and she had a daughter with asthma, and she was saying, 'Look, I'm living in social housing, the insulation isn't good and I'm having to use a lot of heating to be able to keep my child well and to stop the asthmas attacks'. And I said, 'You know what? That is why we are rebuilding', because, guess what, when you renovate some of these old sites you cannot make them truly climate friendly. You cannot make them energy efficient. You cannot retrofit. I have asked about this, because I know this has been put forward—and there are some unhealthy distortions that have been circulated, even in the media. I think it is important to be really clear about the fact that some buildings just cannot be renovated to make them truly climate friendly and energy efficient and to provide accessibility.

I have asked on that point and sought clarity. Let it be clear in this chamber. I do not want people saying pork pies and making up stuff that is not true and that frankly is not fair to those members of the community who may end up moving back into the newly rebuilt properties—it is at their discretion. So I just want that to be clear as well, because one thing I cannot stand is injustice. I need to see accuracy, and when I see distortion—that stray from the truth—I find it frankly infuriating.

Now, finally there is the issue of the continuum. The continuum is to make sure that we look after people the whole way through their experiences in life. And what I am saying about that—and I think this was discussed earlier in the chamber—is that people can have different periods of their lives where they have more or less income. I am not saying anything that everyone here does not know already, but of course the plan essentially, in terms of what we are delivering, is actually to tailor to the various critical moments, if you like—or it could be years, it could be a decade, it could be whatever—where various Victorians are having pretty serious challenges in their lives.

If I can allay some concerns about government understanding the nuance between social and affordable housing—and I know those concepts can be bandied about, and I do not say this with

criticism, I am just saying I think it is fair that people have raised those comments in the chamber—I just want to reassure the chamber that it is fully understood, the nuance between those various needs. So I say that without criticism. We know that the Victorian affordable housing program is a significant response to tackle the growing gap in housing affordability and supply for low to moderate income households, including essential workers. I will not have time to go into that in detail, but I did just want to touch on that point to say it is fully understood that we have—as applies probably across the globe—Victorians at various stages in terms of their capacity to be able to afford and to access housing or safe shelter of a contemporary design that truly meets their needs.

The affordable housing rental scheme is set to deliver approximately 2400 affordable rental homes to address affordability pressures in metro Melbourne and regional Victoria. We also know—and just out of respect for any members in the chamber and obviously the community who live in the regions—that housing affordability in the regions is at a critical point, and this bill will support the delivery of new, affordable homes in Ballarat, Greater Geelong and Bendigo from late 2022. Under the scheme fixed-term rental agreements of three years will be available to low to moderate income households in metro Melbourne and regional Victoria who meet income eligibility criteria.

On that note, I am going to close out with the fact that, yes, we have an extraordinary investment. It is a historic investment out of all the states and territories and in Victoria's history, but this is not to say there is not an urgent need and there is not so much more to do—of course there is. But I think for the benefit of fellow Victorians they deserve to know factually what is actually being delivered, what has already been delivered and what is underway. I think that is only fair.

**Mr QUILTY** (Northern Victoria) (11:30): I will be brief. Victoria has a housing problem. There is a shortage of housing. The Liberal Democrats want to solve this problem by building more houses, and that is why we will not support this bill. The government is telling everyone that the point of this legislation is to build more houses, but the government is either conning everyone or has no idea what it is doing, or both. The so-called big build will only scratch the surface. Many new homes will come from tearing down existing ones. Housing is becoming less affordable because there is a shortage of housing. The shortage is caused by the government. The use of planning restrictions, regulatory burdens and taxes mean that housing construction cannot keep up with population growth. The government should know this is happening because it just created a new tax that takes advantage of its strategy of drip-feeding land into the housing market.

The failure of this bill is that it does not relax planning restrictions, reduce regulatory burdens or lower taxes on housing. In some ways it does the opposite. The effect of this bill will be to replace private landlords with government landlords and to force taxpayers to cover the costs of other people's housing. Private landlords may not cover themselves in glory, but government landlords are even worse. Instead of trying to get your hot water fixed by contacting your catty estate agent, you will have to appeal to a faceless department that might never respond. Anyone who has spent any time at all dealing with the issue of public housing will know the government is probably the worst landlord possible. The fact that this is all supported by taxpayers is even worse. We cannot solve the housing shortage by forcing the costs onto other people. We do not make housing cheaper by getting someone else to pay for it. All this is doing is crowding out private development, so the chronic housing shortage will continue unabated.

At the end of the day the problem is we do not have enough housing. Where land is expensive we need to increase housing density, and where land is cheap we need to release more of it, both of which involve relaxing planning restrictions. This bill makes the problem worse, and that alone would be enough to oppose the bill. But there is more. Worse than exacerbating the housing crisis, the bill enables the government to make deals with property developers unchecked. This government has time and again shown itself incapable of managing deals with private enterprise. Massive cost overruns and budget blowouts are the result of every deal, and the taxpayers are left on the hook for it. With this legislation they will be able to inject as much taxpayer money as they want into the hands of property developers, with no expectation of outcomes anywhere. It is a honey pot for corruption that will see

buckets of taxpayer money poured into the pockets of the chosen few for the purpose of creating low-value housing on expensive land. Property developers get a bad rap, but it is collusion with government that allows corruption to flourish. I have every expectation that this bill will lead to corruption and blowouts. It is a bill that sounds nice, but it will cause real harm—so of course the Greens will support it. They talk the talk about property development and corruption but sign off on legislation that enables it. They talk about increasing public housing but oppose building more houses in the suburbs where their councillors are.

We do not need the government to take over more of the current choked housing supply; we need the government to stop choking it. If the government wants to paddle in the housing market, it should be via pushing the release of vastly more land onto the market to push the price down and supporting innovative new modular housing solutions so small houses can be built quickly and cheaply. Wading into the private market is only going to make things worse, not better. Most government spending on housing is wasted, and this bill will only make that worse. The only ways to solve the housing crisis are either to limit demand, so stop the population growing—that is the Sustainable Australia solution—or to increase the supply, so build more houses, the Liberal Democrat solution, which means lifting restrictions on building more housing, releasing more land and allowing more modular contemporary building to push through the shortage. Anything else is a waste of time and money.

**Ms LOVELL** (Northern Victoria) (11:34): I rise to speak about the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022, which the opposition is not opposing. We have heard a lot from government members this morning patting themselves on the back about their success in public housing. We have heard a lot about this Big Housing Build that is supposedly delivering more houses in Victoria. But what we have not heard about, what the government has not spoken about, is the disposals that they have every year in social housing as well. We hear they are adding all these houses to the stock, but we do not hear about what they are disposing of. We also do not hear about what they are hiding. We know quite clearly that they are hiding the public housing waiting list. The latest data that they have published on the website is from March 2022. We are now in September. These figures are published quarterly. I know from being a former housing minister that you can get those numbers on a daily basis. I know that the department would have sent a brief to the minister in the first week of July for the June quarterly housing waiting list, but here we are in September. We are due for another set of data at the end of this month, and we still do not have the June waiting list.

Now, let us talk about the waiting list and why we may not have the June waiting list. Well, for instance, the public housing waiting list in Victoria has exploded under this government. When I left, the last list that I published was the September 2014 waiting list. There were 34 618 applications on that waiting list. This was a decrease from what I had inherited in 2010 when I took over that portfolio; there were 41 212 applications on the waiting list at that time. So I actually reduced that waiting list quite significantly, by almost 6600 applications. We did that by working with people on the waiting list to make sure that their housing needs were met, and we were very successful in reducing the number of people who were actually on the housing waiting list—unlike the previous governments, the Bracks and Brumby governments, where they would just cleanse the list. They would write to people and say, ‘Do you still want to be on this list?’, and if they did not hear from them they would just cross them off the list. That was an appalling practice that was admitted to by the then director of housing. It was an appalling practice.

We put a stop to that, and we actually worked with people to make sure that they got housed. But that 34 618 was still too many people on the list, and I wanted to drive that down even further. But what we have seen under this government is that the number of people who are actually on the total waiting list has now exploded—as I said, each one of these is an application; it is a household, it is a family—to 55 097 applications on the list. That is 55 097 households or families. That is a 59 per cent increase under this government, which is appalling, but even more appalling has been their record on the early housing applications, which has really blown out. That was 9990 in September 2014. There are now



30 508 of the most vulnerable households in Victoria languishing on that priority waiting list. That is an appalling increase of 207 per cent, an extra 20 679 families—the most vulnerable in this state. These are people who are homeless. They are people who are escaping domestic violence. They are people who are living with a disability. They are people who have special housing needs, yet this government is content to leave them languishing on a waiting list—an appalling record by this government.

We know from the data that they do publish on the Victorian housing register that half of those families, 15 302, are actually homeless. These are people who are without a roof over their head, and this government should actually hang their heads in shame over the waiting lists and the blowout of those waiting lists. But we hear a lot about the government's big build—'Oh, we're going to add 12 000 properties to the stock'. Even if they were all new properties, they would house less than a quarter of the people who are on the waiting list, so it is clearly not enough.

But what they do not talk about is the disposals that they carry out every year. What we can see from the latest annual report, the additional data that is published as part of that annual report, is that in 2019–20 they disposed of 1612 properties, and they followed this up in 2020–21 by disposing of a further 1031 properties. There are over 2600 properties that they have just disposed of. Of those, in 2020, 538 were just demolished. In 2021, 737 were just demolished. The rest are lease handbacks, because sometimes the department does lease a house, or they were sales or they were transferred to the community housing sector. Some of them were disposed of by the community housing sector as well, and there is no explanation as to why that was done.

When they talk about, 'Oh, we're going to increase this housing stock', let us have a look throughout my electorate at the record from 2014 to 2022. If we look at the Alpine shire, there were six less social housing properties in the Alpine shire in 2021 than there were in 2014. In Benalla, again six less properties; in Buloke, 12 less properties; in Campaspe, 27 less properties; and in Gannawarra, 10 less properties. In Greater Bendigo it has risen—it has gone up by 106, but that is not nearly enough to house the thousands of people who are on the housing waiting list in Greater Bendigo. In Greater Shepparton it increased by 66. At least 40 of those are the places in the foyer that I started to build that was completed after the 2014 election.

In Indigo they have dropped by six. In Loddon there are nine less homes; in Mansfield there are five less homes; in Mildura, 14 less homes; in Mitchell, nine less homes; in Moira, 34 less homes; in Mount Alexander, three less homes; in Murrindindi, seven less homes; in Nillumbik, four less homes; in Strathbogie, three less homes; in Swan Hill, 15 less homes; and in Towong, three less homes. In Wodonga it has gone up by three, in Whittlesea by 74 and in Wangaratta by 42, but it is not enough to house the hundreds of people who are on the housing waiting lists in those areas.

In the big build they talk about the numbers of properties that they are going to build. For the areas that I have seen figures for in media releases or in newspaper stories, for instance, in Shepparton the government claim they are going to build 130 new social housing units. There are 2383 households or families on the waiting list in Shepparton to get those 130 homes. That will leave 2253 of them still without homes after the 130 are built, and that would be the case if they were all new homes, because some of these will be replacement homes. We need to understand that of the 2383 applications on the housing waiting list in Shepparton, 2155 of those are the most vulnerable who are on the priority waiting list, yet we are hearing 130 possible new homes. We know that not all these homes are going to be new homes, because in their press release for the 120 supposedly new homes in Bendigo, the government—this is a press release from 16 September, I cannot remember which year—admitted that only 56 of those will be new homes; 64 are replacement homes.

So for the 3069 families languishing on the waiting list in Bendigo there are going to be 56 new homes. That still leaves 3013 families languishing on a waiting list, and 2746 of those families have priority access. They are waiting for a home now because they are homeless, they are trying to escape domestic violence or they are living with a disability.

**Ms Shing** interjected.

**Ms LOVELL:** Ms Shing may not care about them, but I do care about them. In Mildura, again it has been reported that there are about 115 homes to be built under the Big Housing Build. We do not know how many are new or how many are—

**Ms Shing:** On a point of order, Acting President, I am just wondering, when Ms Lovell talked about government members not caring about housing, if she was talking about Brighton or indeed another part of the state.

**The ACTING PRESIDENT (Mr Gepp):** There is no point of order.

**Ms LOVELL:** I think Ms Shing would probably know and it is quite clear that I was talking about Bendigo at that point, an area that I care very much about. As I said, in Mildura it has been reported that there are around 115 homes to be built under this Big Housing Build. We do not know how many are new or how many are replacements, but in Mildura there are actually 976 families on that waiting list; 871 of them have priority. These are people, as I said, who are homeless now, who are escaping domestic violence, who are living with a disability or who have a special housing need. And even if all 115 of those properties are new, it still leaves 861 languishing on Labor's waiting list.

Labor just do not care. They do not invest in public housing. They knock it over, demolish it or sell it off as quickly as they build new ones, and we know this. When I became minister, in Norlane there were vacant blocks everywhere because, instead of investing in maintenance, they just demolished the houses. The Auditor-General actually delivered a report in 2010 about the Bracks and Brumby governments' record that said because they had not invested in maintenance 10 000 properties were about to reach the end of their usable lifespan. That is a disgraceful record for a government as a landlord, that its houses were so degraded that they were going to be unlivable. It is just appalling that the government keep talking themselves up but not admitting to their failures and not helping Victorians who are in need.

**Dr KIEU** (South Eastern Metropolitan) (11:48): I rise to speak to and support strongly the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. A home is more than a roof over one's head. The safety, the security and the dignity of a home provide one with the foundation for a good life and also stability for society. Housing accessibility and housing affordability are an enormous problem, and so is the homelessness issue. It would require the working together, the collaboration, of all levels of government, from federal to state to council, and also the private sector. But sadly what saw from the last federal government is that they did absolutely nothing to alleviate the problem.

The Legal and Social Issues Committee did a very extensive inquiry into homelessness and identified many problems.

**Ms Lovell:** The government haven't responded to it yet.

**Dr KIEU:** In due course, Ms Lovell. But the government—thank you for prompting me—has already committed \$5.3 billion to the Big Housing Build, which is the biggest single investment not only in Victoria's history but also in the history of all other states and territories. As part of the Big Housing Build we will secure 2000 homes for Victorians who have mental illness and 1000 homes to provide safety and security for victim-survivors of family violence, which is one of the single most important causes of homelessness. Also, 10 per cent of new buildings will support Aboriginal Victorians to have culturally safe, self-determined housing options.

Up to this stage the government and Homes Victoria have passed the halfway mark, with 6300 homes already completed or underway, and 1400 households have either settled in or are about to move into their brand new homes. This bill will further ensure that through Homes Victoria we can continue to boost the supply of modern, energy-efficient affordable homes for Victorians who are most in need so they can have a place to call home.

The \$5.3 billion Big Housing Build will also boost construction jobs. With every home that is constructed, our government is delivering jobs. Apprentices, cadets and trainees will undertake 10 per cent of the work on major projects. A gender equity plan will support an increase in women's participation in the construction industry, and hundreds of new jobs will be created for Aboriginal Victorians, people with disability, social housing renters and people from diverse backgrounds.

The bill also formally establishes Homes Victoria as a contemporary housing agency with a robust governance structure. This bill will allow Homes Victoria to deliver housing on a continuum from social housing for the most vulnerable Victorians to affordable housing for low to moderate income earners, including essential workers, who we thank so much for their hard work during the last two years and ongoing. The bill formalises the transition of the director of housing to Homes Victoria and establishes an independent skills-based Homes Victoria advisory board to provide strategic advice to the CEO of Homes Victoria and also to the minister about long-term strategic direction, financial performance and stability, strategic risks and opportunities, and a corporate plan and performance indicators. Homes Victoria also needs a flexible toolkit to allow it to get the best value for Victorians and deliver more affordable homes throughout our state. So the bill also allows for a structure that can move more quickly and also quickly allow for reinvestment back into the delivery pipeline of the social and affordable homes our state needs.

The bill is so important because it allows Homes Victoria to support a variety of housing options, from delivering a Housing First approach for people experiencing homelessness to stable, secure housing for low-income Victorians right through to affordable housing options for low to moderate income Victorians. The bill will also allow the Minister for Housing to declare an affordable housing program to be a Victorian affordable housing program where the state or the commonwealth provides a contribution to the construction, acquisition or management of affordable housing.

The bill also has some elements to deal with residential tenancies. On residential tenancies, the bill also amends the Residential Tenancies Act 1997 to support the provision of affordable rentals to eligible renters who are accessing the commonwealth's national rental affordability scheme or the Victorian affordable housing programs. The national rental scheme eligibility relies on an income threshold determined by household composition. When a household income changes, such as when a new partner moves into the house, it potentially impacts eligibility and could trigger updating household information for the provider. The bill allows for the provision of a specific notice to vacate for the NRAS so that people who no longer satisfy the criteria move on because they can afford to do so, and that will make more stock available for people who are in need.

Also, the bill has some elements about antisocial behaviour and how to deal with it. In the public housing sector we have hundreds of thousands of residents and very few incidents of antisocial behaviour, but those incidents have to be regulated, which they have not been. This bill will address that issue. In the few minutes left before question time I commend this bill to the house because it is a very important, essential bill. After all, adequate housing is a fundamental human need and also a universal human right.

**Mr GRIMLEY** (Western Victoria) (11:57): I rise to speak on the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. This bill establishes some governance arrangements for the new agency, Homes Victoria, created to deliver the Big Housing Build. It transitions relevant existing functions for the big build from the director of housing, creating a new role of CEO. It will equip Homes Victoria with similar rights and powers to act as a property developer. Homes Victoria will manage the affordable housing scheme's 2400 tenancies. The bill also establishes a new advisory board.

The bill responds to concerns from public housing residents who are reluctant to make a complaint about an antisocial neighbour for fear of having their identity exposed. Residents will be able to lodge a community impact statement for VCAT to consider when an application is made to evict someone for their antisocial behaviour, and this is great news. People living on the public purse—but everyone,

really—should respect their home and the neighbours around them. We have heard many stories of people trashing government-supplied housing and making neighbours' lives a living hell, and this is just not good enough. The bill expands the definition of 'common areas' so that, for example, if a resident is trafficking drugs in the common area of a public housing estate, they may be subject to a notice to vacate.

But the real reason I wanted to speak to this bill is to talk about the broader issue of social housing and my plans for a regional housing summit. Earlier this year I met with the then Minister for Regional Development, Mary-Anne Thomas, to discuss issues in regional Victoria. One discussion we had was about the housing issues plaguing my electorate of Western Victoria. I spoke of the interconnectedness of employment, economic development, population growth and the associated social issues. For example, if a young person cannot find a rental, jobs cannot be filled, they cannot stay in the rural or regional town and they cannot bring up their family there or have family support, and there are of course knock-on effects on industry as a result of this. In the meeting with Minister Thomas she asked me, 'So what are some solutions to this housing problem?'. My honest answer was, 'There are plenty of solutions, and the best people to answer your question are the councils, community groups and other stakeholders in regional Victoria'. That is why I proposed a regional housing summit.

**Business interrupted pursuant to sessional orders.**

### Questions without notice and ministers statements

#### VICFORESTS

**Dr RATNAM** (Northern Metropolitan) (12:00): My question is to the Attorney-General and relates to the state owned and run logging company VicForests. A recent government audit found VicForests illegally cleared 1000 square metres of protected possum habitat and broke the law in 25 out of 30 logging areas. VicForests is currently fighting up to a dozen claims of illegal logging in the courts and is fighting a court order to pay a litigant's cost in relation to one case. We also understand they are discovering relevant documents late in proceedings and withholding from discovery promptly, as well as delaying expert evidence and not settling cases which should be settled. What is the Attorney-General doing to satisfy herself that in these cases before the courts VicForests is conducting itself in accordance with the model litigation guidelines?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:01): I thank Dr Ratnam for her question. It is the expectation of the government that all government departments and agencies follow model litigant guidelines. It is not my role as Attorney-General to be intimately familiar with every case that the state government is involved in; that would not be a good use of my time. But in relation to the guidelines, it is the departments that would provide further advice in relation to their agencies in relation to those model litigant guidelines. In relation to the matters that you referred to, I am certainly aware of them predominantly more from my former role as the Minister for Agriculture than I am as the Attorney-General, but I would reaffirm that it is certainly my expectation and that of the government that model litigant guidelines are followed.

**Dr RATNAM** (Northern Metropolitan) (12:01): Thank you, Attorney, for that response. Each year more and more public money is spent propping up VicForests. The government's own audit has found widespread legal breaches, but it is still community groups who are holding VicForests to account through the courts. How much has the Labor government spent defending VicForests in the courts in the last year?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): Dr Ratnam, that is not a matter for me.

**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:02): My question is to the Minister for Emergency Services. Minister, the still secret inspector-general for emergency management (IGEM) report presumably addresses 000 answering times, and therefore I ask: in relation to the requirement to answer a call in 5 seconds, does this begin at the start of the call or at the end of the 16-second education message, meaning every call in Victoria is answered 11 seconds later than the 5-second benchmark?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): I thank Mr Davis for his question. You have asked a few separate questions in there. There is no secret report. Everyone knows that IGEM has conducted an investigation or written a report in relation to COVID-19 pandemic surge ambulance call related issues, and that report will be released shortly. In relation to your question about call answer speeds, there is no national message at the moment. It got taken off about six or seven days ago, so that is no longer relevant to the question that you ask. But if you had asked it last week or the week before, my answer would have been that the 5 seconds starts once Telstra has transferred the call to ESTA.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:03): Thank you for the answer, Minister, but I take that to mean—I am just trying to work it out—that the time is actually starting at the beginning and it is actually thereby late. But anyway, my simple question is—

**Ms Symes:** No, that's not right.

**Mr DAVIS:** That's not right? Okay. I will read closely what you said. Will the secret IGEM report be tabled before Parliament rises?

*Members interjecting.*

**Mr DAVIS:** Will it be available to the Parliament before it rises?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:04): All right, let us fix a few of the things you have said.

**Ms Crozier:** Before the Parliament rises, will it be made available to the public?

**Ms SYMES:** Well, how about you ask the questions, because that is a much better question than the one Mr Davis asked. To repeat Ms Crozier's question—

*Members interjecting.*

**Ms SYMES:** It is the IGEM that releases the report, and under the legislation that is upon my request. That is a report that will be made publicly available, so everyone in Victoria will have access to it.

**Mr Davis:** Before the Parliament rises?

**Ms SYMES:** Yes.

**MINISTERS STATEMENTS: BALLARAT EAST AVENUE OF HONOUR**

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:05): Today I would like to update the house on the grants program in the veterans portfolio that continues to support local communities to identify, remember and honour the contribution of Victorians in all conflicts and provide lasting recognition for the benefit of future generations. One of the grants I was very fortunate to see the benefit of only recently was when I joined the member for Wendouree, Juliana Addison—a good member—and the Ballarat mayor, Daniel Moloney—

**A member** interjected.

**Mr LEANE:** he is a good fellow—and other members of the community. The community members planted the first trees as part of the restoration of the Ballarat East Avenue of Honour. There are going to be 72 new oak trees which will line Melbourne Road and be accompanied by interpretive panels acknowledging the avenue and the veterans it honours. The project was funded by the Victorian government's Restoring Community War Memorials and Avenues of Honour grant program with a grant to Ballarat council awarded in April 2022—that would be this year.

On the day we were joined by members of the Brown Hill Lions Club, the Brown Hill Progress Association, members of the Avenue of Honour working group and local historian Faye Parry. Faye told me she started the project while looking for recognition that may have been made of a family member, which is her father I believe. She researched and discovered the missing trees in this part of the Avenue of Honour. I really want to congratulate Faye and acknowledge her work and her research that has made restoring this part of the Avenue of Honour possible. I acknowledge all people that do this sort of work to make sure that we are paying our respects to our past heroes.

### COMMONWEALTH GAMES

**Mr BOURMAN** (Eastern Victoria) (12:07): My question is for the Minister for Commonwealth Games Legacy, representing the Minister for Commonwealth Games Delivery. My understanding of the 2026 Commonwealth Games is that there may be a few events in the wider Gippsland area, the rest to be spread amongst regional cities. I do congratulate the government for its regional focus on these games, but I want to advocate for more events to be held in Gippsland, which needs all the help it can get given that the end of the native timber industry is getting closer and closer. My question is: will the minister commit to advocating for more events, particularly shooting events if we can do it, to be held in Gippsland and to ensure adequate funding for any infrastructure is available?

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:08): Thank you, Mr Bourman. That is an excellent question to the Minister for Commonwealth Games Delivery. If you will give me licence, I can speak on behalf of her and myself as the Minister for Commonwealth Games Legacy in giving you the answer in one word: yes.

**Mr BOURMAN** (Eastern Victoria) (12:08): I thank the minister for his very succinct answer, and I will remind Mr Gepp that fishing and farming are not athletic events, but shooting is. Anyway—

*Members interjecting.*

**Mr BOURMAN:** Had enough? My supplementary question is: whatever facilities are available at the end of the events will obviously be left over. I might also point out that there is a problem with social housing in Gippsland, as Ms Bath raised before, that the athletes village may help with. Will the government commit to supporting the ongoing use and upkeep of the facilities by local groups to ensure that there is an ongoing benefit to Gippsland and other areas after the games are held?

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:09): Thank you, Mr Bourman. If you are happy for me to take licence, I can respond on behalf of the Minister for Commonwealth Games Delivery and myself in my role as Minister for Commonwealth Games Legacy. The answer is absolutely yes.

### EAST WERRIBEE EMPLOYMENT PRECINCT

**Mr FINN** (Western Metropolitan) (12:09): My question without notice is to the minister representing the Minister for Planning. The East Werribee employment precinct was a proposal by the former coalition government to boost business and education in the outer west of Melbourne. When it was first proposed in October 2013 the plan appeared to have bipartisan support, but with the election of the Andrews government a little over 12 months later it first stalled and then seemed to disappear altogether. To its credit the Wyndham City Council is now campaigning for a rejuvenation of the East Werribee plan as originally proposed. Minister, given the importance of this precinct to one of the

fastest growing areas in Australia, what are the Andrews government's intentions to breathe life into the East Werribee employment precinct plan?

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:10): Thank you, Mr Finn, for that question. In accordance with the standing orders, I will refer that matter to the Minister for Planning in the other place for a response.

**Mr FINN** (Western Metropolitan) (12:10): Thank you, Minister. If the government is unable or indeed unwilling to resurrect the East Werribee employment precinct plan, what plans does it have to allow the creation of an equal number of jobs that would otherwise be created by the project?

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:11): Again, to pre-emptively disappoint those opposite, Mr Finn, I will seek a response from the minister in the other place to you, to be provided in accordance with the standing orders.

#### MINISTERS STATEMENTS: TAFE GIPPSLAND PORT OF SALE CAMPUS

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:11): It was my absolute joy to visit Sale to formally open the TAFE Gippsland Port of Sale campus last week. This state-of-the-art, purpose-built facility is the result of outstanding collaboration between the community and the staff at TAFE Gippsland and of course the \$25 million from the Andrews Labor government. It is this government who realised the importance of and the need for a purpose-built facility to take pride of place at the heart of the Port of Sale precinct. Unlike those opposite, who let facilities go to rack and ruin and locked the gates, it took the strength of the community and the Wellington shire, along with local industry leaders and along with my friend Harriet Shing, a member for Eastern Victoria, and the commitment of this government to unlock those gates to ensure this vital community has the very best facilities and opportunities that they deserve.

I was so pleased to meet students who were just so happy to be learning the skills for their future careers at such a wonderful campus with great teachers. The courses on offer are meeting the local business and community needs in disciplines including aged care, allied health, automotive engineering, carpentry, construction, hair and beauty, and of course early childhood education. Opening this campus was a milestone moment for the whole community.

**Ms Lovell**: On a point of order, President, we have someone in the gallery up here taking photographs on both a camera and a phone.

**The PRESIDENT**: Order! Can I have the attendants look at it, please?

**Ms Patten**: Just by way of explanation, it is actually the *Guardian* newspaper. It is media. They were taking some photos of me.

**The PRESIDENT**: Minister, sorry to disturb you. Please continue now.

**Ms TIERNEY**: Opening this campus was a milestone moment for the whole community. I would especially like to thank the staff for all of their work, and special thanks go to Grant Radford, the former TAFE Gippsland CEO, who drove this project to completion. It is this government who has committed to offering all Victorians access to a world-class training system with world-class facilities, no matter where you live.

#### FUEL EXCISE

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:14): My question is for the Minister for Small Business. Minister, on 28 September the federal government will remove the 22-cents-per-litre fuel excise concession. This will force up the price of petrol and diesel for Victorian small businesses and of course struggling Victorian families, and this will feed through into further

increases in costs in an environment where small businesses face real inflationary pressures and impacts on their costs and competitiveness. I therefore ask: will you intervene and advocate to the commonwealth government, specifically your small business compatriot Julie Collins, to retain the 22-cents-per-litre excise concession for a further 12 months?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:15): Mr Davis is having a pretty ordinary week. Senator Collins is not the federal Treasurer. Mr Davis should know that. This is a person who is presenting himself to the Victorian people in a short number of weeks as the alternative Treasurer for Victoria. Fuel excise is clearly a matter for the federal government. The fuel excise arrangements that the former federal government put in place and any decisions about whether there would be any arrangements made to change the decision of Mr Frydenberg and Mr Morrison about when this ends are a matter for the federal Parliament, and Mr Davis knows that. Really, if you could pay just the tiniest bit of regard to the responsibilities in my portfolio, of which there are plenty—we have got 640 000 small businesses in Victoria—would it kill you to look at the general order and try and ascertain even just a tiny bit of what I am responsible for? You are making a massive fool of yourself, and you are doing a disservice to all Victorian small businesses by the way that you treat my portfolio consistently like some kind of joke. I do not; I take it very seriously. I work day and night to support Victorian small businesses in all sorts of different ways. We opened a new program to support struggling small businesses as recently as Monday. We have a number of others running. Why don't you ask me about one of those?

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:16): I think that means no, she will not even advocate and she will not even speak on behalf of small businesses. The fact is that this is a big impact on many small businesses. You go and talk to a few, and they will actually make that point. For many small businesses these transport costs are very large input costs, so I simply ask: will you join us in advocating to the federal government for a better outcome on this?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:17): Mr Davis, where were you when Mr Morrison and Mr Frydenberg set these dates in the last federal budget? And where are you ever advocating for small businesses? In the 2½ years that I have held this portfolio your best effort has been 'Will you meet with?'. You are a disgrace. You are an embarrassment to this place. You are an embarrassment to your show. Your people yesterday were phoning it in, and you know it. President, would you like to direct me on how I should answer a question about fuel excise? I would just make the point that small businesses are impacted by all sorts of rising input costs that relate to things that are decisions of the former federal government, that are matters of the war in Ukraine—*(Time expired)*

**Ms CROZIER** (Southern Metropolitan) (12:18): I move:

That the minister's answer be taken into consideration on the next day of meeting.

**Motion agreed to.**

## WOMEN IN THE CRIMINAL JUSTICE SYSTEM

**Ms PATTEN** (Northern Metropolitan) (12:19): My question is for the Attorney-General. A recent Fitzroy Legal Service and Latrobe University research report documented how women experiencing domestic and family violence are policed and criminalised. Amongst its various findings, the report highlighted police misidentification of victim-survivors as predominant aggressors as a problematic issue in the criminal justice system that needs to be addressed. It is, I guess, one more matter on this list that I have raised in this forum around women and the justice system. So my question is: will the minister consider a Victorian Law Reform Commission (VLRC) referral in relation to women in the criminal justice system?



**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:20): I thank Ms Patten for her question, which ended up being a very broad question. It started with a particular issue that I would not mind picking up on, though, and that is the misidentification of perpetrators in family violence situations and the impact that it has particularly on marginalised women. It is an issue that has come to my attention through a lot of community legal centres and the conversations that I have. I have a regular round table with all of the CLCs, and it was actually a feature of a recent conversation. I have asked for feedback from CLCs in relation to their experiences about this, because until you get the case studies you do not realise how horrific this actually is, how complicated it is and how much time it takes to unpick in the legal process. Very often there are children involved that can be removed, and then they all get to a point where they are like, ‘Oh, hang on’. It is a real issue and can compound people’s legal issues. It is an issue that I am aware of. We have a working group that has commenced to look at this issue, and I have invited continual feedback, particularly from CLCs and the broader legal sector, on this issue because I would like to come up with solutions in relation to that. It has not been my intention to prematurely make a referral of this matter to bodies such as the VLRC, because I am in the early stages of collating experiences directly from those that have lived experience or are dealing with clients in that regard.

**Ms PATTEN** (Northern Metropolitan) (12:21): Thank you, Attorney, and I would commend the Legal and Social Issues Committee’s report on the inquiry into the criminal justice system, which did considerable work in this area and went to this issue. The misidentification of victim-survivors is a policing issue in many respects, as I am sure you have heard at the round tables, but it is also one that could be remedied by criminal procedure. So by way of supplementary: if the minister is not minded to consider a VLRC referral, would she contemplate a change in criminal procedure law to address this systemic issue?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:22): I thank Ms Patten for her question. I have not closed my mind off to any reform in this regard. I think reform is needed. I am yet to be convinced of exactly what is best, and that is why it is actively under consideration and indeed detailed consultation. Hopefully it is something I have the honour of being able to pick up next year.

#### MINISTERS STATEMENTS: EARLY CHILDHOOD EDUCATION

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (12:22): This morning I was very pleased to visit Alpha Early Learning Centre in Richmond to talk to staff about our Best Start, Best Life reforms for early childhood education. We know that our \$9 billion investment will be a game changer for kids and families. Providing two years of free kinder means that even more children will attend early learning. Families will not need to find up to \$2500 each year from their household budgets.

But these reforms are not only good for kids and families; now we know they are good for the economy. New independent analysis from Deloitte shows that our Best Start, Best Life reforms alone will boost Victoria’s workforce by up to 30 000 full-time positions and increase the state’s real gross state product by between \$0.9 billion and \$3.8 billion in 2032–33. Once fully operational, our kinder reforms alongside the commonwealth government’s childcare subsidy reforms will deliver an increase of \$13.9 billion to \$29.3 billion for the first 10 years and create over 46 500 jobs.

And it is women who really stand to benefit. With 94 per cent of primary carers being women, these reforms will overwhelmingly benefit female-dominated sectors like education, health services and accommodation, not to mention early childhood education and care—sectors that are all currently facing skills shortages and are female dominated. Right now lack of access to child care takes almost 26 500 women entirely out of the workforce in Victoria and costs the economy \$1.5 billion per year in lost earnings alone. These are women who have wanted to work more but have been prevented from doing so because the system does not meet their needs. I am proud to be part of a Labor government that is delivering these nation-leading reforms that will benefit generations to come.

### CONNECTING VICTORIA

**Ms BATH** (Eastern Victoria) (12:24): My question is to the minister for the digital economy. Minister, under your Connecting Victoria mobile program, 76 out of 97 of your government's locations of strategic interest are in Melbourne. Of those in regional Victoria, over half are in the Labor-held electorates of Bendigo, Ballarat and Geelong. Minister, when rural communities struggle to get one bar of 3G telecommunications signals, why are you prioritising 5G for Melburnians?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:25): I thank Ms Bath for her question and for her interest in the Connecting Vic program. This \$550 million program was part of the big stimulus budget in November 2020, and we have been working hard to roll it out ever since. There are a whole lot of subcomponents to it, so bear with me a sec as I explain how it works and what its objectives are. Of course members will understand that telecommunications is clearly a fundamental and an underlying responsibility of the federal government. We have worked in partnership with the former federal government, and we are really excited about the election commitments that the new federal government has made. The point of Connecting Vic is to supplement and complement and turbocharge Victoria's transition to a gigabit state on top of federal service delivery requirements and obligations.

The first part of Connecting Vic involved a partnership with NBN Co for a whole bunch of fibre to business zone upgrades and some residential. The second part is the first part of the mobile program, which is what I gather Ms Bath is referring to. As with the broadband part of the program, both part 1 and part 2 of the mobile program have been informed by detailed analysis of where connectivity is insufficient, and the program is designed to create better telecommunications inclusion for people right across the state and significant economic uplift.

When we talk about being a gigabit state, people might be familiar with the notion of a 'gigabit city' as basically being about a gigabit uploading and downloading within a second, so it is next level in terms of industry development and telecommunications capability. As Ms Bath knows, the 3G network is decidedly old-school compared to what 5G capability will be. These Gs have a 10-year life, and Ms Bath would well know the work that I have done in numerous portfolios over a long time around improving telecommunications connectivity to rural communities and the work that the government has done and continues to do around black spot eradication.

But back to the Connecting Vic mobile program, the first stage has been rolled out and the places announced, and that is typically a partnership with Optus and TPG. The second stage is just being finalised, and we look forward to making announcements about those locations. In total there will be a thousand across the state, so there is a whole lot more to come in the next month or two.

**Ms BATH** (Eastern Victoria) (12:28): I thank the minister for her response, but she went nowhere near to answering the question about prioritising Melbourne over rural and regional. Minister, speaking with Toongabbie CFA captain Scott Mitchell today, he is highly concerned that the town's woeful service will fail the community during emergency events, leading to tragedy. Minister, you said the program will 'help more regional Victorians get connected'. Why are you gold-plating priority suburbs like Richmond, Brunswick and Broadmeadows over regional communities like Toongabbie?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:29): Again, just to recap, there will be a thousand sites, and for the first part of the mobile component of the program—not the broadband part but the mobile part—most of those locations have now been announced. But the larger second part is being finalised. The suggestion around gold-plating and sandbagging and choice of locations is unbelievably offensive. This program is about creating significant economic uplift for Victorians. It is about creating effective partnerships that dramatically increase the level of investment that the state has made on top of the investment that federal

governments over years have made and will continue to make, and it has been informed by deep data analysis of where we will get that economic uplift and also where— (*Time expired*)

### CHILD PROTECTION WORKPLACE SAFETY

**Ms MAXWELL** (Northern Victoria) (12:30): My question is to the Minister for Workplace Safety regarding the safety of our child protection workforce. WorkSafe investigated the Department of Health and Human Services over claims that excessive workloads were creating an unsafe work environment for child protection staff. One worker described his working conditions as akin to a game of Russian roulette, and there were reports the department breached no-overwork provisions in the enterprise bargaining agreement (EBA). The Victorian WorkCover Authority laid two charges in 2019 against the department, alleging it had broken—

*Members interjecting.*

**Ms Stitt:** On a point of order, President, I am having trouble hearing Ms Maxwell. I am wondering if she might be able to begin again.

**The PRESIDENT:** Ms Maxwell, please start from the beginning.

**Ms MAXWELL:** My question is to the Minister for Workplace Safety regarding the safety of our child protection workforce. WorkSafe investigated the Department of Health and Human Services over claims that excessive workloads were creating an unsafe work environment for child protection staff. One worker described his working conditions as akin to a game of Russian roulette, and there were reports the department breached no-overwork provisions in the EBA. The Victorian WorkCover Authority laid two charges in 2019 against the department, alleging it had broken the Occupational Health and Safety Act 2004. WorkSafe deemed this matter serious enough to refer it to the DPP for prosecution, which included a committal hearing. After three years the DPP discontinued the case only a few weeks before the trial date, and it seems the WorkSafe charges did not proceed either. Did WorkSafe drop these charges in return for an undertaking from the department, and if so, what were the details of any undertakings to improve the safety for these workers?

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (12:32): I thank Ms Maxwell for her question. Can I start by acknowledging the incredibly important work that child protection workers do in our state, and it is often in incredibly challenging circumstances. I think it is important to acknowledge the difficult role that they play.

Ms Maxwell, you probably noticed I was looking at the Attorney-General a little bit during that question just because I want to be careful not to skate close to the line here on the separation of powers, which is contained in your question. As I have said numerous times in the house, WorkSafe's compliance and enforcement activities are independent. WorkSafe's role is to ensure that the Occupational Health and Safety Act duty holders are meeting their obligations—very important. That of course includes government duty holders. So it is even more important in that regard that their activities are undertaken independently. I do not really want to comment on the particulars of that investigation and the subsequent court proceedings, nor would it be appropriate for me to comment on any of the decisions made by the Office of Public Prosecutions.

**Ms MAXWELL** (Northern Victoria) (12:33): Thank you, Minister. WorkSafe publishes summaries of prosecutions that result in a plea of guilty or a finding of guilt. They also publish enforceable undertakings related to these findings. But when a WorkSafe charge is not pursued against a state department or agency, including where there is an unenforceable undertaking, this is not published. There is the opportunity for improved transparency here, so I ask the minister: will the government consider future legislation so that the detail and outcome of all WorkSafe investigations of state departments and agencies, including any undertakings, could be published?

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (12:34): Again, I am going to answer this fairly carefully. WorkSafe have got a

prosecution policy, which is available publicly. I am obviously very happy to see what other information might be able to be provided to Ms Maxwell in relation to the matters that she has asked about. But from the government's perspective I can confirm that there are no plans to change the way in which these matters are dealt with. As much as possible there are transparent arrangements put in place about the outcome of prosecutions.

#### MINISTERS STATEMENTS: WATERWAY MANAGEMENT

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:35): I want to talk today about litter. We know that 95 per cent of the litter that is dropped on our streets ends up in our waterways, and I want to talk today as Minister for Water about a range of initiatives that are delivering better insight into the way in which litter moves throughout our system and the way in which it causes damage to flora, to fauna and indeed to the quality of water across the state. From microplastics right through to bottles and cans, there are a range of initiatives that are being rolled out to make sure that we are aware of the impact of litter on our environments.

I know that my predecessor, Lisa Neville in the other place, was an absolute champion in particular for the Barwon and Bellarine regions and for healthy waterways in her electorate, so last week in Geelong it was an absolute pleasure to join the candidate for Bellarine, the extraordinary Alison Marchant, who has a proud track record of working to secure better environmental outcomes, including as they relate to the ban on unconventional fracking, to talk about an innovative citizen science project, the Litter Trackers project, which is part of the Burbs to the Bay initiative.

What we did on Friday was gather with a range of students from Northern Bay College, St Joseph's Flexible Learning Centre, St Therese Catholic Primary School and North Geelong Secondary College—happy birthday indeed to Timo from grade 5, who joined us—to throw bottles into the Barwon fitted with GPS devices. These bottles will track the movement of litter through our waterways, and once they are retrieved they will provide some really wonderful information about how litter is moving through those waterways and how it is impacting upon surrounding areas. It is part of a \$17 million investment in improving iconic waterways, including through the rivers of the Barwon action plan. Congratulations to everyone, including Barwon Water.

#### WRITTEN RESPONSES

**The PRESIDENT** (12:37): Regarding questions and answers today: Mr Finn to the Minister for Planning, Ms Shing, two days, question and supplementary.

#### Constituency questions

#### WESTERN VICTORIA REGION

**Mrs McARTHUR** (Western Victoria) (12:38): (1961) My constituency question is for the Minister for Environment and Climate Action, and it relates to the protection of hundreds of beautiful trees around Ballarat's iconic Lake Wendouree. The Ballarat *Courier* recently revealed enormous groundworks and disruption of tree roots in Steinfeld Street, Ballarat, to enable the construction of a footpath. Significant photographic evidence suggests that the council's own tree protection policy may not have been properly followed as roots larger than 30 millimetres appear to have been cut in the tree protection zones. Large machinery operation and boring also appear to have been conducted in these zones. Lake Wendouree was last week added to the state heritage register. Can the minister assure Ballarat residents that such conduct in tree protection zones will not happen at Lake Wendouree as the state's \$2.5 million election promise of a lighting plan proceeds?

*Members interjecting.*

**Ms Pulford**: On a point of order, President, Dr Cumming just accused me of having a muzzle on, and I would like her to withdraw.

*Members interjecting.*

**The PRESIDENT:** Order! Can I speak, please?

**Dr Cumming:** I am happy to.

**Ms Pulford:** So you did? You're a piece of work, aren't you?

**The PRESIDENT:** Minister!

**Dr Cumming:** I'm a piece of work? I would like the minister to withdraw calling me a piece of work.

**The PRESIDENT:** The minister raised a point of order, and I have not ruled yet on the point of order. That the interjections kept going is not welcome in this Parliament. The minister has a point of order. Dr Cumming, if you did, I ask you to withdraw now, without comment.

**Dr Cumming:** I am happy to withdraw.

**The PRESIDENT:** Thank you.

**Dr Cumming:** On a point of order, President, I request that the minister withdraw her comment that I am a piece of work. I am completely offended.

**The PRESIDENT:** Minister, can I ask you a question. You asked for the comment Dr Cumming made to be withdrawn; did you say it back or did you just repeat the word she said? That is all I am asking.

**Ms Pulford:** I am sorry, I do not understand. By way of interjection Dr Cumming referred to my mask—which, like lots of people taking notice of the health advice, I am wearing—as a muzzle, which I think is offensive because muzzles are worn by dogs.

**The PRESIDENT:** Did you say the words that Dr Cumming said or not?

**Ms Pulford:** Yes, I called her a piece of work because she was inferring I am a dog.

**The PRESIDENT:** I ask you to withdraw.

**Ms Pulford:** I withdraw that.

**The PRESIDENT:** Thank you. All done?

**Dr Cumming:** Muzzled.

*Members interjecting.*

**Mr Meddick:** On a point of order, President, I am terribly sorry to call it again, but Dr Cumming has repeated the comment again, and it is flouting your ruling. I for one, and I think the rest of the chamber, am quite sick and tired of Dr Cumming's interjections like this across the chamber. We want to see an end to it.

**The PRESIDENT:** Dr Cumming, I do not want to do this, but unfortunately I asked you to withdraw, and you did, and you repeated it. I ask you to leave the chamber for 15 minutes.

**Dr Cumming withdrew from chamber.**

#### WESTERN VICTORIA REGION

**Mr MEDDICK** (Western Victoria) (12:43): (1962) My question is for the Minister for Agriculture and concerns the Geelong Animal Welfare Society. GAWS has been the sole provider of shelter services in the Geelong region for decades and has been receiving animals from some surrounding LGAs for the same period. They have consistently been awarded the contract to provide these services. They have relied upon public generosity to stay afloat, and I have consistently lobbied the City of Greater Geelong for more funding for years, to no avail, even though the revenue from registrations

far exceeds the money they provide to run the service. Now GAWS are in trouble. Without immediate financial support they may have to close their doors by Christmas, creating not just a black hole in terms of service provided but an animal emergency to find somewhere for the animals they have in care to go. Will the minister assist in any way possible and save GAWS?

### **SOUTH EASTERN METROPOLITAN REGION**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:44): (1963) My constituency question is for the Minister for Environment and Climate Action, and it relates to dredging of the Mordialloc Creek. This matter has been raised with me by Phil Pease, the Liberal candidate for Mordialloc, who has been working closely with the Mordialloc Creek community in an effort to get the Mordialloc Creek dredged up to the boat ramp. This is work which has not been undertaken since the last Liberal government in 2014. While there are some dredging activities in the mouth of the Mordialloc Creek, they do not extend upstream to the boat ramp and therefore do not facilitate making it easier for recreational boaters to access the creek. So my question to the minister is: when will the government dredge the Mordialloc Creek upstream to the boat ramp?

### **WESTERN METROPOLITAN REGION**

**Mr FINN** (Western Metropolitan) (12:45): (1964) My constituency question is to the Minister for Disability, Ageing and Carers. Last week I visited the Braybrook and Maidstone Neighbourhood House. I was greatly impressed with the array of services provided to locals, many of whom are very much in the needy category. What particularly impressed me was the way the neighbourhood house distributed fresh fruit and vegetables to locals. It even has a freezer full of precooked meals. By any standard it is a vital part of the Braybrook and Maidstone communities. Speaking to the manager, Vivienne, and president, Pauline, I was deeply disturbed to learn of the severe impact cuts in funding would have on their services for those who most desperately need them. Minister, will you guarantee the necessary funding to allow the Braybrook and Maidstone Neighbourhood House to continue its very important work in its communities?

### **EASTERN VICTORIA REGION**

**Ms BATH** (Eastern Victoria) (12:46): (1965) My question is to the Minister for Environment and Climate Action. The native timber industry in Gippsland is in crisis. Third-party litigation has seen timber harvesting cease or dwindle, and wood volume is in dire shortage. Strangling the mills, the Andrews government is ignoring its promise to maintain the industry at 2019 levels. Operating for 80 years, the Mectec sawmill in Newmerella said it will have to lay off nine workers and close due to lack of supply. Protections under the greater glider action statement require VicForests to retain 40 per cent in each coupe when conditions are triggered, which it has done for the last four years. The issue sits with the ambiguities and flaws in the timber code of practice. Minister, will you gazette the 40 per cent rule in the timber code of practice so it gains the legislative power for the courts to recognise and stop this third-party litigation?

### **WESTERN METROPOLITAN REGION**

**Ms VAGHELA** (Western Metropolitan) (12:47): (1966) My constituency question is directed to the Honourable Ben Carroll MP for the minister's responsibility for roads and road safety. Taylors Road, along with Green Gully Road, provides an uninterrupted corridor between the Calder and Western freeways via Keilor Downs and Caroline Springs. The Taylors Road corridor is increasingly performing an arterial function for the broader original road network. Significant growth in the area is adding to traffic congestion and long delays for commuters using Taylors Road. The state government manages the section of Taylors Road between Sunshine Avenue and Kings Road. The remaining sections of the road are managed by the Brimbank and Melton city councils. This disjointed corridor ownership makes it difficult to plan and coordinate upgrades and manage conditions. My question to the minister is: will the Victorian government commit to changing the entire Taylors Road corridor to

a state-managed arterial road and particularly prioritise the section between Kings Road and Westwood Drive?

### **SOUTH EASTERN METROPOLITAN REGION**

**Mr LIMBRICK** (South Eastern Metropolitan) (12:48): (1967) My question is for the Minister for Environment and Climate Action. I recently met with representatives of the Dingley Village Community Association and Save Kingswood Golf Course groups. They expressed significant concerns with the proposed development of the site, which is shared by many Dingley Village residents and the Kingston council. This project has been working its way through the system for some time, with responsibility transferred to the new Minister for Planning and now to the minister for environment. The Liberal Democrats are not instinctively opposed to development proposals. We do in fact believe that increasing supply is important for housing affordability. That does not mean that reasonable and responsible engagement with locals should not occur. Will the minister commit to meeting with these local community groups to hear their concerns?

### **NORTHERN VICTORIA REGION**

**Mr QUILTY** (Northern Victoria) (12:49): (1968) My constituency question is probably for the Minister for Regional Development, although it could be sport, road safety or even tourism, but to a minister. Last week I met with a community group promoting a burnout pad, a venue for car enthusiasts to spin their tyres and practise their skills, an initiative supported by many residents and businesses in the local community in Wodonga. It also has the support of Supernats event organisers, who propose bringing several scheduled events to the border every year using the pad, with flow-on economic benefits. A burnout pad would be a safe venue in the north-east where young border residents can do burnouts in a controlled environment, far better than having burnouts in our streets. A safe and controlled burnout pad, a bit like a safe injecting room, will free up police resources and provide an avenue for engaging motor enthusiasts and youth. I believe part of the funding for the pad could be raised locally, but it needs support from state and local government to provide a site and kick off the process. Minister, will you support this initiative and endorse the economic, social and community benefits provided by a burnout pad in north-east Victoria?

### **NORTHERN METROPOLITAN REGION**

**Ms PATTEN** (Northern Metropolitan) (12:50): (1969) My constituency question is for the Minister for Health and relates to robot-assisted surgery in public hospitals in the north of the electorate. Surgical cancer margin rates are consistently better where a robot is used. This has resulted in a progressively greater discrepancy between the public and private systems in Victoria, to the point where margin rates are approximately 300 per cent worse in the public system compared to the private sector. Multivariate analysis suggests that this is largely related to the non-use of surgical robots. Currently there are surgical robots being installed in public hospitals in Victoria in areas such as Ballarat but not in hospitals in the northern suburbs of Melbourne. My constituent, who is a clinical surgeon, asks: will the minister outline when and where surgical robots will be installed in Melbourne's northern public hospitals?

### **WESTERN VICTORIA REGION**

**Mr GRIMLEY** (Western Victoria) (12:51): (1970) My question is for the Minister for Housing in the other place. My constituent is a victim-survivor of family violence who fled from Mildura to Warrnambool from her violent partner only to be found by him. The only stable accommodation for her and her young children was in temporary houses all the way in Melbourne. The Big Housing Build is big but nowhere near big enough for demand to be met. I have commented previously in this place on this year's increase in social housing and how it does not meet the demand fivefold. This year's budget included the purchase of six new crisis accommodation properties for victim-survivors of family violence—only six, which is nowhere near enough. Minister, will the government pledge to

increase the Big Housing Build to meet the actual demand necessary to stop people like my constituent in Warrnambool needing to travel hours away in order to be safe?

### NORTHERN VICTORIA REGION

**Ms MAXWELL** (Northern Victoria) (1971)

#### **Incorporated pursuant to order of Council of 7 September 2021:**

My question is to the Minister for Planning regarding the status of a high-priority Beechworth ambulance branch project.

We know that Indigo shire bears the unenviable reputation for the state's worst ambulance response outcomes. This issue is a constant source of fear and frustration for people living in Beechworth, because they know that slow response times can put lives at risk.

Beechworth is the largest population centre in Indigo shire. Not only does Beechworth need extra staffing support, but it also urgently needs a fit-for-purpose facility.

So my question to the minister is: can you outline how the government will expedite the development on a new high-priority ambulance station for Beechworth and provide details of the timelines for work to commence?

### **Bills**

#### **RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022**

#### *Second reading*

#### **Debate resumed.**

**Mr GRIMLEY** (Western Victoria) (12:52): This is why I proposed a regional housing summit. This is where councils and other stakeholders would come together to share ideas and make recommendations to each other but also to the government on how to fix this massive problem. I have been promoting this regional housing summit for a long time now. I have raised it in Parliament on three occasions before today, and I raise it again because it is so important. As I said above, this is not just a housing problem, it is a jobs problem, a social problem, a regional development problem. The effects are so much bigger than just a housing problem. We need to invite all regional councils and stakeholders—for instance, the local chamber of commerce, social housing operators, local builders, tourism bodies and others—to meet together to talk about the problems and solutions and to share ideas. Each council area should not have to go this alone. We should be working together to fix this huge issue.

My thanks go out to the 24 local councils in my electorate for working with me on these issues for the past four years, and I hope I have made some improvements and have advocated strongly on your behalf. Dr Tim Harrison, the CEO of Ararat Rural City Council, gets a particular shout-out as a leading voice for regional Victoria—

**A member** interjected.

**Mr GRIMLEY:** He is. He is proactively trying to fix the issues that plague these areas. He is a very intelligent, smart man. Once again I stand here saying that the regional housing summit needs to be committed to by both major parties before the election, and I hope we get such a commitment. I commend this bill to the house.

#### **Sitting suspended 12.53 pm until 2.02 pm.**

**Mr ERDOGAN** (Southern Metropolitan) (14:02): I rise to speak in support of the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. It is what could be described best as an omnibus bill which touches on a number of matters that are very important to many in this chamber, who I had the pleasure of listening to prior to getting



up to speak to it. It is a bill that delivers on our government's commitment to expand an effective, sustainable and affordable social housing system and establishes Homes Victoria as a strong, sustainable and contemporary housing agency underpinned by a robust and enduring governance structure with the powers to deliver on the Big Housing Build and beyond.

Specifically the bill contains provisions that will change the name of the statutory office from the director of housing to the chief executive officer, Homes Victoria, and change the name of the body corporate from director of housing to Homes Victoria. It provides Homes Victoria with the flexibility it needs to identify the most appropriate models and transaction structures to support the establishment of a range of property investment and development structures found typically in the property investment and financing markets. These could include the establishment of companies, joint ventures, trusts, partnerships and other arrangements as well as the investing, lending and contributing of funds in ways that support the Big Housing Build.

The bill requires the minister's and the Treasurer's approval to implement any new transaction structures. These could include entities such as trusts or other commercial arrangements established for a specific project. It also enshrines the Homes Victoria Advisory Board and ensures the board reflects the diversity of the Victorian community, including the representation of Aboriginal and Torres Strait Islander people. It establishes a framework for the creation and implementation of Victorian affordable housing programs to support low to moderate income Victorian renters to access quality housing options that are within their means. It ensures the integrity of the national rental affordability scheme in Victoria as well as the new Victorian affordable housing programs by ensuring and allowing housing providers to request key income documentation and remove renters who have become ineligible for housing. It supports safe and productive communities in public housing by ensuring that there is an appropriate balancing of the rights of public housing renters and that VCAT takes into account community impact statements, if provided, when considering granting a possession order in cases of serious antisocial behaviour. The bill will also close a potential gap in the Residential Tenancies Act 1997 by providing a pathway to pursue a legal response in cases of antisocial behaviour which occur in areas associated with public housing, including areas of public access.

Many of the previous speakers on the bill have raised the social housing shortfall we have in our state and in fact in our nation. That is why this bill goes a long way in addressing those shortfalls. The \$5.3 billion Big Housing Build will deliver over 12 000 social and affordable housing dwellings, including 9300 social housing dwellings and 2900 new affordable and market housing properties. The Big Housing Build is delivering a stable foundation for thousands of Victorians to build their lives. It will increase Victoria's social housing stock by 10 per cent. Twenty-five per cent of funding, or \$1.25 billion, will be allocated to regional Victoria to ensure the benefits of investment in social and affordable housing are spread across our state.

Homes Victoria is the foundation for the social and affordable housing growth, responsible for the renewal and expansion of Victoria's social and affordable housing assets by ensuring the Big Housing Build is delivered on budget and on time. The bill will provide Homes Victoria with the flexibility to identify the most appropriate models and transaction structures to support this growth program. The bill also enshrines a requirement for a Homes Victoria Advisory Board, which will strengthen governance to support social housing growth and reform. Investment in affordable housing complements the commitment to growing social housing. Affordable housing can provide potential exit points for social housing renters; provide alternatives for Victorians experiencing housing stress who are unable to access appropriate housing in the private market; and avert significant social costs by intervening early, preventing an acute and ongoing housing crisis and a need for long-term government support.

The bill introduces Victorian affordable housing programs which will help address specific gaps, including housing affordability and housing access for low to moderate income households, and deliver economic benefits in communities by increasing housing supply. This also aims to encourage other investors, such as superannuation funds, to build or buy additional affordable rental properties.

Finally, the bill will ensure that providers of these houses and rentals can satisfy the relevant eligibility criteria.

Before I continue my contribution about the specifics of the bill and who was consulted on it, I do want to add to some of the earlier remarks made by a number of my colleagues about the importance of social housing and about their lived experience. I was touched especially by the contributions of Ms Watt and Mr Gepp about the importance of public housing, because obviously some members in this chamber do not believe that public housing belongs in suburbs such as Brighton, in my electorate of Southern Metropolitan. In Southern Metropolitan and in Brighton the community has embraced social and public housing projects.

Most recently I was touched by the work of Elsternwick Primary School. In particular there is a new social housing project being built across the road from the school, and the school students at Elsternwick Primary School, which is actually located in the suburb of Brighton, made a sign for a crane to welcome their new neighbours. They are looking forward to welcoming their new classmates, because that is the kind of inclusive community we have in Southern Metropolitan, not one that is classist or elitist, contrary to what some may try to say. It is a community that is accepting of people from all different walks of life. That is why I am really proud, and I talked about it in this chamber recently, about a project in New Street, Brighton. We are investing about \$500 million in this tranche of public housing, with about 299 homes directly in Brighton. That is a combination of social housing and some market rental properties as well. It is a beautiful part of Melbourne. I do not need to explain how beautiful it is in Bayside, as we have got a former councillor from Bayside sitting in this chamber before us. He has elaborated in the past about the beauty of the Bayside suburbs, and I think it is a beautiful place for public housing. It is a great place for families and communities to come together. It is an inclusive community, as I have touched upon. Elsternwick Primary School students demonstrated that with the new sign welcoming their neighbours. It is an example of what the community view is on these projects. Obviously this project is a massive win for existing and future residents of our local community and sends a message that public and social housing is welcome everywhere, including in Brighton.

This is yet another example of a government delivering for all Victorians, because as I say, the beneficiaries of social housing, that safety net, are all of us; we all gain from it. That is the reason why in Australia we have a relatively egalitarian society. We have strong social safety nets, whether they be federal schemes such as Centrelink or universal health care access such as Medicare. We have got free public hospitals that our states run, we have access to good education and obviously—I note the Minister for Training and Skills is here as well—we have free TAFE, so people can get skilled up and trained up and get into jobs, because that is what it is about. It is about the dignity of work, and what we are doing is creating pathways where people can get the training needed to get the jobs to build long-term careers where they can earn a decent living for themselves, their families and their loved ones.

I think public housing is a crucial equaliser in ensuring fairness. In a range of social levers, housing is probably the most important, so 12 000 extra homes is fantastic. It is the largest single investment in this kind of housing of any government anywhere in Australia—over \$5 billion in one shot, a 10 per cent increase. It is fantastic to see, and I am so proud to be speaking on the bill, which assists that program.

I want to talk about some of the governance structures and who was consulted in the making of this bill. Homes Victoria has obviously undertaken consultation with a number of bodies. They created a housing interdepartmental committee with key external stakeholders. In terms of the government's model the Victorian government's Office for Women, the Office for Disability, Fairer Victoria, the Victorian Multicultural Commission and Aboriginal Victoria were consulted in establishing this new board, so you can see a diversity of viewpoints there, and experiences. Consultation on amendments related to transaction structures were undertaken with government agencies, including the Department of Treasury and Finance, Land Use Victoria, the Victorian Government Land Monitor and the Valuer-

General Victoria. Homes Victoria will continue to consult as models and transaction structures are developed and implemented. Obviously implementing any new system, structure or process takes time, and it will probably take time to refine, like our laws in this state. There are always times when we review laws; we update laws where appropriate to reflect what is best practice.

The affordable housing legislation framework is important here too. The consultation sessions with key stakeholders included the Victorian Council of Social Service, the Community Housing Industry Association, the residential tenancies commissioner, the Department of Justice and Community Safety, and Haven; Home, Safe and Justice Connect, Tenants Victoria, Victoria Legal Aid, the Victorian Public Tenants Association, National Affordable Housing Providers Ltd, Community Housing Limited, Council to Homeless Persons and the housing registrar. Stakeholder feedback was mainly favourable towards this legislation, particularly on the requirement to consult with renters, advocates, peak bodies and other key stakeholders before operational settings can be published. This will ensure that key renter concerns such as transition planning are raised and addressed in relation to program settings and objectives.

Obviously there are a number of other technical elements to this bill that I do want to touch upon, but one is it is important to understand that there is a difference between affordable and what we might call social and public housing. I want to touch on affordable housing because it is a different concept and it does come up quite a bit with constituents. Affordable housing is a broad term describing housing suitable for the needs of a range of very low to moderate income households and priced, whether bought or rented, so that these households can meet those other essential living costs.

The bill introduces a legislative framework for affordable housing into the Housing Act 1983 by enabling the declaration of Victorian affordable housing programs, VAHPs. Specific programs declared as VAHPs by the Minister for Housing would address specific housing challenges. The affordable housing rental scheme delivered through the Big Housing Build is one of the VAHPs targeting low to moderate income households in metropolitan Melbourne and regional Victoria based on income eligibility. The affordable housing rental schemes policy settings align to the affordable housing income ranges as defined by the Planning and Environment Act 1987. Essential government-funded service delivery workers such as nurses, police, teachers and careworkers will also be targeted in areas of workforce shortage in regional Victoria, recognising the importance of these jobs to local communities. That is a very, very key bit of this affordable housing change that we have made.

Through a number of government committees—and as the Chair of the Economy and Infrastructure Committee at the time, we did an inquiry into the effects on the tourism and hospitality sector of the impacts of COVID—what we found was the long-term impact of labour shortages, particularly in regional towns. The biggest issue was finding affordable housing options for workers. There were people that wanted to work and wanted to live in those regions, but there were no options. It is a topic that comes up again. I know the federal government is looking at this issue now. They are acutely aware of it. State governments are noticing. It is an issue that many in this chamber are very passionate about, so I am not claiming to be the only person that has heard about this issue. Many have raised the issue—Mr Barton is nodding—of affordable housing. Dr Ratnam is nodding also. That is right. This is an issue that many of us are passionate about. It is about how we find solutions that work for all Victorians. It is not going to be easy, but I think this act is the first step in moving to fix some of that shortfall in those regional areas.

Eligible households on the Victorian housing register will also be targeted to have the opportunity to apply for any relevant affordable rental properties delivered through the affordable housing rental scheme. Future affordable housing programs declared under the framework may have different policy and operational settings. As I said, I just want to touch on some aspects that had not been touched on by my colleagues, because we have talked a lot about the public and social housing side but also the affordable housing side is very important at a time of cost-of-living pressures globally and in our nation and state, with record inflation figures. It is important that a cost-of-living measure is access to affordable housing. Overall the bill delivers on a key commitment we made. It enables the structures

to be in place for the Big Housing Build to continue its great work, and it addresses gaps in some of the other legislation, such as the Residential Tenancies Act. All in all, it is a fantastic bill before the house. I commend the minister and their team, and I also commend the bill to the house.

**Dr RATNAM** (Northern Metropolitan) (14:17): I am pleased to speak on behalf the Greens on the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. This bill is formally establishing Homes Victoria by transferring to it the powers, functions and responsibilities currently held by the director of housing. I note that we have heard contributions, particularly from government members, so far this day about what this bill means for the provision of social and affordable housing in Victoria. But while it has something to do with affordable housing, it is really important to understand this bill in context. After years and years of underspending that resulted in Victoria becoming the lowest spending state on social housing anywhere in Australia, it was a relief to hear about the plans for the big build of social housing. This is a step in the right direction that I commend the government for, but it cannot be the last step.

We are facing a housing crisis in Victoria. On any given night 25 000 Victorians experience homelessness and 100 000 people remain on the waiting list for public housing. I would have hoped that a bill like this would be an opportunity to recommit to the need to build tens of thousands of new public homes. However, concerning what we have instead is the full-blown commercialisation and outsourcing of the government's responsibility to provide affordable housing. This bill essentially turns the department into a property developer. In the second-reading speech for this bill, the previous Minister for Housing said:

Homes Victoria was established to bring a more commercial way of operating to Victoria's housing system.

And this bill creates a framework for Homes Victoria to:

... identify the most appropriate models and transaction structures to support a range of options used typically in the property investment and financing market.

The Greens have been concerned for some time about the retreat from public housing we have seen from this government. We have had spin and rhetoric for years now, and in this chamber today, about what is actually happening with public housing in Victoria, and this bill makes it abundantly clear. This is the nail in the coffin for public housing. It makes it very clear that the goal of this government is to abandon the public housing system in favour of community housing managed by private providers and to shift responsibility for the provision of housing to the private sector. It turns our public housing system into a profit-making tool for property developers.

Governments used to be proud of their public housing systems. Just like schools, hospitals and public transport, housing was an essential public service that governments invested big in. In the postwar period in the 1950s and 60s Victoria built thousands of high-quality public homes that housed families, essential workers, veterans, migrants, refugees and so many more people. But since the spread of neoliberalism in the 1980s governments on both sides of politics have steadily turned their backs on public housing, handing responsibility for housing over to the private sector and expecting developers, community groups and private landlords to provide housing. This approach has been disastrous for housing affordability in Victoria and for the many people who live in or who are waiting for public homes. We have had no net increase in the number of public housing units for over a decade. The public housing waiting list has hit a record high of 55 000 households, an increase of 55 per cent in the last five years. This is over 100 000 people—families, children, young people—who are waiting years for a public home. Many more Victorians are living in housing stress—spending more than the 30 per cent of their income on housing—and at risk of homelessness.

These days the government will not even say the phrase 'public housing', preferring to use the umbrella term 'social housing'. To do this reflects a lack of priority in public housing and the quite obvious approach to replace public housing. It starts with the language to shape the public debate and

take public housing out of the debate, and it ends with the demolition of our public housing estates, as is happening at 10-plus estates, and counting, across Victoria as we speak.

The government's recent announcement of its Big Housing Build was a long-overdue investment in housing in Victoria, but these 12 000 new homes will barely scratch the surface of the need for public and affordable homes in our state. The majority of these homes will be community housing managed by private organisations, a type of affordable housing which is less secure and more expensive than public housing and, as the Ombudsman recently found, provides tenants with fewer rights and multiple problems. Many of these homes are built on land that previously held 100 per cent public housing and will now be a mix of community, affordable and market rental homes.

The government says that this model, the privatisation of public housing estates, is the only way to redevelop older public housing estates and create new social homes at the same time. But these projects will only result in a tiny increase in social homes—around 10 per cent—and in many cases will actually reduce the number of bedrooms available. The government's spin about the ground lease model does not stack up, and we are yet to see the detail about how it will work in practice. The government cannot keep claiming that it is not a privatisation model if it does not reveal what fees are being paid to developers, what subsidies are being provided to the property industry and how the titles will be managed into the future. The lack of transparency about this whole program should trouble us all very, very deeply. Just look at what happened at one of the first test sites many years ago for the model of this privatisation of public housing estates at Kensington. The developer, Becton, made profits of \$45 million from the project, 265 public housing units were lost from the estate and the land was sold at 5 per cent of its true value to the developer.

The redevelopment model favours the developers, who stand to make millions in profit from the redeveloped sites. At Walker Street the private homes on the site are located along the Merri Creek while the social homes have been squeezed onto the High Street side. At Barak Beacon, public housing in good condition is being destroyed so new market rentals on the site can have beachfront views. The fact that the homes are in good condition yet still being destroyed is especially concerning. It means residents are being displaced from their homes and their communities in order to squeeze more non-public homes, community and affordable and market rental homes onto the estates, which means it seems to be less about providing more affordable homes and more about ensuring developers get whatever returns they were promised.

The Greens have been opposed to this redevelopment model since it was first proposed, and I am really concerned that the move in this bill to create a commercially focused Homes Victoria is only going to lock Victoria into this approach for decades to come, where our major government housing body is more interested in forming partnerships with property developers and maximising their returns on investments than in providing secure, affordable public homes for everyone. I wish, instead of the bill that we are debating, that we were debating a bill that is before this house to end homelessness by 2030, requiring the government to develop a plan that it is held accountable to, including housing as a human right in Victoria's human rights charter, or debating the motions to build 100 000 new public homes—both bills and motions that are before this house that I have introduced.

This government should be worried that its housing legacy is likely to be the mass sell-off of precious public housing land, the transferral of public housing units into private management and having presided over a rapidly worsening affordability crisis. This bill attempts to respond to the crisis by establishing a framework for what the government calls 'Victorian affordable housing programs'. The minister will be able to declare specific affordable housing programs to be affordable housing programs under the act. Homes Victoria would then have full control over the operational and policy detail of each program, determining specifics like eligibility, application and selection processes, tenancy length, rent and dispute resolution processes. But what guarantees does the public get that this will actually be for public benefit and that it will not weaken the rights and protections of the people who live there? While we are pleased to see the government acknowledge that rental affordability is a

major issue, we are not convinced the solutions the government has proposed in this bill are the right ones.

Victoria is facing a renting crisis. Rents are now skyrocketing back to above pre-pandemic levels. In Melbourne rents have increased 7.5 per cent from June 2021 rates, three to four times the rate of wage growth. Median house rents are at a record \$460 per week, and unit rents are not far behind at \$410. In regional Victoria median rents are up 10 per cent from last year, with the annual rent increase as high as a massive 22 per cent in some local government areas. The rental vacancy rate is below 1 per cent in every regional area except one, and it is almost as tight in the city. With Victorians feeling the pinch as energy, food and petrol prices increase across the board, rent increases of as much as \$50 to \$100 a week are simply not sustainable. Many renters are just one rent increase away from eviction.

The government has indicated that the affordable housing rental scheme announced earlier this year is the first scheme under this program, but we have had very little information about how this scheme will work beyond that it will provide 2400 affordable rentals, rental agreements will be offered for a period of three years and it will be open to low to moderate income households. Key questions that remain include: what will happen to this housing after the three-year period? Will it revert back to full private housing? What compensation will the state government get for the subsidies for fast-tracking that the developers were provided with if the housing reverts to private housing after this period? How can we guarantee that developers are not going to game this system?

We would like to see the government be bolder on tackling the rental crisis by controlling how much rents can be increased by at any one time and by capping the amount of an annual rent increase. Rent controls are used in many cities across the globe to stop skyrocketing rents and provide more affordable rentals for residents. In cities like New York, Dublin and even Canberra governments have limited how much rents can increase by—usually around 2 per cent or the rate of inflation. In fact we have even introduced successful rental controls right here in Victoria. During the height of the COVID-19 pandemic we froze rents and banned evictions—crucial measures that kept renters in their homes and out of poverty and financial stress. We have proved not only that these kinds of government interventions in the private rental market are possible but that they work. There is no reason we cannot do this again now.

I will be moving an amendment in the committee stage to introduce rent caps into the Residential Tenancies Act 1997 to cap annual rent increases at the rate of the Victorian wage price index, and I am happy for my amendments to be circulated now.

**Greens amendments circulated by Dr RATNAM pursuant to standing orders.**

**Dr RATNAM:** I will speak more to my amendments if we are able to debate them during the committee stage, as they have been determined to fall outside the scope of this bill.

One of the purposes of this bill is to amend the Housing Act 1983 and the Residential Tenancies Act in relation to the provision of affordable housing. Rent caps are a major affordability reform for the hundreds of thousands of Victorians in the private market, and introducing them as part of this bill would be life changing for the many renters facing exorbitant rent increases. I would encourage this chamber to think a bit bigger and go a bit further when it comes to housing affordability reform. We need to debate the rental crisis in this state, and this bill gives us an opportunity. Given this bill states that one of its ambitions is to improve housing affordability, we believe that it is fit and proper for these amendments to be debated in that context, because a cap on rent increases will go significantly to improving rental and housing affordability in Victoria.

**Dr CUMMING** (Western Metropolitan) (14:30): I rise to speak to the Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022. This bill seeks to deliver on the government's commitment to the expansion of an effective and sustainable social and affordable housing system. Every Victorian deserves to have a home—not just having a roof over their head, but a place where they have a sense of stability, security, privacy and

safety and a space they can control. Before the last state election the Council to Homeless Persons produced an election platform. In that document they said:

Homelessness should be rare, the experience brief, and it should not recur in cycles of repeated homelessness. With the right measures in place, homelessness is preventable, early intervention achievable, and that keeping people housed is possible.

I fully agree with that. They called on the government to build 3000 new public and community dwellings year after year for the next 10 years. Under the government's Big Housing Build there is a target of 9300 new social housing units over four years. That is great. It is definitely needed. But it is just not enough, and it also has not been delivered. The state's social housing stock has grown by just 12 500 dwellings over the past 15 years. That is about 830 dwellings a year. This government have been sitting on their hands for the last few years, if not the last 10. 3830 is a big discrepancy. Only when it gets close to an election do they roll out the big build. This bill is not going to be a miracle delivering a big build.

I questioned last sitting week the number of people on the waiting list in Western Metropolitan Region. I understand that a number of the families in my electorate cannot be easily identified, so I will just have to go by the state government's figures. The waitlist for public and community housing in Victoria has ballooned in the past five years, from 35 392 in June 2017 to 54 945 in March this year. That is an increase of 55 per cent. If you are keeping up with me, that is in five years another 20 000 people on the waiting list. I am guessing a little bit of lockdown created more people needing housing, as well as the cost of living and the problems that this government has actually created for Victorians, with people losing their businesses and their livelihoods from lockdowns that did not need to occur. The increase has been almost entirely in the area of priority need—in other words, desperate people who have been thrown out on the street because they have lost their businesses and their jobs. That is the 18 574 households added to the priority list during that time. There are now over 30 000 people on the priority waiting list for housing.

There is one area of the bill that I am particularly concerned about, and I will quote the second-reading speech, which states that the bill will provide Homes Victoria with flexibility required to 'identify the most appropriate models and transaction structures to support a range of options', including 'the establishment of companies, joint ventures, trusts, partnerships' and other arrangements and 'to invest, lend and contribute funds' in a number of ways to 'support the Big Housing Build'.

Let me just point out this government's track record in managing projects. We have the West Gate Tunnel Project with a cost ballooning by billions of dollars. We have the Footscray Hospital, a great project. I think it was \$500 million over budget, about 30 per cent. As well, we know that my community in Footscray still does not know what this government's plans are for the old Footscray Hospital site—the general hospital, the medical precinct. They want to know what the plans are for the old Footscray Hospital site now, before the next state election. My community want that medical precinct during a pandemic to actually guarantee that there are still medical services provided on that site. Are there going to be better mental health facilities? Will there be detox and rehabilitation facilities? That is what my community wants. That is what they need in the west.

We have the western roads upgrade, where work was completed below standard and where contractors went broke and subcontractors were not paid. We had the fridge replacement program, where subcontractors just tried to make a quick buck. We have the Suburban Rail Loop, which will cost more than the benefits it will provide and apparently is \$100 billion over what they first budgeted. That is just a few of the government blowouts—the mismanagement and financial mismanagement. Here we are talking about housing, a priority of the community, but this government's priorities are big project blowout projects—not houses, not hospitals.

We all know that there is financial mismanagement by this government. We have more debt than the rest of the eastern seaboard, but we are supposed to believe that Homes Victoria is capable enough to enter into investing, lending and contributing funds in a number of ways. This bill gives enormous

powers to Homes Victoria to enter into all manner of arrangements. Where are the checks and balances in place? They are definitely not in this bill. We have public housing being pulled down in some very desirable areas, such as Prahran, Port Melbourne and Richmond, just to name a few. I could probably even put Flemington and Kensington on their next hit list for demolishing, going through this project, because obviously the property prices are going up there. What about Williamstown or even Footscray? You have got social housing there. Why not pull it down and see if you can make a quick buck, if it is not replaced by a developer? Do not tell me that prime spots will not be used to build residential housing for massive profits. Public housing will get slim pickings. That is going to be the case, absolutely, and how much of those profits will go back into public housing? This is nothing more than this government trying to claw back money to reduce the debt that they created within the lockdowns that we did not need. This government urgently needs to increase our supply of public housing, but I do have concerns with this bill and the way this government goes about their mismanaging of budgets and actually taxing the community.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (14:39): This is a bill which enacts a variety of changes to give effect to what is Australia's largest ever investment in social housing. As a number of speakers have noted today, this is an investment which is extremely welcomed as a consequence of what it will deliver for new and upgraded homes across the state. This is where the framework established by this bill is of particular importance—in making sure that we are not just partnering with a range of stakeholders across the housing sector, across the organisations of people who liaise with the director of housing and, as it will be known upon carriage of this bill, Homes Victoria, but also addressing the legislative framework for affordable renting and making sure that we preserve the integrity and sustainability of the national rental affordability scheme and we have continuity of that scheme in Victoria.

Making sure that the voices of renters are able to be preserved and considered by VCAT is another part of the changes effected by this bill. The amendments to the Housing Act 1983 and the Residential Tenancies Act 1997 complement a range of different steps that we have taken since being elected to make sure that affordability, dignity, engagement, consistency of process and sustainability are at the heart of the work that we have done. We also want to make sure that we are in a position to have a sustainable model that will deliver those improvements across that \$5.3 billion spend, not just in metropolitan Melbourne but also in regional and rural Victoria, which is where at least \$1.25 billion of that money is being allocated to alleviate the challenges of housing supply shortage across the areas outside of Melbourne.

I want to turn briefly to the amendments that have been proposed by the Liberal members of the opposition and by the Greens. I will begin with the Liberal amendment. In relation to that amendment, we will not be supporting that amendment on the basis that it does not specify a time period for disallowance. The ability to disallow a thing done by Homes Victoria is open-ended, meaning that the Parliament could in effect potentially disallow contracts after they have been entered into, but it could go beyond that if, and I quote, 'a thing done' includes the construction of the projects themselves. This would lead to significant uncertainty for contractors, workers and apprentices—the very people who we are trying to provide certainty for, as much as anything, through the affordable rental schemes and other initiatives. It also means uncertainty for people on the waiting lists and those who are the object and the rationale for this Australia-leading investment.

The process proposed by the Liberal amendment for a disallowance to occur does not exist. It would need to be a case whereby all transactions were tabled in the Parliament and then the Parliament could disallow them. That is something which the opposition has not, to our minds, carefully considered. But when we talk about what is underpinning this amendment, it fundamentally comes back to the fact that the opposition has designed it to stop or to delay social housing projects. It is about vocal groups who do not want social housing in their neighbourhoods and communities using Parliament to stop those government projects from going ahead. It could in effect, if we read the terms of the amendment, lead to the Parliament disallowing projects because opposition MPs do not like the colour



of the bricks used on homes. If they do not like the process involved in planning approvals, they might then seek to disallow those approvals.

We do not want to enable the delay of construction of homes or indeed to stop them completely. We want to be able to make sure that the not-for-profit and private sectors can partner with government. This amendment would create and entrench a disincentive for that to occur. Government contracts would be too uncertain for small business, particularly in an environment and circumstance where certainty is everything for small business, and we hear that time and time again from those opposite. This is precisely why their amendment does not stack up against the rationales that exist for this Big Housing Build. And we want to make sure that across the board we are walking the talk on making sure that we have stable, secure and affordable housing into the future in a way that is consistent and reliable.

Turning to the Greens amendment to address a number of things that Dr Ratnam has said, under our reforms that already exist rents can only be increased once every 12 months and landlords need to state in the rental agreement how that increase will be calculated. They also need to notify the renter 60 days in advance of that rent increase. In the current economic environment, with interest rates increasing, we have got concerns about the impact that the Greens amendment would have on the private rental market—noting of course the occupancy rates and the issues that Dr Ratnam outlined in her contribution. It is precisely these shortages and supply issues which have underpinned the basis for the affordable rental housing scheme and the initiatives that we have taken to date. When that sits alongside the Big Housing Build it is about making sure we give this scheme every opportunity to succeed, including through those partnership models. We also want to make sure that it is clear that while the Residential Tenancies Act does not in fact regulate the amount of rent that can be charged, it does outline rights and responsibilities for rental payments, and that includes bonds and rents and other costs.

We have seen time and time again that rent control does not actually deliver the benefits that some might claim it does. It in fact affects the supply of rental properties and it leads to a decline in the private rental sector. We know from examples internationally like New York and San Francisco that that has been the case in those rental control environments. They have had constrained supply, for example, in the States, and that has led to further barriers for low-income households as far as those scenarios operate. This would happen in Victoria were there to be a rent control arrangement that applied here. Most price controls have been done away with in the context of that advanced economic setting, and we just want to make sure that we are not inviting unintended consequences, including a reduction in the supply of established dwellings used as rental supply stock or the quality of private rental stock, with that reduced set of incentives for landlords to maintain rental dwellings.

There are a range of protections that exist for renters that have been developed, proposed and indeed passed in the Parliament as far as unfair rent increases go, and they are about long-term certainty for addressing this particular part of the cost of living. They have been in place for some time.

I am looking forward to an opportunity to perhaps provide some further information and answers to what will no doubt be questions relating to the Greens amendment and also to that position advanced by the members opposite, but we will not be supporting the Greens amendment or the Liberal amendment as they seek to amend this particular bill.

Finally, before I sit down I do want to acknowledge the tireless work of the former Minister for Housing, Richard Wynne in the other place. His has been a herculean effort over many, many years to lean into a very, very difficult situation of complex and interlinking economic and place-based challenges. Formerly Minister Wynne, the member for Richmond has done Victoria proud in the work that he has led to embed and commence these extraordinary reforms. His is a contribution that, should this bill be passed in this Parliament today without amendment, will endure and provide enormous levels of comfort, certainty and security for people who will continue to benefit long after we have all

left this Parliament. On that basis, I commend this bill for a second reading and look forward to the committee stage.

**Motion agreed to.**

**Read second time.**

*Instruction to committee*

**The ACTING PRESIDENT (Mr Gepp)** (14:49): Dr Ratnam has circulated amendments, and I am advised that the President has considered those amendments, set SR116C. In the President's view these amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required.

**Dr RATNAM** (Northern Metropolitan) (14:50): I move:

That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Residential Tenancies Act 1997 to provide for a limit on rent increases in accordance with the wage price index for Victoria published by the Australian Bureau of Statistics.

If I can speak briefly to the rationale for moving these amendments and needing to think about the scope, as I mentioned during my second-reading contribution, just in case I am not able to debate it should it be decided by the chamber that they consider the amendments out of scope and do not wish to debate them, clause 1 of this bill sets out the main purposes of the bill, which include:

to amend the **Housing Act 1983** and the **Residential Tenancies Act 1997** in relation to the provision of affordable housing ...

When we are talking about affordable housing in Victoria, we also have to talk about rentals. My amendments will introduce a rent cap for all renters in Victoria. They will limit the amount of rent increase to the rate of the Victorian wage price index. Victoria is in a rental and cost-of-living crisis. Out-of-control rent increases are pushing people into homelessness and are forcing renters to choose between paying the rent, putting food on the table or heating their homes in winter. Supporting a cap on out-of-control rent increases is a way to help thousands of Victorians struggling with the cost of living right now. We have chosen to link rent increases to wages as they reflect the ability of the renter to pay. With wages stagnating across the economy, in part due to the public sector wages cap, rents increasing, as they have been, well above wages will continue to put pressure on renters into the future.

The key to addressing housing affordability in Australia is shifting our policy settings away from viewing housing as primarily an investment for creating wealth to treating housing as a right of all to have a home. Rent caps are a common method for introducing stability into the housing system. It is not a new idea, but the time is now ripe for it to happen here in Victoria and indeed around the country.

To tackle the housing crisis we need to be bold. We need to aim for building 100 000 new public homes in the next decade, like Scotland, and we need to address the crisis facing renters. I urge members in this place to take action today to help address the rental and cost-of-living crises affecting so many Victorians and allow for these amendments to be debated properly in the committee stage.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (14:52): Just briefly, the coalition will support this motion to expand the scope to allow Dr Ratnam's amendments to be considered, and I say that from the point of principle that we believe members of this chamber should have the opportunity to explore concepts which are outside the scope of a bill but close to the scope of a bill. I make that point in particular because at times we do see amendments come here which are well outside the scope of the bill, which frankly does not help the house in giving positive consideration to scope motions. I think it helps the house where amendments are at least close to the purpose of the bill when members seek scope motions. But in this instance we will support the scope motion, as it has been our principle to support scope motions to give members of this house the opportunity to consider broader matters.

I note that really the only party that benefits from the house rejecting scope motions is the government. I understand the government may have a different view, but I would urge other members of this house in the mutual interest of all non-government members to support this scope motion and provide Dr Ratnam with the opportunity to prosecute her amendments in the committee of the whole.

**Mr LIMBRICK** (South Eastern Metropolitan) (14:54): The Liberal Democrats' position on this is similar to the opposition's. Whilst being strongly opposed to these amendments, we do not oppose the scope motion in order to debate it and would allow Dr Ratnam that opportunity.

#### House divided on motion:

##### *Ayes, 19*

Bach, Dr  
Barton, Mr  
Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms  
Cumming, Dr  
Davis, Mr

Grimley, Mr  
Hayes, Mr  
Limbrick, Mr  
Lovell, Ms  
Maxwell, Ms  
McArthur, Mrs

Meddick, Mr  
Patten, Ms  
Quilty, Mr  
Ratnam, Dr  
Rich-Phillips, Mr  
Vaghela, Ms

##### *Noes, 14*

Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr  
Kieu, Dr  
Leane, Mr

McIntosh, Mr  
Pulford, Ms  
Shing, Ms  
Stitt, Ms  
Symes, Ms

Taylor, Ms  
Terpstra, Ms  
Tierney, Ms  
Watt, Ms

#### Motion agreed to.

#### Committed.

##### *Committee*

#### Clause 1 (15:02)

**Mr DAVIS:** I just have a couple of very small questions to begin with. The first relates to the housing waiting list data which is due out. When will the government release the most recent data? That is available now, we understand, but it has not been released.

**Ms SHING:** Thank you, Mr Davis. The usual process will apply for the release of housing data, and it will be provided in the ordinary course of processes that currently operate. It is usually provided within about eight or nine weeks after the end of the quarter in question. Therefore it would appear by my back-of-the-envelope calculations, without in fact an envelope in front of me, that that is in the next couple of weeks.

**Mr DAVIS:** My information, and my recollection, is that it is actually provided more quickly than that usually and the data would have been due normally by about the end of July, so we are well into, as it were, time-on—picking up the football parlance of the Deputy President.

**Ms SHING:** That is not going to make any sense to me, Mr Davis—a football-free zone over here.

**Mr DAVIS:** Well, what I would say is it would be helpful. You may not be able to do this immediately, but the staff may well be able to provide some indication about when we get that data.

**Ms SHING:** Thanks, Mr Davis. Firstly, if we could remove any references to football or indeed to sport in the course of this committee stage, I suspect it will be a much more straightforward process. Mr Davis, I am of the understanding that the release of this data is imminent, as I said, and that it will be released in accordance with ordinary processes and time frames—being about eight or nine weeks after the end of the quarter in question.

**Dr RATNAM:** I move:

1. Clause 1, page 2, after line 11 insert—

“(ab) to amend the **Residential Tenancies Act 1997** to provide for a limit on rent increases in accordance with the wage price index for Victoria published by the Australian Bureau of Statistics;”.

I will speak very, very briefly because I spoke more substantively during the procedural discussion just before. Just to reiterate, Victoria is facing a housing affordability crisis and renters are doing it very, very tough. We are hearing weekly from renters who are really struggling with the cost-of-living pressures bearing down on them, with housing being one of the most significant contributors to those cost-of-living pressures. We know rents are being put up well beyond what people are able to afford to pay. Rents are rising three to four times higher than wages, with wages stagnating, and with all the other inflationary pressures that renters—which is a large cohort of Victorians, particularly young Victorians—are experiencing it is incumbent on us that we think about ways to support them.

A cap on rent increases in line with wage growth is appropriate. It will not undermine the whole rental market. As much as the industry likes to run scare campaigns around these things, we know in other jurisdictions these measures have worked effectively—in Australian jurisdictions as well. They are an important lever and control that we can use to provide some much-needed relief for people who are doing it really, really tough right now. It is really important, we believe, that governments are able to regulate somewhat these pressures that are hitting Victorians very, very hard. We believe our amendment hits the right balance between heeding the concerns about what happens to housing supply and the rental market and providing the much-needed relief that renters are desperately asking for.

**Ms SHING:** Thank you, Dr Ratnam, not only for the amendment and your comments as part of the second-reading debate but for what you have just put on the record. There are a couple of areas where the government is in absolute agreement with you. They relate in particular to the fact that rental stress is a very real issue. In the second-reading speech the minister has made it really clear that there is a growing gap between existing private market rental opportunities and social housing but also that one in four of the 650 000 households in the private rental market is spending 30 per cent or more of their income on rent and that then reduces the money that is available to pay for other household and daily expenses. This growing gap has been part of the discussion on the Victorian affordable housing program and the affordable housing rental scheme, and that is about delivering an initial 2400 affordable rental homes to address those affordability pressures in metropolitan Melbourne and also in regional centres and to alleviate or provide a point of relief for supply and affordability issues as part of that overall big build.

The point that you have made around rent controls is not a view that the government shares in relation to the way in which schemes on rent control have had a consequence of upward pressure on supply and on rental availability and terms in places like New York City and San Francisco. Price controls have largely fallen away from mechanisms to address affordability because of those unintended consequences that result around a reduction in supply of established dwellings, the way in which they might be used as private rental stock and also the quality of rental stock with those reduced incentives. This is a common feature of a cost-control environment where the incentives are removed and the maintenance and upkeep of rental properties or other commodities that are the subject of cost control in those arrangements decline. We are concerned that this would lead to fewer homes being made available for rent and that that would be anathema to the objectives of the Big Housing Build and of finding and delivering sites and accommodation for those 12 000 new homes across the state, including as they relate to affordable housing in metropolitan and regional Victoria.

**Mr LIMBRICK:** Whilst I am sympathetic to the concerns about renters finding things unaffordable, I am very happy to hear the minister speaking sense on economics, and I agree with her. So I am very happy; you will not hear me say that very often. In fact I totally agree with what the minister has said about rent controls. I would go further and say that this type of socialist pricing—the

government taking over pricing controls—shows the economic naivete of the Greens party when we have an iron law of economics that price caps equal shortages, except a shortage in this case is a shortage of housing. What the Greens are proposing here is a plan that will ultimately increase homelessness. It should be rejected outright.

**Mr DAVIS:** I find myself in a position where I actually do have to agree with the minister on this matter. I listened as she mentioned New York, and I thought back to lots of first- and second-year economics and things like that. The history of price controls is not good. It is counterproductive. It is very clear that harsh, rigid, vicious price controls lead to less housing stock and lead to greater homelessness and a deteriorating quality of rental stock as well. There are real concerns with an unsophisticated scheme of this type. I think the minister is right and Mr Limbrick is right, and I think on this one the Greens are wrong.

**Ms SHING:** Just to respond to the comments that have been made, in relation to Mr Limbrick's and Mr Davis's remarks on the amendment and to go back to one of the elements of Dr Ratnam's amendment, it is also important to place on the record the work that we have done to reform the rental system since the beginning of last year. To perhaps provide you with a measure of assurance, Dr Ratnam, those rental increases have as a consequence of legislative change been limited to increases only once every 12 months. Landlords, as I said earlier, need to state in a rental agreement how those rental increases will be calculated. There is a notification period of 60 days in advance of any rent increase.

Also, there are a range of other improvements which are intended to have and are having the operative effect of levelling a playing field of sorts around really minor but important things that make a house into a home. This is about opportunities to make minor modifications to properties; minimum standards, including minimum efficiency and energy standards; the opportunity to have pets in rental properties—as we know, Victoria is one of the highest pet ownership uptake jurisdictions in the world; and also the introduction of long-term leases, which enable leases beyond a five-year period. These are the sorts of changes that have already been made, which are already in operation. It is important to recognise that, against the backdrop of this housing bill and the residential tenancy set of amendments, there is that commitment to improving the everyday opportunities for renters within a tight market and within a difficult economic environment to actually have that livability and affordability in order to participate and to meet the cost of living in a constrained economic environment.

**The DEPUTY PRESIDENT:** The question is that Dr Ratnam's amendment 1, which tests all of her remaining amendments, be agreed to.

**Committee divided on amendment:**

*Ayes, 3*

Hayes, Mr

Meddick, Mr

Ratnam, Dr

*Noes, 34*

Atkinson, Mr

Gepp, Mr

Pulford, Ms

Bach, Dr

Grimley, Mr

Quilty, Mr

Barton, Mr

Kieu, Dr

Rich-Phillips, Mr

Bath, Ms

Leane, Mr

Shing, Ms

Bourman, Mr

Limbrick, Mr

Stitt, Ms

Burnett-Wake, Ms

Lovell, Ms

Symes, Ms

Crozier, Ms

Maxwell, Ms

Tarlamis, Mr

Cumming, Dr

McArthur, Mrs

Taylor, Ms

Davis, Mr

McIntosh, Mr

Terpstra, Ms

Elasmar, Mr

Melhem, Mr

Tierney, Ms

Erdogan, Mr

Patten, Ms

Watt, Ms

Finn, Mr

**Amendment negatived.**

**Clause agreed to; clauses 2 to 21 agreed to.****Clause 22 (15:21)**

**Mr DAVIS:** I just want to be brief. Clause 22 inserts new section 26 into the Housing Act 1983, and it relates to project funds. It points to a series of things and ways that money can get into the funds, and then it points to a series of ways by which money can move out of the funds. I wonder if the minister can explain with respect to new section 26 in the bill, ‘Homes Victoria may pay money out of a project fund’: in subsection (3)(e), what does ‘for any other purpose authorised by or under this act or any other act’ mean?

**Ms SHING:** Thanks, Mr Davis, for that. The definitions that you have referred to relate to money that can only in fact be paid for the purposes of the Housing Act and indeed for other legislation. Other examples of this would be local government rates, for example, and these are levied through the Local Government Act 2020. So it is about that related legislative framework.

**Mr DAVIS:** It is pretty broad, though.

**Ms SHING:** As I have just outlined, there is a need for a direct correlation between the moneys paid and the purposes for which they can be paid. I would just take you back to the local government framework and the way in which government rates need to be tied to that in the way in which they are paid. The safeguard is in fact that Parliament would have to authorise this because it is in legislation. That means that the minister cannot simply decide the framework within which this operates and that it does in fact have to be authorised in the legislation itself.

**Mr DAVIS:** Does the minister have a list of the other acts that are involved here?

**Ms SHING:** No.

**Clause agreed to; clause 23 agreed to.****Clause 24 (15:24)**

**Mr DAVIS:** I move:

1. Clause 24, line 12, omit “With” and insert “(1) With”.
2. Clause 24, page 28, after line 5 insert—

“(2) A thing done by Homes Victoria under this section may be disallowed in whole or in part by either House of Parliament.”.
3. Clause 24, page 28, line 31, omit ‘suffer.’.’ and insert “suffer.”.
4. Clause 24, page 28, after line 31 insert—

‘(3) A thing done by a Homes Victoria subsidiary under this section may be disallowed in whole or in part by either House of Parliament.’.’

This proposed amendment relates to clause 24. It is very simple in scope. It actually allows disallowance of the actions:

A thing done by Homes Victoria under this section may be disallowed in whole or in part by either House ...

Essentially this is a check on the activities of Homes Victoria. Those actions should be disallowable. This is obviously something that would be used sparingly, but it is unfortunate that there is no disallowance provision already in the act.

**Ms SHING:** Thanks, Mr Davis. Just to go to the nature of the amendment as it has been proposed, there is nothing in the amendment itself that indicates that it is, to quote you, to be ‘used sparingly’. In addition to that, the amendment does not specify any time period for a disallowance. That then means that it is open-ended, and potentially there could be a disallowance or an attempt once contracts are entered into. Once they have been entered into, those projects where a disallowance operates would be very vulnerable to uncertainty for contractors, for workers, for apprentices—for people involved in

those jobs. Nor is there in the amendment that you have proposed any process by which a disallowance could occur. If it were being enacted, it would need all transactions to be tabled in the Parliament and then Parliament to disallow that for the sake of certainty. In essence we could see the Parliament disallowing social housing projects, as I indicated prior to the second-reading debate concluding, because communities do not want to live next door to homes with people living in them who have significant mental health needs, for example, or Aboriginal Victorians or women escaping family violence. We could see the Parliament disallowing projects because, as I said earlier, someone might not like the colour of bricks that are being used or they want to relitigate planning approvals that are not within the scale of the objective of this.

**Mr DAVIS:** Do you think that the Parliament would actually do that?

**Ms SHING:** Mr Davis, I will just take up the question you have asked, ‘Do you think the Parliament would actually do that?’. The point is, Mr Davis, that I do not know, and therefore it is that level of uncertainty where if we do not know the way in which an operation of a disallowance might operate to cause uncertainty or to reduce the availability of an opportunity that is being established through this legislative framework, then in fact it is a very high-risk proposition to say that what you are proposing would not be used in a way such as that which I have outlined.

In short, the impact of the amendment as you have put it would be to delay the construction of homes, to stop them completely or indeed to create that apprehension of risk that would see a reluctance of community housing providers or the private sector to enter into partnerships with government. I am going to take you back to the second-reading speech. That is one of the founding principles of this particular legislative reform. I will—and Dr Cumming referred to this in her contribution—take you back to that part of the second-reading speech, namely that:

Homes Victoria was established to bring a more commercial way of operating to Victoria’s housing system. Renewing and substantially expanding Victoria’s social and affordable housing stock is critical to make sure we have a sustainable housing system that can deliver for generations to come. Key to this will be Homes Victoria’s capacity to implement innovative financing models.

The Bill will enshrine an enabling legislative framework for Homes Victoria to identify the most appropriate models and transaction structures to support a range of options used typically in the property investment and financing market. These will include the establishment of companies, joint ventures, trusts, partnerships to invest, lend and contribute funds that support the Big Housing Build.

Therefore, Mr Davis, in our view the amendment as it is proposed would undermine the certainty which we are seeking to establish. Indeed the disincentives to partner would create very real downstream impacts, and government contracts would be too uncertain for small businesses, the very wheelhouse of the coalition’s priorities, to supply projects that impact upon thousands of jobs.

**Dr RATNAM:** I would like to speak to Mr Davis’s amendment. Thank you, Mr Davis, for bringing this before us. A number of us have agreed previously in this chamber about the principle and the need for disallowability, particularly in relation to planning scheme amendments, and have spoken out against the removal of disallowability provisions in a number of particularly fast-tracking bills in regard to planning that we have seen in this chamber. I maintain that position. I am sympathetic to the intent of this amendment; however, I need to speak to the process that has occurred for this to come before us.

We have not been given an appropriate chance to consider this, given this amendment was tabled during Mr Davis’s contribution without any previous notice to members of this chamber. It does not give us the opportunity to really consider the implications, the flow-on impacts, and to get advice. I understand that we are in an environment where things have to move relatively quickly. However, we have undermined the ability for us to consider this deeply with the process that has been used today to bring this before us. While I still support the principle of disallowability, and I would love to be in the position to support this, the fact is we have had less than a few hours to consider it and no chance to think through the unintended consequences, as the minister has outlined.

There are serious concerns raised about this because the provision the opposition is applying this to is really broad ranging. It is beyond what we normally consider in planning scheme amendments, which are quite specific, as the minister referred to. There is a process by which documents are tabled. There is a defined process by which you know at what point a decision can be made disallowable. This does not have any of that defined. None of that information has been furnished to us during the course of this debate, and because of that process issue, I am not in a position to support it, unfortunately.

**Mr LIMBRICK:** The Liberal Democrats also will not be supporting this amendment. We find ourselves in the same position as the Greens. I have not been briefed on this. I am not sure of the unintended consequences. In fact the first time I saw this amendment was when a government adviser sent it to me asking for our thoughts on it. We have not had time to consider it, but in the consideration that I have given to this I do agree with Dr Ratnam that, although agreeing with the principle of things being disallowed by Parliament, the scope of disallowance here is so broad that we could end up in situations where people who want to invest in these sorts of projects would feel very uncomfortable about the projects going ahead knowing that they would have it hanging over their heads with no time frame set here that the project could be knocked on the head at any point for anything that they are doing, as far as I can read this. Although my interpretation of the unintended consequences of this amendment might not have been given full consideration, I do not think that they can have been given full consideration in the time that we have allowed, so we will not be supporting it.

**Mr BOURMAN:** I find myself in the unfortunate position of being in complete agreement with the Greens.

**Mr HAYES:** It is a pity all these objections have been brought up against it. I would love to support a disallowance motion that would work. I really feel that disallowance is important. It worked well in the previous Parliament when some social housing projects were sent back to the drawing board and much improved through being disallowed. That applied to the Markham estate and the New Street, Brighton, one which was talked about. I was on council when that one came up. The council objected to it and the community had big concerns about it.

It is not because there are nimbys and that sort of thing and that people do not want social housing. Every council in Southern Metropolitan—and I have spoken to them all—wants more social housing. Everyone is happy with well-designed, well-built social housing. It is just when these projects go right through the council controls in that area with no regard to council and communities, when they are proposed and forced through, it is great to have a chamber that can disallow such things. If there was a way of making this work, I would be very much in favour of it. It is a pity, because we have planning scheme amendments like VC189 and 190 purposely put through to stop Parliament from having its rightful control over the planning scheme.

**Mr DAVIS:** In the circumstances we will withdraw the amendment and look at another way to bring forward these provisions. There are other ways that we can do it. In that circumstance I am persuaded that that is the fairest way forward.

**Amendments withdrawn.**

**Clause 24 agreed to; clauses 25 to 68 agreed to.**

**Reported to house without amendment.**

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (15:35): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**



*Third reading*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (15:35): I move:

That the bill be now read a third time.

In doing so I just want to again commend the former Minister for Housing, Richard Wynne, for these seismic changes to the housing, social housing and affordable rental property markets in Victoria. This is intergenerational change, and this is a framework whereby people across the state in most need of good decision-making and remedial, facilitative and dignified assistance can get what they need and make the contributions that they wish to make in the communities that they wish to call home. So I thank the former housing minister and also the incumbent housing minister, Minister Pearson, in the other place for this extensive work and for the engagement with stakeholders and community members along the way.

**The PRESIDENT:** The question is:

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

**House divided on question:**

*Ayes, 33*

Atkinson, Mr  
Bach, Dr  
Barton, Mr  
Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms  
Crozier, Ms  
Davis, Mr  
Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr

Grimley, Mr  
Hayes, Mr  
Kieu, Dr  
Leane, Mr  
Lovell, Ms  
Maxwell, Ms  
McArthur, Mrs  
McIntosh, Mr  
Meddick, Mr  
Melhem, Mr  
Patten, Ms

Pulford, Ms  
Ratnam, Dr  
Rich-Phillips, Mr  
Shing, Ms  
Stitt, Ms  
Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms  
Tierney, Ms  
Watt, Ms

*Noes, 4*

Cumming, Dr  
Finn, Mr

Limbrick, Mr

Quilty, Mr

**Question agreed to.****Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have gone through the bill and agreed to the same without amendment.

**Business of the house****ORDERS OF THE DAY**

**Mr TARLAMIS** (South Eastern Metropolitan) (15:43): I move:

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

**Motion agreed to.**

## Bills

## STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022

Committed.

*Committee*

Clauses 1 to 10 agreed to.

Clause 11 (15:45)

**Dr BACH:** I move:

1. Clause 11, page 12, line 23, omit ‘1978.’ and insert “1978.”.
2. Clause 11, page 12, after line 23 insert—

**26FF Knox Regional Sports Park Advisory Committee**

- (1) There is established by this Act an advisory committee to be known as the “Knox Regional Sports Park Advisory Committee”.
- (2) Subject to subsection (3), the Knox Regional Sports Park Advisory Committee consists of members appointed by the Minister including—
  - (a) a person nominated by the Trust, being a member of the Trust;
  - (b) a person nominated by the Knox City Council;
  - (c) a minimum of 5 persons nominated by sporting clubs and community groups that use and are interested in the operation and management of the Knox Regional Sports Park.
- (3) The chief executive officer of the Trust is a member of the Knox Regional Sports Park Advisory Committee.
- (4) The chairperson of the Knox Regional Sports Park Advisory Committee is the member appointed under subsection (2)(a).

**26FG Function of Knox Regional Sports Park Advisory Committee**

The function of the Knox Regional Sports Park Advisory Committee is to advise the Trust on the operation and management of the Knox Regional Sports Park and the Knox Regional Sports Park land.

**26FH Procedure**

Subject to this Act, the Knox Regional Sports Park Advisory Committee may regulate its own procedure.”.

**Ms PULFORD:** I wish to outline for the benefit of the house the reasons that the government does not support the amendment. We are supportive of the objective, but we think that there is a better way forward, if I could just outline for members what that is all about.

The effect of Dr Bach’s amendment is to insert into the bill a provision for an advisory committee to provide advice to the State Sport Centres Trust on the operation and management of the Knox Regional Sports Park. The government has been and continues to be absolutely committed to local voices being heard throughout the State Basketball Centre project. There has been collaboration with local stakeholders as well as state sporting organisations throughout, and it is our expectation of the trust that that would continue. In fact back when the election commitment was made for the delivery of this big project that is being incorporated into this legislative framework, Knox City Council contributed \$27 million to the project and supported its redevelopment on the proviso that the state did undertake ownership of and responsibility for the asset, given the nature of it is changing and an asset of state significance is best managed—they and we agreed—under this state framework.

Given the community support for the project, we do not believe a legislated advisory committee as proposed by Dr Bach’s amendment is required, nor is it the best way to ensure that the local community has a voice in relation to the facility. Clause 5 of the bill amends the State Sport Centres Act 1994 to extend the trust’s functions to the sports park, as with all state sport centres, as members

would be aware. If the bill is passed today, the authority would exist for the minister to make a direction in relation to the trust functions as they relate to the sports park. If the bill is passed, once it reaches its commencement date, hopefully fairly soon, the minister has undertaken—and he has asked me to express this to the house on his behalf—to direct the trust under section 6A of the State Sport Centres Act 1994 to establish an informal committee to allow community groups, user groups and tenants of the sports park to liaise directly with members of the trust in relation to the operation of the sports park. The minister will ask the trust to invite interested parties, including Knox City Council and tenant sporting clubs, to be part of that committee, and consideration will also be given to other relevant parties, including community groups that use and are interested in the operation and management of the park.

We believe an informal committee is a better way, a better option than a legislated advisory committee, because it would provide flexibility for people to attend meetings when the topics of the day are of interest to them rather than being a standing and inflexible sort of structure. It would also enable organisations to have the freedom to determine who would attend the meetings, and nominees would not have to undertake what would be under the model proposed quite onerous and inflexible appointment processes. We have had feedback from other advisory committees that some nominees refuse nomination because they are reticent to make the kind of commitment that membership of a formal body like that proposed in the amendment would require, and we want to avoid that here.

I think we are all very much in agreement that we want the community to have a strong and a clear and a loud voice here, but we are not supporting the amendment. We wanted to place on the record how we plan to proceed to achieve the same goal in what we believe is a better way.

#### **Committee divided on amendments:**

##### *Ayes, 12*

Atkinson, Mr  
Bach, Dr  
Bath, Ms  
Burnett-Wake, Ms

Crozier, Ms  
Cumming, Dr  
Davis, Mr  
Hayes, Mr

Lovell, Ms  
McArthur, Mrs  
Ratnam, Dr  
Rich-Phillips, Mr

##### *Noes, 23*

Barton, Mr  
Bourman, Mr  
Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr  
Grimley, Mr  
Kieu, Dr  
Leane, Mr

Limbrick, Mr  
Maxwell, Ms  
McIntosh, Mr  
Meddick, Mr  
Melhem, Mr  
Patten, Ms  
Pulford, Ms  
Quilty, Mr

Shing, Ms  
Stitt, Ms  
Symes, Ms  
Taylor, Ms  
Terpstra, Ms  
Tierney, Ms  
Watt, Ms

#### **Amendments negatived.**

#### **Clause agreed to; clauses 12 to 30 agreed to.**

#### **Reported to house without amendment.**

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (15:57):  
I move:

That the report be now adopted.

#### **Motion agreed to.**

#### **Report adopted.**

*Third reading*

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (15:58): I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the same without amendment.

**Sitting suspended 3.58 pm until 4.22 pm.**

**JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022***Second reading*

**Debate resumed on motion of Ms SHING:**

That the bill be now read a second time.

**Dr BACH** (Eastern Metropolitan) (16:22): It is good to rise to make a contribution on an important omnibus bill. The Justice Legislation Amendment (Police and Other Matters) Bill 2022 is a bill for an act to amend the Sex Offenders Registration Act 2004, the Victoria Police Act 2013 and the Aboriginal Heritage Act 2006 and also for other purposes. According to the new Minister for Police in the other place, who I used to have the great pleasure and privilege of shadowing when he was briefly Minister for Child Protection and Family Services—one of our four ministers for child protection in the last 10 months:

The Bill before the House introduces a range of policing reforms which are aimed at keeping the community safe and protecting the privacy of applicants to the Victoria Police Restorative Engagement and Redress Scheme.

In these endeavours the Minister for Police has the support of those of us on this side of the house. We have one or two concerns that are not overriding concerns. They are concerns that my friend in the other place Mr Battin has spoken about, and I do not feel the need to entirely recapitulate his remarks. I will touch on them in my comments, but in the main we think this bill includes some important elements and therefore we will certainly not be opposing it.

The changes to the sex offender register we feel are welcome. We have some differences with the government when it comes to the protection of vulnerable children, and those have been aired this week, as they have been aired previously. However, in regard to the changes put forward to the sex offender register, those in the Liberal and National parties and in the Andrews Labor government are as one.

I do not mean to sound braggadocious. However, I have some foreknowledge of proper processes when it comes to registers of this kind and also systems of supervision—I am thinking about the reporting provisions in the Sex Offenders Registration Act. Some years ago, when I was carrying out my doctoral studies, I had a particular focus on registers of criminals and processes that have historically ensured that, far more often than not, registers work very, very badly and also supervision schemes and the processes that, again historically, have normally ensured that police supervision in the community works very, very ill.

Firstly perhaps, when it comes to reporting I was pleased, as my dear friend Mr Battin was pleased, to see some changes in this bill—well, perhaps changes is the wrong word; some points of clarification—so that it is well known that, when reporting is required, that reporting is done in person. Mr Battin

spoke about the ubiquity of Zoom, for example. Again, I think it is important, as members of the government think it is important—as the minister thinks it is important—to ensure that, when reporting is necessary, that is done in person. One of the core elements of unsuccessful schemes for the last 200 years over which schemes of supervision in the community have been operational is reporting that does not have to be done in person. So I think that the provisions contained in this bill regarding reporting in person are very good.

I also think that some of the changes, and there are several, to the operation of the sex offender register are important and well constructed. We saw over the period of the pandemic quite shockingly very significant increases in the reporting of sexual crimes against children. We have spoken in this place at length this week about crimes against women and children. We spoke about sexual crimes in particular earlier this week when we were discussing the government's new scheme for affirmative consent, which again has the support of members of the Liberal and National parties. At that time we spoke about the current fact of the matter whereby under-reporting is so marked. I was deeply concerned, as I understand members of the government were deeply concerned, to learn through the period of the pandemic, for a whole series of complex reasons, the reporting of sexual offences against children increased so significantly.

My personal view about the sex offender register is that it is most certainly not a panacea, but it is one tool in our toolbox as we seek to keep as many Victorian children safe as possible. Sometimes the register can work well, notwithstanding the fact that historically almost every register of criminals that has ever been established has served no purpose whatsoever. To continue to monitor the workings of this register and to continue to seek to make changes in an effort to ensure that as far as possible Victorian children are safe is a good thing to do. I know from my previous life as a leader and indeed as the child protection officer at two large Melbourne schools that sometimes the workings of the sex offender register can provide comfort to families in desperate situations who are most certainly in need of comfort.

I will speak just briefly about the specifics of some of the changes, and then I will speak again very briefly about one or two of the concerns that Mr Battin already talked about in the other place. At that point I will be very pleased to listen intently to the contribution of Mr Erdogan. Some of the measures in the bill, regarding the Sex Offenders Registration Act 2004, are simply to clarify that for those offenders who need to be registered, when they have got contact with a child, if the offender in any way engages in physical contact or any form of communication, in particular oral communication or written communication, if the purpose is for the forming of a personal relationship, that most certainly is not allowed. That is one good change, and there are numerous other meritorious changes—minor changes you might say, but nonetheless meritorious changes—to the working of the sex offender register, which as I understand it have the support of all parties in this place.

On the concerns that we in the coalition have expressed, in particular at clause 22, we have our worries about the cost burden here on small businesses. We have broached these concerns widely in the debate in the other house, and so again I do not need to recapitulate them. Nonetheless I will simply make that point. Once again it is something to watch, if I could be so bold. I would not ever wish to instruct my colleagues on the government benches, but perhaps a suggestion: the workings of clause 22 are ones to watch.

Secondly, and in reverse order, at clause 14 my friends in the other place have argued that these powers would best be carried out by the Chief Commissioner of Police, and so if again I could be so bold as to perhaps provide some advice to my friends opposite, the workings of clause 14 are one to watch.

Finally, I was pleased to see, as I was watching intently the debate in the other place, many positive comments—

**Mr Melhem:** You weren't watching, were you?

**Dr BACH:** Mr Melhem interjects to say I was not watching. All right, I misled the house, and I retract that. I have read some elements in *Hansard*. More correctly put, a member of my staff read some elements in *Hansard*, and they told me that this occurred. All right? That is my final position, and I stand by it. I am advised by a member of my staff, who I am told did read some elements in *Hansard*, that numerous positive things were said—

**Mr Melhem:** Why can't your leader be like you?

**Dr BACH:** I am not taking up that; I will plead the fifth on that one. I am advised that numerous positive comments were made about PSOs in the other place, and again I want to put on the record my deepest admiration not just for members of Victoria Police, for our police officers, but also for PSOs, who as I am led to believe, now experience so much confidence not just in the Victorian community, where we know that PSOs experience great confidence, but also in here, where they did not always experience the confidence of all parties. I think it was the former Deputy Premier, a good person actually, who nonetheless described PSOs as 'plastic policemen'—a disgraceful comment quite frankly. We are protected every day by PSOs. So many other Victorians are protected by PSOs. When the Baillieu and Napthine governments first introduced PSOs into our suite of protective law and order options here in Victoria, there was a huge amount of opposition. However, through the hard work of the men and women who serve the community through that role, much confidence has been garnered right across the Victorian community and—I do not mean to be overly partisan in my comments—much confidence now right across all parties in this Parliament has been expressed in our PSOs, which is a great thing.

Overwhelmingly I think this is a good bill. I think the elements that relate to registration and also to supervision in the community are good. I think that it is excellent that we are expressing such confidence in our PSOs. Of course I want to put on record how thankful I am to the men and women of Victoria Police who protect the community that I represent but also communities right across Victoria. It is a good thing that we as a Parliament continue to look at legal mechanisms to seek to ensure that they have the tools they need to continue to do their really important work and that they are protected as far as possible, notwithstanding the inherent risks of their roles and I dare say especially given shocking recent events that we have recently been discussing in this place. Every single member of Victoria Police is highly cognisant of the immense risks that they face, but we must do whatever we can in here to reasonably lessen those risks but then also to seek to ensure that whenever it is that members of Victoria Police are harmed—and some will continue to be harmed—in the execution of their duties, appropriate processes are in place to seek to support them and their families. For those reasons those of us on this side of the house will be supporting this bill today.

**Mr ERDOGAN** (Southern Metropolitan) (16:34): I am also pleased to rise in support of the Justice Legislation Amendment (Police and Other Matters) Bill 2022. I thank Dr Bach for his refreshing contribution on the bill before the house and his expression of support. I think it is important that on matters of community safety we do come together in this chamber, regardless of political alliances or allegiances, so to speak. It is very refreshing, and it is interesting that he also shared with us his thoughts and his concerns, because as I said, as a government and as a member of this chamber I really do take on board fulsome feedback. I think robust feedback is important. Where improvements can be made we need to go away, but I think the bill in its current form in this instance is quite suitable and should be supported.

It is a very important bill of course. It is a bill that introduces a range of amendments to a number of acts but in particular to the Victoria Police Act 2013 and the Sex Offenders Registration Act 2004. Obviously the ultimate goal, as stated by the Minister for Police in the other place, is the aim of keeping the community safe. That is one of the primary objectives of the bill overall. The amendments included in this omnibus bill I do want to touch upon. Dr Bach did touch upon some aspects, but I think a more fulsome explanation of the exact amendments is needed in this place. Some of the amendments include allowing Victoria Police to recover costs from the organisers of large commercial events for policing services in the areas surrounding the event—for example, traffic control services in surrounding

suburbs. The amendments also provide police and protective service officers, PSOs, with powers to protect the security of police premises, including requiring a person to provide a reason for their presence, asking a person to leave and not return if they do not have a legitimate reason and removing or arresting them if they do not leave in that instance.

It establishes a legislative framework for the restorative engagement and redress scheme, provides transparency about eligibility for the scheme and protects the privacy of participants. It allows the Chief Commissioner of Police to consider terminating the employment of a police recruit or PSO who has not yet been sworn in if the individual returns a positive drug test. It empowers the chief commissioner to direct or permit a registrable sex offender to report to police electronically if a state of emergency, a state of disaster or a pandemic declaration is enforced and requires the registrable offender to provide improved information. It also clarifies that the offence of sexual assault of a person with a cognitive impairment or mental illness is a class 2 offence when committed against a child, and any person who commits this offence is automatically a registrable offender and subject to the reporting requirements. It lists the commonwealth offence of using a carriage service to prepare or plan to engage in sexual activity with or procure for sexual activity persons under 16 as a class 2 offence, and any person who commits this offence is automatically a registrable offender and subject to the reporting requirements of the act.

The amendments in this bill are necessary to address gaps and provide clarity—including, for example, clarification of existing PSO powers—and to ensure police have the powers they need to keep their members and members of the community safe when attending police premises. The bill also contains amendments which deliver on commitments and drive proactive initiatives, including establishing a legislative framework for the restorative engagement and redress scheme and supporting the need for Victoria Police to better determine and recover costs for services they provide at large-scale for-profit events. We are a government that is proud of our record of listening and acting on behalf of Victorians. The Police Association Victoria was closely consulted on the amendments set out in this bill. They support the amendments and in particular welcome the actions of the government to provide police with the powers they need to ensure police premises continue to be safe for both police and members of the community. The community legal centres and the Victorian Aboriginal Legal Service were also consulted in the development of the bill before us.

The government is clear in its stance on policing and community safety. Since being elected in 2014 we have provided the resources, tools and powers that police need to keep the community safe. We turned around police investment, with the policing budget now 63 per cent higher than when we were first elected in 2014. Throughout this term of government we have invested over \$4.5 billion in new funding for police, including funding for an additional 502 police officers and 50 PSOs in our most recent budget. This investment builds on the 3135 new police officers already on our streets, which includes general duty police officers working in local communities but also specialist officers, including hundreds of family violence police officers.

We worked closely with force command on developing this recruitment pipeline, which includes the development of the staffing allocation model, SAM, a sophisticated model that assists police to guide police resourcing needs. The model was developed by Victoria Police in consultation with the Police Association Victoria and endorsed by our government. This approach has seen the end of the boom-and-bust cycle of police resourcing. It is seeing police resourcing determined by experts and by need, rather than election cycles. The SAM, like any other model, needs to be dynamic and adapt to external variables. In recent times Victorians have profoundly changed how they live and work, working from home more and relocating to our regional towns and cities. That is why we have committed to working with Victoria Police and the Police Association Victoria to update their SAM to ensure it continues to be responsive to these changed circumstances.

As at March 2022 there were 3356 more police officers in stations and in specialist units—more now than in November 2014—a 26 per cent increase. We have 355 more PSOs across our public transport

network—a 32 per cent increase. Under our watch the force has grown by 28 per cent, and that includes sworn officers, police custody officers and Victorian public service staff.

Obviously these new powers that we are providing are designed to assist police to keep the community safe. The new powers are designed to tackle serious offenders too. They include new sentencing provisions for offenders who ram police cars or injure police officers or PSOs. This means offenders who injure police can expect to see jail time. We have also developed firearm prohibition orders to tackle criminals who use illegal firearms and present a clear and present threat to our community. In this term of government we have expanded the role and powers of PSOs. PSOs perform an important role on the public transport network, but we know they can do much more than was originally imagined by those opposite. We have expanded the powers and responsibilities they have as well as their training and career structure. This was important, as PSOs were moved off the public transport network at the height of the pandemic to assist with public safety and crime prevention.

Our investment is showing results, I say. The latest crime statistics are proof. They show that the offence rate per 100 000 in Victoria has decreased by 11.9 per cent, the alleged offender rate has decreased by 18.6 per cent and overall the victimisation rate has decreased by 2.5 per cent. When we look at crime rates over the course of this government and the previous government, we see an 11.7 per cent increase in the crime rate between 2011 and 2014, while a comparison between the most recent 12 months and the last 12 months of the previous government shows a crime rate decrease of 9.7 per cent.

Another independent source of information is the recent 2022 Productivity Commission *Report on Government Services*. It shows that Victorians are feeling safer in their homes and communities. That is important as well. It is not only the perception; the action is there. I do not want to be too partisan, because I do note that the state opposition has expressed support for the bill before us, but I do want to point out that our government's record on keeping the community safe is there for all to see. I am sure other speakers may want to reflect on the opposition's record, but on that point, like I said, I do not want to be partisan, because we do have general support for the bill before the chamber, from the crossbench as well.

I want to reflect on a different part of the bill. I have talked about the reforms that strengthen the much-needed police powers, but there are also changes to the Sex Offenders Registration Act 2004. It is another aspect, and an important aspect, of this bill.

**Dr Bach:** Good changes.

**Mr ERDOGAN:** That is right. Dr Bach says they are good changes. I concur with him on that; they are very good changes. The reforms amend the act to empower the chief commissioner to direct or permit a registrable offender to report to the police electronically if a state of emergency, a state of disaster or a pandemic declaration is in force and require registered offenders to provide improved information. The bill clarifies that the offence of 'sexual assault of a person with a cognitive impairment or mental illness' is a class 2 offence when committed against a child, and any person who commits this offence is automatically a registrable offender and subject to reporting requirements. It also lists the commonwealth offence of using a carriage service to prepare or plan to engage in sexual activity with, or procure for sexual activity, persons under 16 as a class 2 offence, and a person who commits this offence is automatically a registrable offender and subject to the reporting requirements of the act.

The bill provides for part 2, except for clauses 4, 5 and 6, to come into operation on the day after the act receives royal assent—so it is going to be implemented straightaway. Clause 4 will come into operation on a date to be proclaimed, with a default commencement date of 21 June 2023. A longer commencement date for clause 4 is necessary so registrable offenders impacted by this reform can be



notified before it comes into effect. Section 46(3) of the Sex Offenders Registration Act 2004 provides that:

It is a defence to proceedings for an offence of failing to comply with a reporting obligation if it is established by or on behalf of the person charged with the offence that, at the time the offence is alleged to have occurred, the person had not received notice, and was otherwise unaware, of the obligation.

Clauses 5 and 6 will come into operation on a date to be proclaimed, with a default commencement also of 21 June 2023. This is to allow sufficient time to prepare consequential regulations in accordance with section 26(5) of the Sex Offenders Registration Act to prescribe any information or documents that are required to be produced for the purposes of this new section 23A of the act.

Community safety has always been a priority of our government. That is why we have ensured a record amount of \$4.5 billion has been invested into Victoria Police since we came to power. We have ensured that the police have the powers and resources they need to keep our community safe. A well-resourced police force is essential to providing a safe environment for all Victorians.

As I have raised during this contribution, the bill delivers important amendments to the Victoria Police Act and the Sex Offenders Registration Act, amongst other acts. These amendments are designed to keep the community safe, clarify a number of provisions and protect the privacy of participants in our restorative engagement and redress scheme. Our record is one of strongly backing our police force and delivering on our commitment to the community. It is what we have always done and what we will always continue to do.

I am pleased to speak on the bill before the house, because it means so much to so many people. It ensures extra measures are in place to protect members of the police force but also extra measures and tools in place to protect the wider community. Obviously the bill is only one step in terms of a number of justice legislation reforms that we have seen in this chamber. In my short time I have seen a number of improvements, and again I am proud of our government's record of reviewing and updating legislation in a timely fashion so that we—

**Dr Bach** interjected.

**Mr ERDOGAN:** Dr Bach has interjected. I will not respond to his interjections. Like I said, in a timely fashion we are updating the law, because obviously we understand that people see what we are doing and we are delivering. Sure, there might be some people that are concerned about some of these changes. I know community legal sector stakeholders have expressed some concern about the proposed powers to assist police officers and PSOs to respond to security risks at police premises. Significant amendments have already been incorporated into this proposal in response to these concerns to ensure that the powers are proportionate and aligned with their purpose—again, another example of where we do take up robust feedback and we try to implement it in the final version of a bill before it is presented to the house. On that note, I commend the bill to the house.

**Mr GRIMLEY** (Western Victoria) (16:48): I rise also to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2022. This bill will do a whole range of things in respect of the Victoria Police Act 2013 and the Sex Offenders Registration Act 2004. Clearly that means it is a very important bill for our party, which was formed predominantly on the back of Derryn Hinch's incredible advocacy fighting for survivors of childhood sexual assault over the past three decades.

To the contents of the bill: I am so glad to see the government is fixing issues in the Sex Offenders Registration Act. Coincidentally one of the issues being fixed is one that we had been informed about by Victoria Police members and were planning to address through an amendment. This issue is that sex offenders with no fixed address do not currently have to give information about where they sleep as part of their reporting requirements. Under this bill they will now be required to identify where they sleep on a regular basis, and this is great news.

The bill will also reduce reporting from 14 days to seven days for certain information, including details of the motor vehicle they are driving. Importantly it broadens the definition of when a registered sex offender has contact with a child to include when they are maintaining contact, not just forming that contact—another great amendment. As an ex sexual offences and child-abuse investigation team detective, this is something that is very important when it comes to prosecuting an offender.

The bill clarifies that certain sexual offences against a person with a cognitive disability are class 2 offences, and I am thrilled to see the government proactively changing potentially flawed language to ensure that it is airtight, which ensures offenders' legal representations cannot find loopholes in the law. I would ask the minister to clarify perhaps in summing up or in the committee stage the fact that there seems to be an ability for a sex offender to appeal their registration after two years in respect of this type of offending.

One amendment we are not happy with is that the bill will allow sex offenders to report by audio link, audiovisual link or electronic communication during a state of emergency or even during a state of disaster or a pandemic. The concern is that if we have a pandemic that goes on for years, like we are currently experiencing, then offenders might not be physically checked to see if they are where they should be.

One issue we have had raised with us by the specialist case managers who manage the sex offenders list is the powers of entry and search and seizure. These powers only exist if the registered sex offender has a prohibition order in place. These orders are quite difficult to get when the offender has not reoffended in recent times yet may still pose a threat to children or there is a reasonable suspicion that they are continuing to reoffend. An example might be accessing child abuse material. We had an amendment to this bill; however, we have had a commitment from the minister's office that they will look into these issues, and for the safety of children we hope that this is investigated properly.

On the changes that the bill makes in respect to Victoria Police matters, the bill gives police powers to protect the security of police premises, including police stations. This gives officers the ability to move people on who do not have a legitimate reason to be there or who pose a threat to the peace. A legitimate reason includes seeking assistance from a police officer or PSO, reporting the commission of an offence, providing information to an officer and attendance required by law. The bill establishes a definition of 'police premises', which includes any premises occupied or used by Victoria Police on a permanent or temporary basis for any purposes related to the functions, duties or powers of Victoria Police. It includes police stations, office storage areas, car parks or parts of a car park, entrance foyers, exit points and PSO pods—the structures that are in the vicinity of railway stations. The bill also makes clear that protective services officers can use specialist police terrorism powers when operating in an authorised area, not just a designated place, in the event of a terrorism incident.

Moving on to another set of changes regarding the leaking or unauthorised disclosure of protected information, the bill provides a clear obligation for police personnel to only access, make use of or disclose police information if required by their current duties. The minister said it will:

... impose a clear, standalone obligation on police personnel to maintain the confidentiality of police information, without reference to separate policy documents, and with a clear instruction that access must be directly related to their current duties and functions.

We have a concern that this amendment will not create an indictable offence, only a summary offence, and therefore will be subject to the statute of limitations in bringing forward such allegations. We have a number of case studies we can cite when it comes to how this amendment may not fix the issue, including matters which take more than 12 months to be investigated and for charges to be laid. This amendment will not have its intended effect unless the statute bar is lifted. Therefore we would ask the minister's office to commit to further reviewing these three sections—namely, sections 226, 227 and 228—of the act to ensure that victims are able to bring their cases forward. This is about instances of poor police behaviour being able to be raised in court in the very first instance.

The bill allows for the Chief Commissioner of Police to select a workplace or work unit within Victoria Police to give random drug and alcohol testing directions. There is already an ability to drug and alcohol test employees, but this will narrow the pool of potential tests. The minister said this:

... for drug testing to be an effective deterrent, the chances of being randomly tested must be increased.

Those who are doing the right thing will not be affected.

The bill establishes a framework for the restorative engagement and redress scheme, which supports current and former police officers who have experienced sexual harassment or sex discrimination in the workplace. It will provide more transparency around the eligibility criteria and increase privacy protections for participants. This means in effect that discrimination based on breastfeeding, gender identity, lawful sexual activity, marital status, parental status et cetera is a basis for participation in the scheme. The scheme will be administered by the Department of Justice and Community Safety and is only available for offending before 13 December 2019, as this is the date the administrative scheme came into effect.

Outcomes of the scheme can be an amount of money, counselling or therapeutic services or participation in a restorative engagement process. Oddly, no documents connected with the scheme are admissible in criminal or civil court. This causes some concern, as if someone is unhappy with the outcome and chooses to take civil action then they will have little evidence outside what has already been provided through the scheme. There is also the inability for an apology to be given, from what I read. I would ask the government to confirm whether this is correct. If not, this is a big flaw in the scheme. Some survivors do not necessarily want money, they just want a recognition of what was done to them and an apology.

One other part of the bill is that Victoria Police will now be able to charge for their services at for-profit events. This is actually quite controversial because it could render some events non-viable. Regulation will deal with how these charges are calculated. The opposition made a point in the other place about the viability of community events such as agricultural shows, and Derryn Hinch's Justice Party would also like to seek a commitment that these types of events will not be included in the regulations.

Lastly, I just wanted to use this opportunity in debating a bill about sex offenders to speak about the report on the inquiry into management of child sex offender information. The government accepted in principle that they would refer to the Victorian Law Reform Commission the prospect of a limited disclosure scheme so parents can apply to find out if someone connected to their child has a history of child sex offending. The government's response was:

The Act already includes measures for the public disclosure of information relating to a registrable offender in limited circumstances.

The Victorian public disclosure scheme was introduced in 2017, five years after Western Australia and nine years after the United Kingdom introduced their limited child sex offender disclosure schemes.

Any suggestion that Victoria has a limited disclosure scheme like the UK or Western Australia is simply wrong. This is something that we will take to the election as we believe it is a parent's right to know. Other than that, I commend the bill to the house.

**Ms MAXWELL** (Northern Victoria) (16:56): I rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2022. The bill establishes a legislative framework for the restorative engagement and redress scheme. It makes some changes to the drug and alcohol testing program for Victoria Police personnel. It provides police and PSOs with powers to protect the security of police premises. It authorises Victoria Police to recover costs from large commercial event organisers who require police or PSOs for safety measures outside the venue and makes changes to the Sex Offenders Registration Act 2004.

The redress scheme for current and former Victoria Police employees who have experienced workplace sex discrimination or sexual harassment has been operating since 2009. It was introduced in response to a 2015 report of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). This bill amends the Victoria Police Act 2013 to vest key functions and decision-making powers relating to eligibility, the application process, determinations and reviews in the hands of the Secretary of the Department of Justice and Community Safety. The government's second-reading speech for this bill rightly acknowledged the importance of redress schemes as a way to recognise past harm and provide support to eligible applicants without the requirement of a high evidentiary threshold or other legal constraints. This redress scheme does not exclude participants from making other reports within Victoria Police or IBAC or from taking their own legal action.

I believe the Fiskville redress scheme announced last week will also not restrict a participant from taking separate legal action if required. This is in contrast to the federal redress scheme for victims of historical sexual abuse, because when they accept a redress payment this prevents them from taking any future legal action. This has had significant implications for some survivors who might have felt no option at the time but to accept the redress they were offered. With the legal landscape changing in the last few years, they are now excluded from options that may have provided them with substantial compensation. This is something my colleague Mr Grimley raised this week in question time, and we hope the government will lobby for change in this regard.

I supported representatives of the Care Leavers Australasia Network in this Parliament last week, and they are here again this week campaigning for people who experienced extremely traumatic physical and psychological abuse to receive redress. I must say that the response to my question last week was underwhelming, and I completely understand the continued frustration of CLAN, who after 17 years are still waiting for the government to acknowledge its responsibility.

In the case of Victoria Police redress, there are members who suffered bullying and harassment which was not sexual in nature but which was still very traumatic and interrupted or cut short their careers. This was exposed in a 2013 ABC report before the VEOHRC report into sexual harassment and before WorkSafe had even charged Victoria Police in response to past reports, yet these workers have been actively excluded from the redress scheme.

John Knight was one of my first constituent meetings after being elected. His experience has left him broken and broke. I have tried a number of avenues to get him some recognition and redress, but there is no existing pathway to support him because of the historical nature of his case. I cannot move an amendment to this bill because it would require an appropriation, but I really wish I could. This is something that the government could and should address. It is something that I have spoken directly to Minister Carbin about, and I urge him to make this right for Mr Knight and so many others.

The bill makes changes to the Sex Offenders Registration Act 2004, a keen area of interest for Derryn Hinch's Justice Party. The reporting requirements for change of address, motor vehicle registration and other details has been reduced from 14 days to seven. We would probably like it even shorter, but still this is a good thing. We have some concerns about allowing sex offenders to report via audiolink, AV link or electronic communication and think this should only be used in exceptional circumstances and not become the norm. The bill broadens the definition of when a registered sex offender has contact with a child to include when they are maintaining contact and not just establishing contact, an important loophole that has been closed.

This bill will also require a registered sex offender who has no fixed address to identify where they sleep on a regular basis. I will note some recent research published by the Australian Institute of Criminology explored the characteristics of contact child sex offences involving child sex offenders with a prior history. It sought to understand how offenders use opportunity to perpetrate offences against children. The results suggest that these offenders are motivated, persistent and willing to adapt their offending to different victims and different contexts. Residential locations were the most common places where offending occurred, but in Victoria more than 20 per cent of offending

happened in community settings. While 30 per cent of offenders in Victoria were known to the victim, a quarter of them were strangers. The research also suggests that when the offender was known to the victim or their family they were possibly unaware of the alleged offender's prior history. This reaffirms our policy commitment that child sex offenders should be heavily monitored, and I think it also backs the case for a public sex offenders register.

The measures in this bill relating to random drug and alcohol testing of police in their workplace are sensible, though I do note the concern raised by the coalition about PSOs needing a process of review similar to that of police officers in training. On the matter of drug testing more broadly, we have been advocating for a number of years that all general duties police should be trained and equipped to administer random drug driver tests. Current provisions require highway patrol to see the person driving, which in practice means that if a general duties officer pulls someone over and believes they are drug impaired, they cannot simply detain the vehicle and get highway patrol to attend and administer a test. They have to let them drive off and call highway patrol to find them and pull them over. We know the roadside drug-testing program saves lives. An evaluation found it prevented more than 33 fatal crashes and nearly 80 serious injury crashes each year. Around 41 per cent of all drivers and motorcyclists killed on our roads who were tested had drugs in their system, so it is clear that removing drug-impaired drivers from our roads is worthy of high priority.

There are a few other provisions in the bill that I will not have time to talk on today, but I will note that cost recovery for police to assist in things like traffic or crowd management outside large commercial events is probably a reasonable ask. I want to make the point that our events industry was hit extremely hard during COVID, and the ripple effect on regional economies was pronounced. We lobbied hard for the recognition of the events sector, which at the moment remains focused on major events. I hope there is a sensible approach to when police seek to recover costs, including consideration of any impact on the financial viability of an event and the broader economic benefit to a town. It would be a terrible shame if this revenue exercise resulted in regional events being cancelled. We will consider the proposed amendments from the opposition, and I intend to ask some questions in the committee stage of the bill, but on that note I commend the bill to the house.

**Mr QUILTY** (Northern Victoria) (17:05): I will be brief. The Liberal Democrats will not support this bill. We have problems with giving the police the power to cost recover, to charge for events, because we believe this power can and will be misused to shut down events the police do not like, to add costs to festivals and to protests that do not meet the ideological agenda of the government, to impose conditions on them and then to make them pay for them, and we do not support giving police the powers to stop people filming them. We think more people should film the police, not less.

'Privacy can in some cases become secrecy, which can allow corruption to flourish'. That is not just my opinion; that is a direct quote from the report of the Fitzgerald royal commission into police corruption in Queensland. That is why the Liberal Democrats strongly oppose the elements of this bill that create conditions for corruption by giving more power to Victoria Police to do more things and to do more of those things in secret. No doubt a majority of police are honest for a majority of the time, but I believe the incestuous relationship between the government and VicPol has helped create a culture of violence in our police and a fertile ground for corruption. This has the potential to smear the reputation of all the police.

Allow me to explain broadly why current conditions in Victoria make corruption possible, and then I will tell you about the evidence which shows that corruption is not just possible but is happening. I believe there are significant parallels between Victoria now and Queensland in the 1980s. The long-running Bjelke-Petersen government and Queensland police developed a very cosy relationship over many years. The government rolled out laws to make the police more powerful. This included calling a state of emergency so police could use violence against protesters. The Queensland police were so loved by the Queensland government that Terry Lewis was granted his knighthood. Of course later he was no longer Sir Terence when he was sent to jail. The Victorian government also seems to have a

very cosy relationship with police, and this dates back to well before the pandemic and our own state of emergency.

One of the first things the Liberal Democrats fought in this place was legislation allowing police to collect DNA from people without their consent. We were amazed by how compliant most MPs in this place were about it. So now the police can collect the most intimate details of Victorians and we have no say in it. There are also some very strange incidents which have tested the safeguards against police excess. My colleague David Limbrick attended the 420 pro-cannabis rally in Flagstaff Gardens in April 2019. During the event a 15-year-old girl was handcuffed and punched by a police officer. The only reason we knew about it was that somebody filmed it and sent it to the *Age* newspaper. I had expected that existing checks and balances would hold this behaviour to account, but it took a full year and many questions from the Liberal Democrats in this place before we were able to discover that in fact the police officer in question was exonerated. And unless we had asked or if it had happened in a police station with no-one to film it, we would probably have never found out about it at all. Some of you might also remember that a policeman was filmed stomping on a mentally ill man's head and was exonerated. Almost all of the excessive violence used by police is either ignored or condoned.

The safeguards against excessive police power in this state have failed Victorians repeatedly. It all started right here with the implementation of emergency powers, and it implicates Victoria's laughable human rights commission, the inconsistent police professional standards command and the under-resourced IBAC. It seems the standard we walked past then became the new standard the government accepted, because we saw many similar acts of state-sanctioned violence during the pandemic. We saw a pregnant woman arrested in her own home. Since she was handcuffed, if she had fallen she would have had no way to protect herself or her unborn child. The charges in this case were dropped just this week. This suggests police actions were never about enforcing the law, they were always only about suppressing dissent.

There was also a time when police were recorded openly discussing how they would trump up charges against someone filming lockdown protests, with the aim of silencing them using bail conditions. You can watch this for yourself in the award-winning documentary *Battleground Melbourne*. Then there was Melbourne Cup Day 2020, when police surrounded hundreds of anti-lockdown activists outside Parliament and forced them to stand tightly together for 4 hours. This was one of the most reckless events of the pandemic, and yet police actions were never criticised. All of these things indicate very clearly that police were being used not to protect the public health but to stop dissent, and today it looks like they are being rewarded, since the government can no longer give out knighthoods.

This brings me to specific reasons why you should be worried about police corruption. Over the last three years I have raised several matters about VicPol's licensing and regulation division. MPs from the government have treated these questions with disdain, and the police minister at the time showed just as much contempt by refusing to provide adequate answers. In a recent sitting I told everyone here about the serious and credible allegations that police had stolen more than 60 000 rounds of seized ammunition. I told you how IBAC referred the investigation back to police without telling the complainants, as it does for the vast bulk of complaints that are given to it, and how the police, as they always do, investigated themselves and found they had done nothing wrong.

We know that this is nothing new. In February this year former policeman David Branov told the *Herald Sun* about the stealing of seized goods, drugs and firearms from police property rooms. He said, 'It was like Kmart on Saturday'. Now you are introducing legislation that would allow more secrecy and also more power to police over people exercising their human right to assemble peacefully. You might disagree the corruption is widespread. That is what former New South Wales police commissioner Tony Lauer said before the Wood royal commission started, which eventually led to the naming of 284 police officers. The royal commissions into police corruption in both Queensland and New South Wales all started because of relatively isolated incidents which turned out to be only the tip of the iceberg. Victoria has never had a wideranging investigation of the police, and it shows. Something is rotten in the state of Victoria, and what smells is the strange and dangerous

relationship where the government gives VicPol everything and anything that they want. Those of you who support the passage of this bill today will be showing that you are part of the problem. VicPol do not need to be given more powers and more protections. The people of Victoria need a royal commission into VicPol to shine some sunlight into the murk.

**Dr CUMMING** (Western Metropolitan) (17:12): In rising to speak to the Justice Legislation Amendment (Police and Other Matters) Bill 2022, there are some aspects of what the government is proposing that I do support. I do support amendments to the sex offender register. I do support active monitoring of sex offenders to actually reduce the amount of reoffending. I also do support the protections that most people should have in the way of their workplaces, and for the police that includes not being filmed as they enter and exit their police stations. But there are other aspects that other people in this place have debated today, which are things around VicPol, that I do not support. I will not support charging people who wish to have the right to protest—charging the organisers of those events for police to attend. Why I say this is there are many community gatherings that the police will attend and walk around, and if we start having a service where the community events have to actually find or raise money for the police to be in attendance, well, I do not believe that creates a safer community. This government should actually look at ways of having peaceful protests as well as not draining police resources. There needs to be better coordination of protests. We need to have the right to protest here in Victoria, but there needs to be better communication between the people who wish to protest and the Victorian police, making sure that the police attend. We can even have a look at other ways of having these protests be well organised in the way of traffic control. There are cheaper methods than actually draining from our police. They should be on the beat looking after our community, attending domestic violence call-outs and attending when people have robberies, not having their resources drained by protests.

But we can find other ways of facilitating protest without saying that groups that organise protests or community groups have to start paying for the police attending. I really struggle again today. There is one great point, what this is trying to achieve in the way of the sex offender register, but it is attached to something that I cannot support in the way of this government's direction towards our right to peaceful protest.

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (17:16): Can I thank all speakers who have made contributions today. This is a bill that sort of covers off on eight main sections, and I think that the process even leading up to today has been quite good. There has been a lot of discussion with the minister's office as well as departmental advice, and through that I think there has been a lot of clarity added to the discussion. Of course there will be people at the end of the day that will agree and others that will disagree and are not going to support the bill, but at least I think people are clear about what they are basing their vote on. I think it has been handled in a very good way, and I thank everyone that has been involved in it.

I just wanted to mention the issue of cost-recovery measures because this has been an issue that Mr Limbrick has drawn to our attention and that he wanted some clarity on. Of course the advisers have been involved in it, but can I also say that it has been very fortuitous that one of my ministerial advisers has been a festival director of the Port Fairy Folk Festival as well as the Apollo Bay Music Festival and indeed the general manager of the Melbourne Fringe Festival, so she was able to provide some very hands-on, practical advice in terms of how this would operate and what actually happens now when it comes to cost recovery and the arrangements that are in place in terms of police.

This amendment is intended to target large events that are run for profit. It will not impact on small local community events. I can also confirm that should this bill pass, further consultation will be undertaken with stakeholders prior to the amendment coming into effect. The bill also provides Victoria Police with the power to waive all or part of the fees where appropriate, which is exactly what police currently do. We are not seeking to change this process in any way; in fact we are seeking to protect it. Victoria Police has established a clear process for determining the level of resourcing needed

to support the safe operation of an event and for discussing the amount and type of resources with an event organiser. Costs are agreed in advance and are not altered in response to any conduct or incident which occurs at the event.

Victoria Police have confirmed that whilst passive alert detection dogs, or sniffer dogs, may be deployed outside event venues to deter drug use, this is considered a police operation. It would also be the case that it is considered a police operation where police are required to attend in response to protests around an event. It is not the police's intention that charges for police operations such as sniffer dogs will be imposed on any event organisers at all, so there is quite a distinction that is I think quite clear in relation to that. I think that those are the two key points that Mr Limbrick had. The sniffer dogs and the actual waiving arrangements that are currently in place now will be essentially for outside events as well. With that, again, I thank members for their contributions today and in the lead-up to today, and I wish a speedy passage for the bill.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1 (17:21)**

**Dr CUMMING:** Minister, is a protest considered an event?

**Ms TIERNEY:** The answer is no.

**Clause agreed to; clauses 2 to 26 agreed to.**

**Reported to house without amendment.**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (17:23): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (17:23): I move:

That the bill be now read a third time.

**The PRESIDENT:** The question is:

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

**House divided on motion:**

*Ayes, 33*

Atkinson, Mr  
Bach, Dr  
Barton, Mr  
Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms  
Crozier, Ms  
Davis, Mr

Grimley, Mr  
Hayes, Mr  
Kieu, Dr  
Leane, Mr  
Lovell, Ms  
Maxwell, Ms  
McArthur, Mrs  
McIntosh, Mr

Ratnam, Dr  
Rich-Phillips, Mr  
Shing, Ms  
Stitt, Ms  
Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms



Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr

Meddick, Mr  
Melhem, Mr  
Pulford, Ms

Tierney, Ms  
Vaghela, Ms  
Watt, Ms

*Noes, 3*

Limbrick, Mr

Patten, Ms

Quilty, Mr

**Motion agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

### **EARLY CHILDHOOD LEGISLATION AMENDMENT BILL 2022**

#### *Introduction and first reading*

**The PRESIDENT** (17:31): 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 **Education and Care Services National Law Act 2010**, the **Children’s Services Act 1996**, the **Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021**, the **Child Wellbeing and Safety Act 2005** and for other purposes’.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:31): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms SHING:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

#### *Statement of compatibility*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:32): 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 Early Childhood Legislation Amendment Bill 2022 (the **Bill**).

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

#### **Overview of the Bill**

One of the main purposes of the Bill is to amend the *Education and Care Services National Law Act 2010*, the *Children’s Services Act 1996*, and the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* to provide for the Regulatory Authority for Victoria under the National Law and the *Children’s Services Act 1996* to be the integrated sector regulator for Child Safe Standards for the early childhood sector.

The Bill also amends the Education and Care Services National Law (**National Law**) set out in the Schedule to the *Education and Care Services National Law Act 2010*, in order to implement the recommendations of the 2019 National Quality Framework Review, and makes corresponding amendments to the *Children’s Services Act 1996*.

In addition, the Bill amends the *Child Wellbeing and Safety Act 2005* to require providers of certain maternal and child health services to employ or engage nurses for those services only if the nurses have prescribed specialist maternal and child health nursing qualifications and any prescribed prerequisites.

#### **Human rights issues**

The Bill includes amendments which promote the rights of children (eg, clauses 4, 8, 35, and 100), which are protected under section 17(2) of the Charter.

A number of clauses may engage the right to privacy, protected under section 13(a) of the Charter. However, for the reasons set out below, the right to privacy is not limited.

#### ***Right to Privacy***

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 will be lawful if it is permitted by a law which is precise and appropriately circumscribed. It will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of extending beyond what is reasonably necessary to achieve the statutory purpose.

A number of clauses in the Bill authorise requests for, and the disclosure of, information by or to the Regulatory Authority (see clauses 4, 9, 17, and 41). For example, clause 17 amends section 14(1) of the National Law to empower the Regulatory Authority to require a person who has applied for a provider approval to provide information, including for purposes of assessing the person's knowledge of the National Quality Framework (see also clause 41, which amends section 14(1) of the *Children's Services Act 1996*). In addition, clause 4 inserts new Part 2A (Compliance with Child Safe Standards) into the *Education and Care Services National Law Act 2010*. Within Part 2A, new section 16B empowers the Regulatory Authority (when exercising jurisdiction in Victoria) to collect, analyse and publish information and data regarding compliance with the Child Safe Standards by relevant entities (defined as an approved provider of an approved education and care service located in this jurisdiction), and to give that information to the Commission for Children and Young People (see also clause 9, which inserts new section 160(1)(da) into the *Children's Services Act 1996*).

To the extent the information which may be requested or disclosed pursuant to these clauses may include personal information, the right to privacy is engaged. However, the scope of any interference with a person's privacy is likely to be modest, as there is a reduced expectation of privacy in the context of the regulated environment of early childhood services. Moreover, I do not consider that these clauses limit the Charter right to privacy, because any interference with a person's privacy will be lawful (as the relevant authorising sections are precise and accessible) and not arbitrary.

More specifically, the scope of the permitted sharing of information is confined to what is reasonably necessary for the Regulatory Authority to effectively perform its functions. For instance, section 160(3) of the *Children's Services Act 1996* (inserted by clause 9) provides that the Regulatory Authority may exchange information with persons and bodies with functions or powers under a law of another State, a Territory, or the Commonwealth relating to the monitoring or enforcement of compliance with standards that correspond to the Child Safe Standards.

A number of other safeguards ensure that any interference with privacy will be appropriately constrained, including the application of the *Privacy and Data Protection Act 2014* and section 38 of the Charter to the Regulatory Authority and other public authorities in Victoria.

**The Hon. Ingrid Stitt**

**Minister for Workplace Safety**

**Minister for Early Childhood and Pre-Prep**

#### *Second reading*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:32): I move:

That the second-reading speech be incorporated into *Hansard*.

**Motion agreed to.**

**Ms SHING:** I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Andrews Labor Government is committed to ensuring quality early childhood education and care, which plays a vital role in supporting the learning and development of Australian children in their early years and helps to lay the foundation for better health, education and employment outcomes later in life.

This Bill seeks to enhance the regulatory system for early childhood education in Victoria and nationally by:

- amending the Education and Care Services National Law (National Law) to implement the 2019 National Quality Framework Review (NQF Review) and make other minor technical amendments to the National Law;
- making corresponding amendments to the *Children's Services Act 1996* (CS Act) to maintain alignment with the National Law;
- amending the *Education and Care Services National Law Act 2010* (the National Law Act), the CS Act and the *Child Wellbeing and Safety Act 2005* (CWS Act) to provide for the Secretary to the Department of Education and Training, as the Victorian Regulatory Authority under the National Law and the CS Act, to be the integrated sector regulator of the Child Safe Standards (CSS) for the early childhood sector; and
- amending the National Law Act to remove the redundant requirement to table the annual report of the national authority in each house of the Victorian Parliament.

The Bill also amends the CWS Act to incorporate further regulation making powers to prescribe prerequisites for maternal and child health (MCH) nurses and to incorporate documents including the MCH Service Guidelines 2019.

**Amendments arising from the National Quality Framework (NQF) Review and other minor policy decisions**

The NQF sets national requirements and standards for the provision of education and care, and strikes the right balance between quality and affordability, by focusing on improving the quality of services, providing access to information about the quality of services and reducing the regulatory burden on services.

The NQF operates nationally and regulates education and care services that are provided to children on a regular basis, including preschools (kindergartens), long day care services, family day care (FDC) services and outside school hours care (OSHC) services. The NQF consists of the National Law and the Education and Care Services National Regulations (including the National Quality Standard).

The 2019 NQF Review aimed to ensure that the NQF continues to meet its objectives and consider the ongoing effectiveness and sustainability of the NQF in light of the continuing evolution of the education and care sector.

The NQF operates as an applied national law scheme. The national law is enacted by Victoria, as the host jurisdiction, in a schedule to the National Law Act and is applied in other jurisdictions as their own law or, in Western Australia, through corresponding legislation.

On 6 May 2022, the Education Ministers Meeting endorsed the final 2019 NQF Review package, which recommended changes to the NQF and included drafting instructions giving effect to amendments to the National Law arising from the recommendations and other policy changes previously agreed to by Education Ministers.

The Bill makes changes to the National Law to give effect to these amendments by:

- strengthening the safety of children in early childhood services by addressing gaps between the National Principles for Child Safe Organisations and the NQF, and requiring that all FDC coordinators complete child protection training prior to commencing employment;
- improving safety and oversight in FDC services by enabling improved access for Regulatory Authorities to FDC residence-level information on a service's FDC register, enabling risk-based proactive approaches to regulation and assisting in the identification of FDC educators during emergency situations;
- improving oversight and compliance tools for Regulatory Authorities through minor changes to the process for transfer of services between approved providers;
- providing that cancellation or refusal of provider approval under the Commonwealth Family Assistance Law (FAL) for lack of fitness and propriety is to be a specific ground for cancellation or refusal of a provider approval under the National Law;

- confirming that the Regulatory Authority may administer questions to an applicant for provider approval to assess their fitness and propriety and to undertake an assessment of their knowledge of the NQF;
- updating the maximum penalties for offences throughout the National Law by increasing those penalties by 14.9 per cent to keep up with the cumulative increase in the consumer price index since the beginning of the NQF;
- reducing burden for education and care services by aligning the definition of ‘person with management or control’ of a service with the FAL definition of ‘person with management or control’ of a provider entity to better capture persons exercising significant influence over the operation of a service;
- making minor and technical amendments to clarify existing provisions, such as the calculation of FDC coordinator to educator ratios.

The Bill will also make relevant corresponding changes to the CS Act to align the residual Victorian regulatory scheme under which a small number of children’s services are still regulated.

The Bill will also make a minor amendment to remove a redundant requirement to table the annual report of the National Quality Framework’s National Authority (the Australian Children’s Education and Care Quality Authority), in each house of the Victorian Parliament.

#### **Amendments relating to regulating the Child Safe Standards**

The Bill provides for the Regulatory Authority for Victoria under the National Law and CS Act to be the integrated sector regulator of the CSS for the early childhood sector.

The aim of the CSS is to drive cultural change in organisations so that protecting children from harm and abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers. Organisations including early childhood services have been required to comply with a new set of CSS since 1 July 2022.

A new regime for enforcing compliance with the CSS will commence on 1 January 2023 under amendments made to the CWS Act by the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021*. Under the new regulatory regime, each sector that is subject to the CSS will have its own ‘sector regulator’ (that will use the new powers in the CWS Act), or ‘integrated sector regulator’ (that will use its existing regulatory powers), to enforce compliance with the CSS.

The Regulatory Authority for Victoria (that is, the Secretary to the Department of Education and Training) will be the integrated sector regulator for the CSS in early childhood services that operate in Victoria, using the broad suite of regulatory powers available to it as the Regulatory Authority under the regulatory schemes in the NQF and CS Act and Children’s Services Regulations 2020.

To achieve this, the amendments to the National Law Act will:

- provide the Regulatory Authority with the functions relevant to its role as an integrated sector regulator, including the functions to:
  - i. monitor and enforce compliance with CSS by early childhood services in Victoria, and exchange information; and
  - ii. collaborate with persons and bodies in relation to the safety of children and compliance with the CSS;
- provide that, when the Regulatory Authority is carrying out its functions as an integrated sector regulator, it must consider the most effective means of promoting compliance by an early childhood service with the CSS and may exchange information and collaborate with similar enforcement agencies in other jurisdictions;
- provide that, when the Regulatory Authority is carrying out its functions as an integrated sector require compliance with the CSS as a condition on service approval, which will allow the Regulatory Authority to use its existing regulatory and enforcement tools when monitoring and enforcing compliance with CSS,
- provide that, when the Regulatory Authority is carrying out its functions as an integrated sector make changes to the way the National Law relates to the enforcement of the new CSS condition on service approval for Victorian services, to ensure effective interaction of the two schemes; and
- provide that, when the Regulatory Authority is carrying out its functions as an integrated sector exclude the application of irrelevant provisions.

Requiring compliance with the CSS as a condition on service approval will allow compliance and enforcement activity related to the CSS to be integrated into the Regulatory Authority's existing responsive, risk-based regulatory approach.

The Bill will also:

- a. make relevant corresponding amendments to the CS Act; and
- b. amend the CWS Act to provide that the Regulatory Authority is the integrated sector regulator for the early childhood entities specified in items 9 and 10 of Schedule 1 of the CWS Act.

**Amendments to the CWS Act relating to Maternal and Child Health (MCH) nursing services**

The Bill also makes amendments to the CWS Act to require providers of MCH nursing services to employ or engage nurses only if they have a prescribed prerequisite.

The Bill also amends the CWS Act to enable incorporation of the Maternal and Child Health Service Guidelines 2019 into the regulations. These guidelines provide the integrated framework and approach to service delivery in Victoria and outline the qualification and registration requirements for Maternal and Child Health nurses. The high-level of education in this workforce ensures they are well-qualified to provide a broad scope of practice across general, midwifery and maternal, child and family health nursing.

The amendment to the Child Safety and Wellbeing Act provides a legislative mandate for compliance with this requirement, ensuring nurses who are employed or engaged to provide a Maternal and Child Health service not only have the appropriate qualifications, but are also registered as a midwife.

Prescribing midwifery registration as a prerequisite for Maternal and Child Health nurses will safeguard and uphold the education and knowledge necessary to be registered as a midwife. It will ensure post-birth infant and maternal care such as breastfeeding and maternal health and wellbeing, as well as child health and development are upheld as key capabilities of Maternal and Child Health nurses.

This Bill goes some way to recognising the dynamic role nurses and midwives have within the health system, the changing structures in which they practice and the evolving nature of care they provide to us as the community.

I commend this Bill to the House.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:32): On behalf of Dr Bach, I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**MAJOR CRIME AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL  
2022**

*Introduction and first reading*

**The PRESIDENT** (17:32): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Confiscation Act 1997**, the **Crimes Act 1958**, the **Crimes (Assumed Identities) Act 2004**, the **Drugs, Poisons and Controlled Substances Act 1981** and the **Sex Work Decriminalisation Act 2022** and for other purposes'.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:33): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms SHING**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:33): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act* 2006, (**Charter**), I make this Statement of Compatibility with respect to the Major Crime and Community Safety Legislation Amendment Bill 2022 (**Bill**).

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

**Overview**

The Bill will amend:

- the *Confiscation Act 1997* (**Confiscation Act**) to:
  - enhance law enforcement's powers to address organised crime's growing use of cryptocurrencies;
  - clarify and strengthen investigation and enforcement powers including those regarding serious drug offenders, information gathering by law enforcement, restraining orders, and enforcement of confiscation outcomes to ensure more equitable outcomes where the confiscation system is used to satisfy compensation or restitution orders; and
  - update offences that trigger an offender's assets being automatically forfeited.
- the *Drugs, Poisons and Controlled Substances Act 1981* (**Drugs Act**) so that trafficking the serious drug 1,4-Butanediol (1,4-BD) triggers automatic forfeiture provisions in the Confiscation Act;
- the *Crimes Act 1958* (**Crimes Act**) to streamline, clarify and modernise Victoria Police search warrant powers and to fingerprinting framework;
- the *Crimes (Assumed Identities) Act 2004* (**Assumed Identities Act**) to streamline and modernise processes for Victoria Police to authorise and use assumed identities in the online environment; and
- the *Sex Work Decriminalisation Act 2022* consequentially to reflect changes to the automatic forfeiture provisions in the Confiscation Act.

**Human Rights Issues****Amendment of the *Confiscation Act 1997* (Part 2)****Digital Currency Exchange Services (Part 2, Division 1)**

The Bill broadens the definition of 'financial institution' under the Confiscation Act to include digital currency exchanges, as well as making consequential amendments to enable the expanded definition to operate. The reform means that:

- information-gathering powers in Part 13 of the Confiscation Act, including monitoring orders (Division 3) and information notices (Division 3A), will apply to digital currency exchanges; and
- freezing orders in Part 2A of the Confiscation Act will be available in relation to digital assets.

**Right to privacy (section 13(a))**

The information-gathering powers in Part 13 of the Confiscation Act enable law enforcement to require financial institutions to provide account and transaction information they hold in relation to specific persons. I consider that the amendments extending these information-gathering powers to digital currency exchanges engage the right to privacy. 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. For the reasons below, I consider any interference with privacy rights will not be unlawful or arbitrary and the information-gathering powers in the Bill are compatible with the right to privacy.

The extension of the powers to digital currency exchanges in the Confiscation Act will make their exercise lawful. Further, I do not consider that any resulting interference with privacy rights will be arbitrary. The circumstances in which information-gathering powers under the Confiscation Act may be exercised are limited, clearly defined and have sufficient safeguards to prevent arbitrary use. Information notices and monitoring orders are limited to circumstances in which there are reasonable grounds to believe that the person whose account is being affected has committed or benefited from a relevant offence (or is about to). Information notices can only be issued by an authorised officer of senior rank and with written reasons recorded. Further, monitoring orders are issued by courts, so are subject to judicial oversight.

*Property rights (section 20)*

The proposed expansion of information-gathering powers to digital currency exchanges is intended to assist with the forfeiture of cryptocurrencies and other digital assets. Together with the proposed extension of freezing orders to digital assets, these reforms will engage property rights. Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law.

These powers will be provided for by the Confiscation Act and exercised in accordance with law, so are compatible with the Charter. Further, I consider that these powers are not arbitrary because they are appropriately confined to target the proceeds of serious, organised and profit-motivated crime. Freezing orders are established under Part 2A of the Confiscation Act and are subject to strong safeguards as they are strictly limited in duration and can only be issued by a court. Organised crime groups are increasingly trading and holding their wealth in digital assets like cryptocurrency. I consider these reforms are a modest and appropriate extension to ensure Victoria's confiscation scheme can meet contemporary challenges.

Search warrants and seizure warrants (Part 2, Division 2)

The Bill makes three main amendments to the search and seizure warrant provisions in the Confiscation Act. First, warrants for seizure of forfeited property in public places will be extended from one month to six months and additional persons will be able to apply for these warrants. Second, police will be able to require assistance from a person with knowledge of a computer, computer network, data storage device or item containing code to execute search warrants under the Confiscation Act. Failure to provide that assistance, which could involve providing a password, will constitute an offence and the Bill expressly abrogates the privilege against self-incrimination. Third, the Bill empowers police to secure digital assets by, for example, accessing the global blockchain and changing a digital asset's encryption key to prevent criminal targets from accessing the asset remotely.

*Right to privacy (section 13(a))*

I consider that the amendments to permit assistance from a person in executing a search warrant engage the right to privacy. However, I consider that any interference with the right to privacy is lawful and not arbitrary, and therefore that the amendments are compatible with section 13(a) of the Charter.

The powers are critical to ensure the confiscation regime adequately enables law enforcement to locate and ascertain digital assets, while providing associated safeguards. Their scope is similar to existing powers in sections 465AAA and 465AA of the Crimes Act, which also enable effective execution of warrants with reference to current use and changes in technology. Searches are limited to property that has been used in, or derived from, criminal offences, or property that has been forfeited to the State.

*Property rights (section 20)*

The amendments to search and seizure warrants under the Confiscation Act also engage property rights under section 20 of the Charter only to the extent that they relate to tainted, rather than forfeited, property. However, I consider that any interference with property rights will be appropriately confined and structured.

Empowering police to secure tainted digital assets is intended to restrict access to and dissipation of the asset, consistent with the purpose of the warrant to enable the seizure of tainted property.

To the extent that the securing of digital assets relates to forfeited property, the reforms do not engage property rights, as forfeited property is vested in the Minister on behalf of the State and individuals who retain possession of forfeited property have no rights in relation to it. Extending the duration of seizure warrants from one month to six months does not interfere with property rights, as the extended warrant period will apply to warrants for forfeited property only. Extending the validity of these warrants will assist police to seize forfeited property like vehicles if intercepted in public.

*The right not to be compelled to testify against oneself (section 25(2)(k)) and right to a fair hearing (section 24(1))*

The Bill provides that a person is not excused from complying with a direction or order to give assistance in the execution of a warrant under the Confiscation Act on the ground that complying with it may result in information being provided that might incriminate the person. This amendment engages the right not to be compelled to testify against oneself or to confess guilt under section 25(2)(k) of the Charter. The privilege against self-incrimination is also an important element of a fair trial and therefore similarly limits section 24(1) of the Charter, which provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. I consider that any limitation of these rights is demonstrably justified as a reasonable limit under section 7(2) of the Charter.

I note that the proposed reforms are modelled on existing general search warrant provisions in sections 465AAA and 465AA of the Crimes Act. Like those existing provisions, the amendments to the Confiscation

Act reflect technological changes and will enable the effective execution of search warrants to access and seize digital assets that may be liable to forfeiture. Specifically, while police can use force or expert assistance to gain access to a locked room, cupboard or safe without impacting the privilege against self-incrimination, the same is not always possible for computers or digital storage devices. These devices often have sophisticated encryption or security settings that cannot be readily overcome with force or even professional skills in the same way as physical storage.

The nature and extent of the limitation on rights is confined, as a person may only be required to assist police to access a digital asset when authorised by a Magistrate issuing a warrant. The required assistance is also limited to assistance or actions that are reasonable and necessary to effectively execute the warrant.

Under section 92 of the Confiscation Act, police may seize items not listed in a warrant that would provide evidence about the commission of a Schedule 1 offence. It is therefore possible that by assisting police to access a data storage device, police may discover incriminating documents beyond tainted or forfeited property. Section 92 of the Confiscation Act is directed to the important purpose of ensuring that, where police identify evidence of serious offending, further investigation and prosecution is possible. Effective investigation and prosecution of serious crime is necessary to protect community safety, and may promote other rights, including the right to life and protection of families and children. If assistance provides access to a computer or storage device, which then leads to evidence of the commission of a Schedule 1 offence, it is consistent with the purpose of section 92 that that evidence should be admissible. I therefore do not consider that the inclusion of a direct use immunity is an appropriate less restrictive alternative.

#### Exclusion applications (Part 2, Division 3)

##### *Property rights (section 20)*

Where property is forfeited or restrained, the Confiscation Act allows third parties who are impacted to apply to have their interest in the property excluded from the operation of the scheme. The Bill restricts some of these exclusion mechanisms and therefore engages property rights. However, I consider that any interference with property rights is lawful and not arbitrary, and therefore compatible with the Charter.

First, the Bill closes a loophole in the Confiscation Act that allows third parties to exclude property from the serious drug offender scheme that they knew, or should have reasonably suspected, was used in or derived from criminal offending. This amendment aligns with the exclusion provisions for lesser offences in Schedule 2 to the Confiscation Act. Furthermore, exclusion order applications remain subject to court oversight and determination. I consider that this reform is appropriately confined given it will only apply where the affected third party is, or should have been, aware of the property's connection to criminal offending.

Second, the Bill also imposes a six-month time limit on exclusion applications related to money that has already been forfeited. Currently, exclusion applications made post-forfeiture must be made within 60 days of the property being forfeited unless the court allows an out of time application. For forfeited property that is not money, out of time applications are limited to the period before the property is sold off or disposed of by the State, which is usually within six months. However, as forfeited money is deposited in the Consolidated Fund, and not disposed of under the Confiscation Act, there is effectively no limit on the court being able to accept out of time applications.

Responding to exclusion applications made a significant time after money was forfeited causes the State substantial evidentiary difficulties. The Bill addresses this issue and provides for consistent treatment of exclusion applications across all types of forfeited property. The six-month time limit is consistent with the current practice for selling off forfeited property that is not money, and provides fair and sufficient time for third parties to seek to have their money excluded from the operation of the scheme.

#### Partial forfeiture of real property and proceeds of sale of forfeited residence (Part 2, Division 4)

When considering a forfeiture order application, the Confiscation Act allows a court to have regard to any undue hardship that may be caused to any person by the order. Where the property sought to be forfeited is solely owned by an offender but is a family home, the court can consider the impact forfeiture would have on family members. This has resulted in courts refusing to forfeit property to the State, despite it being proceeds of crime or associated with criminal activity. The Bill will clarify that a court may order partial forfeiture of property, providing flexibility to make fairer forfeiture orders.

##### *Property rights (section 20)*

The partial forfeiture amendment may increase the likelihood that an offender's property will be forfeited and therefore impact on their property rights or the property rights of their family members. The partial forfeiture amendment will be lawful, by its inclusion in the Confiscation Act, and the nuanced approach it takes to the interests of family members ensures it is not arbitrary. Importantly the amendment will allow, but not compel, a court to order partial forfeiture. This will remain a decision of the court, taking into account the



circumstances of individual case. For these reasons, I consider the partial forfeiture amendment compatible with property rights.

*The right to protection of families and children (section 17)*

Section 17(1) of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the State. Section 17(2) additionally provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. These rights are engaged by the amendments to partial forfeiture and proceeds of sale of a forfeited residence, but I am satisfied that any engagement is compatible with the Charter.

The Bill gives a court the ability to make orders that are fair and reasonable in all the circumstances of the case, with greater flexibility to consider an offender's family's interests in forfeited property. This ensures that the right to protection of families and children is protected to the greatest extent possible. The amendments in the Bill do not impact on third party property rights, as they do not alter the current mechanisms in the Confiscation Act for third parties to have their property excluded from the operation of the scheme because of undue hardship.

The Confiscation Act contains safeguards to protect an offender's dependents, which are enhanced by the Bill. Specifically, section 45A of the Confiscation Act allows a court to award some of the proceeds of sale of a serious drug offender's residence to their dependents. The Bill will clarify that the court may split a relief payment under section 45A between two or more dependents which will help prevent inequitable distributions in future cases. This amendment promotes the right to protection of families and children.

Enforcement of pecuniary penalty orders (Part 2, Divisions 6 and 7)

The Bill amends provisions relating to actions that may be taken when enforcing pecuniary penalty orders (PPOs) made under Part 8 of the Confiscation Act. Specifically, the Bill:

- inserts provisions for the sale of land to satisfy a pecuniary penalty order;
- creates an offence of disclosing the existence of document requests in relation to PPOs, consistent with the current position for information notices issued under the Confiscation Act; and
- enables the use of information-gathering powers under the Confiscation Act for historic PPOs issued under the *Crimes (Confiscation of Profits) Act 1986*.

*Freedom of expression (section 15(2))*

Prohibiting disclosure of the existence of a document request engages section 15(2) of the Charter, which protects freedom of expression. However, the right is subject to lawful restrictions reasonably necessary to protect public order. This amendment to the Confiscation Act is lawful and is directed to the legitimate public order purpose of supporting enforcement action under the Confiscation Act. Without this restriction on disclosure, PPO enforcement could be undermined by the subject of confiscation proceedings being tipped off and dissipating assets before they can be forfeited. The right to freedom of expression is therefore not limited.

*Property rights (section 20)*

Amendments relating to the enforcement of PPOs also engage property rights, but any engagement will be lawful and appropriately confined. The State can already pursue the sale of charged property to satisfy PPOs. The Bill simply establishes a statutory mechanism to avoid expensive litigation and associated delays. The Bill maintains judicial oversight and opportunities for affected persons to make exclusion applications as appropriate. Accordingly, I do not consider these amendments limit property rights under the Charter.

Expanded information-gathering powers for historic PPOs may lead to greater enforcement activity and also engage property rights. However, a PPO does not expire and a person subject to such an order remains liable regardless of the time that may have passed since the order was made. The information-gathering powers therefore do not interfere with property rights in any additional way.

Information-gathering powers (Part 2, Divisions 8 and 10)

The Bill strengthens information-gathering provisions under Parts 12 and 13 of the Confiscation Act, including by:

- establishing a new power to compel the production of documents as part of the existing examination process in Part 12 of the Confiscation Act;
- expanding the grounds for which property-tracking documents may be obtained to include documents to support the enforcement of a PPO under the Confiscation Act or a compensation or restitution order under the *Sentencing Act 1991*;
- expanding the types of information that may be obtained from financial institutions via an information notice (currently limited to account details) to include details about property secured by a loan;

- expanding the grounds on which information notices may be issued so they can be used to obtain information about ‘tainted’ or ‘derived property’;
- providing that information notices are valid for three months, during which time police can request updated information without issuing a new information notice;
- expanding the application of information notices issued to enforce PPOs under section 118E of the Confiscation Act to include accounts not secured by a mortgage; and
- establishing a new power to request and obtain credit reporting data for the purpose of any proceeding or enforcement action under the Act.

*Right to privacy (section 13(a))*

The proposed reforms to information-gathering powers engage the right to privacy. However, I consider that any interference with privacy rights is lawful and not arbitrary. The Confiscation Act specifies in detail the limited circumstances in which information-gathering powers may be exercised, including that there must be a nexus with criminal offending. Additionally, examination and production orders are only available when ordered by a court and are subject to judicial oversight. The reforms are a modest expansion of existing powers under the Confiscation Act that will address gaps and inefficiencies in the current provisions.

*The right not to be compelled to testify against oneself (section 25(2)(k)) and right to a fair hearing (section 24(1))*

The Bill will create the power to issue an examination notice, requiring production at an examination of specified information or documents. The Bill makes it an offence to fail to produce the specified information or document without a reasonable excuse and extends section 99(1) of the Confiscation Act to provide that a person may not refuse to comply with an examination notice on the grounds that it might tend to incriminate the person. These amendments engage the right not to be compelled to testify against oneself and, consequently, the right to a fair hearing. However, I consider any limitation on these rights by the examination notice amendments is demonstrably justified as a reasonable limit under section 7(2) of the Charter.

The limitation recognises that criminals may take steps to conceal their wealth from law enforcement agencies. The new production powers are designed to overcome such steps to fulfil the objectives of the Act, including to confiscate the proceeds of crime and to deter serious, profit-motivated criminal activity. The limitation is also appropriately confined and proportionate to the objective of the examination notice, as the Bill extends the existing direct and derivative use immunities in sections 99(2) and (2A) of the Confiscation Act to the person who provides information or documents under an examination notice. The information or documents produced under the notice—or any information, documents or other things obtained derivatively—are not admissible against the person in any criminal proceeding (except in proceedings for giving false testimony or failure to comply with the production notice). These important safeguards replicate those that apply where a person is asked questions during an examination process.

Restraining orders (Part 2, Division 9)

The Bill improves restraining order provisions under the Confiscation Act by:

- clarifying that restraining orders can be made to satisfy historic pecuniary penalty, compensation and restitution orders; and
- providing that any mortgage, charge or encumbrance (including a caveat) created on real property after a restraining order is void, unless approved by a court.

*Property rights (section 20)*

More property will likely be restrained as a result of clarifying that restraining orders can be made to satisfy pecuniary penalty, compensation and restitution orders made in the past, which will engage property rights under section 20 of the Charter. However, any interference with property rights will be lawful and appropriately constrained by judicial oversight and exclusion application pathways. For these reasons, I consider this reform compatible with property rights.

Limiting the ability of individuals to lodge caveats on restrained property will not otherwise engage property rights, given the availability of existing exclusion order pathways to protect property interests. Caveats lodged after a restraining order currently do not protect property rights and can be removed under section 42 of the Confiscation Act and the *Transfer of Land Act 1958*. The reforms will direct third parties towards the exclusion order pathways under the Confiscation Act, which will more appropriately protect their property interests and avoid the time and costs associated with having incorrectly placed caveats removed.

Miscellaneous amendments (Part 2, Division 10, Parts 5 and 6)*Property rights (section 20)*

The Bill includes several other miscellaneous reforms that engage property rights and require Charter consideration.

First, the Bill clarifies the concept of effective control. Property that may be confiscated under the Confiscation Act includes property under the ‘effective control’ of an accused, not only property legally owned by them. Section 9 of the Confiscation Act defines how the concept of effective control applies in the Act. It is critical to confiscating assets when accused persons have arranged for assets to be held in the names of family members, trusted associates or companies they control. The Bill will broaden the definition of ‘effective control’ in the Confiscation Act by providing that property may be subject to the effective control of more than one person and that property held on trust for the ultimate benefit of a person is taken to be under their effective control.

These additional elements are based on the approach taken in the *Proceeds of Crime Act 2002* (Cth) and increase the likelihood that property may be forfeited to the State. Importantly, whether or not property is deemed to be under the ‘effective control’ of a person will still be determined by the court taking into the account the circumstances of a particular case. I consider any resulting interference with property rights is lawful and appropriately confined, directed to circumstances where accused persons are actively seeking to conceal their assets from law enforcement. The opportunities under the Confiscation Act to have interests excluded from restraint or forfeiture, or to buy back or buy out forfeited property interests, provide sufficient safeguards for any third parties affected by the increased scope of the definition of ‘effective control’.

Second, the Bill clarifies that property that is protected from automatic forfeiture for serious drug offences should be valued at the time a restraining order is made, regardless of any depreciation thereafter. Protected property is defined in section 24(2) of the Confiscation Act and includes necessary transport, clothing, household items and tools of trade used by the accused or their dependents above a prescribed value (\$12,500 for vehicles that are used as a primary means of transport and \$5,000 for other property items). Proceedings under the Act may take years to be finally determined, during which times assets like cars may depreciate significantly and fall below the prescribed threshold.

This reform provides certainty and frees the Director of Public Prosecutions from the additional work required to confiscate property that falls below the prescribed threshold before automatic forfeiture occurs. To the extent that the law could currently be interpreted as allowing valuation after the point of restraint, then the reform has the potential to enable the restraint of additional property of offenders. However, I consider the reform is necessary to provide certainty for all parties at the time property is restrained. Further, the impact of this reform on property rights is lawful and is also modest, proportionate and appropriately confined. I therefore consider that this amendment does not limit property rights.

Third, the Bill extends the period before a serious drug offence restraining order automatically lapses under section 27(3A) of the Confiscation Act after the relevant charge is withdrawn, from seven days to 14 business days. When charges are withdrawn, an accused may be charged with alternative lesser offences. The current seven-day period does not provide sufficient time for the Director of Public Prosecutions to prepare and file new charges before the restraining order lapses.

This reform increases the period that an accused person cannot deal with their property and is also intended to increase the likelihood that property may be forfeited to the State and not dissipated, thereby interfering with property rights. I consider this modest extension to be lawful, as well as striking an appropriate balance between protecting property rights and preserving assets while an appropriate restraining order is obtained. This amendment therefore does not limit property rights.

Fourth, the Bill extends the duration of freezing orders from three to five business days. The current duration is insufficient for the Director of Public Prosecutions to apply for a restraining order in almost half of all cases and can lead to the dissipation of assets before a restraining order can be obtained. I consider this is a modest extension that strikes an appropriate balance between property rights and the underlying purposes of the scheme. This amendment does not limit property rights.

Finally, the Bill triggers the Confiscation Act’s:

- automatic and civil forfeiture provisions for possession of a traffickable quantity of firearms contrary to section 7C of the *Firearms Act 1996*;
- automatic forfeiture provisions for serious sex offences involving sexual servitude and commercial sexual services by children, regardless of the value of the service; and
- automatic forfeiture provisions for trafficking 600 grams or more of the serious drug 1,4-BD.

While these reforms will directly impact property rights by increasing forfeiture opportunities, I consider the amendments lawful and the impact on property rights to be proportionate to the seriousness of the offences. These amendments do not limit property rights.

**Amendment of the *Crimes Act 1958* (Part 3)**

**Search warrant powers (Part 3, Division 1)**

The amendments in Division 1 of Part 3 of the Bill will streamline the way police execute search warrants, by allowing police to copy data stored on a computer or data storage device, break open receptacles, seek assistance from those with specialised skills (such as locksmiths or forensic accountants) and secure computer equipment for operation by experts. The amendments will also streamline the process after a warrant has been executed by allowing Victoria Police to lodge a report about the execution of the warrant, rather than returning seized items to court.

**Rights to privacy (section 13(a)) and property (section 20)**

I consider that the rights to privacy and property are engaged by the proposed search warrant reforms in Division 1 of Part 3 of the Bill to the extent they expand the powers available under search warrants, and who may exercise them. However, for the following reasons, I am satisfied that any interference with the right to privacy is lawful and not arbitrary, and therefore that the Bill is compatible with sections 13(a) of the Charter. I am further satisfied that any interference with property rights will be in accordance with law and appropriately confined and therefore compatible with section 20 of the Charter.

Victoria Police's powers to execute search warrants under section 465 of the Crimes Act are clearly defined and prescribed by Part III, Division 1, Subdivision 31 of the Crimes Act. Before searches can be undertaken, a Magistrate must grant a search warrant under section 465 of the Crimes Act. A Magistrate may only grant a warrant under section 465 where they are satisfied that there is an item in the search warrant premises that may constitute evidence of an indictable offence that has been committed or is likely to be committed within the next 72 hours.

Allowing Victoria Police to use assistants when executing a search warrant will engage the right to privacy by increasing the number of people who may be present at a private premises when a search warrant is executed. However, the increased impact on privacy is expected to be modest, as Victoria Police will only be able to use assistants who possess specialised skills or technical knowledge necessary to exercise a power authorised by the warrant and may not use an assistant to arrest a person.

The amendment to clarify that Victoria Police may break open a locked receptacle when executing a search warrant issued under section 465(1) of the Crimes Act will also engage the rights to privacy and property, by providing Victoria Police with additional access to personal property at a search warrant premises. The powers may also enable Victoria Police to damage personal property. However, the Bill limits the use of this power by requiring that it be reasonably necessary to gather evidentiary material or prevent a hazard. The powers serve the important purpose of allowing Victoria Police officers to execute search warrants safely and efficiently.

The amendment to empower Victoria Police to secure electronic equipment at a search warrant premises will engage the rights to privacy and property, as Victoria Police may spend longer at a private premises and may restrict access to personal property or private space while equipment is being secured. However, any impact on this right will be limited by the safeguards in the Bill, including that electronic equipment may only be secured for a maximum period of 48 hours to allow an expert to attend and operate the equipment. If Victoria Police wishes to secure equipment for a longer period, police must apply to a Magistrate to obtain an extension.

Victoria Police is also a public authority within the meaning of the Charter. Its officers are therefore obliged to properly consider human rights in their decision making and to act compatibly with human rights in exercising statutory search warrant powers, in accordance with section 38 of the Charter.

Further, Victoria Police will be required to lodge a report with the Magistrates' Court after a warrant is executed, thereby retaining Court oversight over the search warrant powers and providing a safeguard against the arbitrary interference with the rights to property and privacy. The report must include the name of the police officer in charge of the execution of the warrant, the date on which the warrant was executed, the powers executed under the warrant, the details of any person arrested, items seized, any items disposed of or destroyed during the execution of the warrant, the name and qualifications of any assistants used in the execution of the warrant and details of electronic equipment secured in the execution of the warrant and of any extension of time to secure electronic equipment granted by the Magistrates' Court.

The report will therefore engage the right to privacy of the police officer in charge and any assistants by naming them, but this will be lawful and not arbitrary and therefore also compatible with the right. Naming police officers and assistants is an important measure to ensure transparency in the execution of warrants.

The Bill requires Victoria Police officers to notify the occupier of a warrant premises where the report will be lodged and when it will be available for inspection. Further, any person with an interest in the execution of the warrant can inspect the report, ensuring transparency where search warrant powers have been exercised. The Magistrates' Court will also have a discretion to require a police officer to give evidence in relation to a seized item, and to order that a seized item be returned to its owner.

I do not consider that the amendment empowering Victoria Police to access, convert and copy data held in or accessible from a computer or data storage device will have any greater impact on the rights to property or privacy than existing provisions of the Crimes Act. Section 465AA of the Crimes Act already allows Victoria Police to direct 'a specified person' to access, convert and copy data from a computer or storage device. While the amendment will allow Victoria Police officers to now do this personally, rather than another specified person, it will not grant any greater access to personal property or data during the execution of a search warrant under section 465(1).

*Right to a fair hearing (section 24)*

The display or publication of items may impact the right to a fair hearing at section 24 of the Charter, by influencing opinions about an alleged offence. However, I consider that any limitation of the right to a fair hearing at section 24 of the Charter is demonstrably justified as a reasonable limit within the meaning of section 7(2).

This power will deter offending and will provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime. It also aligns Victoria Police practice with other Australian jurisdictions, such as that of the Australian Federal Police. The courts will also retain their broad and inherent powers to ensure that criminal proceedings are conducted fairly and impartially. I am confident police will make these decisions responsibly and appropriately, and note police are accustomed to making such decisions in the context of releasing investigation details to the media.

Fingerprint powers (Part 3, Division 2)

*Right to privacy (section 13(a))*

I consider that the right to privacy under section 13(a) of the Charter, as described above, is engaged by the proposed amendments to Victoria Police's powers to retain and use fingerprints taken from suspects under sections 464K and 464L of the Crimes Act. Fingerprints are personal information and any expansion of Victoria Police's ability to use or hold a person's fingerprints will therefore have a direct impact on their right to privacy. However, I consider that any interference with the right to privacy is lawful and not arbitrary, and therefore that the Bill is compatible with section 13(a).

The Bill empowers Victoria Police to use fingerprints for the new purpose of identifying deceased and seriously injured people, including during coronial inquiries and investigations. While this amendment extends the purposes for which fingerprints can be used under the Crimes Act, it will serve the important purpose of reducing unnecessary investigations by the Coroner to identify a deceased person. The amendment may also reduce the time it takes for medical professionals treating a seriously injured person to receive relevant medical history or notify the family of a seriously injured or deceased person. The Bill also contains the important safeguard that fingerprints can only be used for identification purposes by a Coroner and will not otherwise be able to be used as evidence in a coronial investigation. Victoria Police will also only be permitted to share identity information, and not a copy of the fingerprints themselves, limiting the risks associated with storing and destroying fingerprints.

The Bill will also allow Victoria Police to retain multiple sets of person's fingerprints. However, this amendment does not allow police to retain any additional personal information. Under section 464K(1) of the Crimes Act, police may take a person's fingerprints on multiple occasions over a period of time or where they are suspected of having committed different offences. This can result in Victoria Police holding multiple sets of fingerprints for the same person, each with different retention and destruction timeframes under the Crimes Act. The Bill will streamline this process, allowing multiple sets of a person's fingerprints to be held until Victoria Police no longer have an authority to hold that person's fingerprints. While it could be considered less intrusive for Victoria Police to retain a single set of fingerprints in the circumstances, that approach could have unintended consequences for criminal proceedings, because it could alert a jury or judicial officer to the fact that an accused has had previous engagement with police.

Currently, under section 464O(3) of the Crimes Act, fingerprints taken from suspects must be destroyed 'immediately' after expiry of the six-month timeframe after the taking of the fingerprints if a person is not charged or the charge is not proceeded with.

The Bill will amend the timing of destruction so that fingerprints would be required to be destroyed 'within one month' rather than 'immediately' after the expiry of the specified timeframe. The reform will improve the operational workability of the destruction requirement, noting that it may not always be feasible for

fingerprints to be destroyed ‘immediately’, while aligning with the existing timeframe for the destruction of fingerprints in circumstances where the person is found not guilty.

Importantly, this reform will continue to be subject to section 464O(7) of the Crimes Act, which provides that a person is guilty of a summary offence if they fail to destroy fingerprints required to be destroyed, or use, make, or cause or permit to be used or made any record, copy or photograph of fingerprints required to be destroyed.

Otherwise allowing Victoria Police to retain the fingerprints of deceased person will not interfere with the right to privacy, as the right to privacy does not extend to deceased persons.

**Amendment to the *Crimes (Assumed Identities Act) 2004 (Part 4)***

The Bill seeks to modernise and streamline the processes that regulate the use of assumed identities by Victorian Public Service employees of Victoria Police (**VPS employees**) under the Assumed Identities Act. The reforms include removing the requirement that it is impossible or impracticable for a sworn police officer to acquire an assumed identity before a VPS employee can be authorised to use that assumed identity and extending the duration of such authorisations from three to 12 months. The Bill also streamlines the process for making and supervising these authorisations.

The Chief Commissioner of Police will also be permitted to delegate powers to authorise and review assumed identities to up to 10 officers (previously four) and delegations will be permitted to be made to the rank of Inspector or above (previously Superintendent). The Chief Commissioner’s powers under the Assumed Identities Act include granting, varying and cancelling authorities to acquire and use an assumed identity, reviewing, auditing and conducting appropriate record-keeping of Victoria Police’s use of assumed identities, as well as applying to change the register of births deaths and marriages and authorise the production of evidence in relation to an assumed identity. Finally, the Bill allows Victoria Police employees using an assumed identity to be supervised by sworn police officers at or above the rank of Sergeant, rather than requiring supervision by a single specified officer.

*Right to privacy (section 13(a))*

The use of a false identity may result in a person providing information in relation to private aspects of their life that they would not otherwise reveal to police. I accept that the amendments outlined above, to the extent that they expand the number of persons who may use an authorised assumed identity engage the right to privacy in section 13(a) of the Charter.

However, I am satisfied that to the extent there is any interference with the right to privacy, it will be lawful and not arbitrary, and therefore that the proposed reforms are compatible with section 13(a) of the Charter. The use of assumed identities will continue to be regulated and prescribed by the Assumed Identities Act. The Assumed Identities Act provides a comprehensive framework to govern Victoria Police’s acquisition and use of assumed identities. It is based on model legislation that is in place in all Australian jurisdictions.

**Jaclyn Symes MP**  
**Attorney-General**  
**Minister for Emergency Services**

*Second reading*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:33): I move:

That the second-reading speech be incorporated into *Hansard*.

**Motion agreed to.**

**Ms SHING:** I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Major Crime and Community Safety Legislation Amendment Bill 2022 makes important amendments that acquit commitments in the Community Safety Statement 2018 19, to strengthen Victoria’s laws targeting proceeds of crime and improve Victoria Police’s search warrant powers, crime scene powers, and ability to effectively gather and manage evidence.

The Bill also addresses the need to improve police investigations and reduce administrative burdens on Victoria Police, by streamlining and modernising the legislative powers related to executing search warrants,

using and destroying fingerprints, and the use of assumed identities in criminal investigations. In streamlining these powers, the Bill maintains appropriate safeguards for their exercise, such as court oversight over the execution of warrants.

#### *Confiscation Act Reforms*

Effective asset confiscation laws are a powerful tactic against organised and profit-motivated crime. The Bill implements the Government's commitment from the Community Safety Statement 2018–19 to strengthen investigative and enforcement powers in the *Confiscation Act 1997*, providing law enforcement with greater opportunities to confiscate proceeds of crime and thereby disrupt, deter and dismantle serious and organised criminal activity.

#### *Cryptocurrencies and digital assets*

The Bill addresses the growing use of digital currencies and other digital assets by criminal groups, expanding law enforcement's powers to effectively identify and seize digital assets. The Bill extends the obligations of financial institutions under the Confiscation Act to digital currency exchanges to allow law enforcement to obtain account information from them in the same way that information may be obtained from banks. These amendments also provide clear powers for digital assets to be monitored and frozen to prevent them from being dissipated by a criminal target. The digital currency exchanges affected by these reforms are already required to be registered on the Digital Currency Exchange Register under Part 6A of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth). The Bill also makes changes to the Confiscation Act to update provisions to ensure they are applicable to digital assets.

The Bill inserts new powers for law enforcement to require assistance from people with knowledge of computers, data storage devices, or other means of accessing digital assets to gain access to these assets when executing search warrants. These powers align with equivalent powers under the *Crimes Act 1958* and ensure digital measures to secure property can be overcome in the same way as physical barriers such as locks and safes. This reform is crucial to the effective use of search warrants now that assets are increasingly being held digitally.

The Bill also provides law enforcement with a clear power to secure digital asset wallets seized under warrant against remote interference, allowing digital assets to be secured in much the same way as physical assets.

#### *Information-gathering powers*

The Bill addresses operational limitations on the existing information-gathering powers provided to law enforcement in the Confiscation Act, by expanding the uses of powers and the types of information that can be accessed to support investigative and enforcement efforts. For example, the Bill allows law enforcement to issue information notices for a broader range of bank accounts and property types than are currently available and reduces the administrative burden of issuing multiple individual information notices to seek updated account information during ongoing litigation. The Bill also expands the circumstances in which the production of documents can be compelled, including during an examination into a person's assets and financial affairs by the Office of Public Prosecutions.

These amendments ensure that law enforcement is able to better investigate an accused person's financial situation and more effectively identify ill-gotten gains to support confiscation actions.

#### *Enforcement and finalisation of confiscation outcomes*

The Bill strengthens the State's ability to enforce and finalise confiscation outcomes. Specifically, the Bill provides a clear statutory pathway to enforce pecuniary penalty orders against real property, and a mechanism for a court to order a sale of land. These reforms are intended to reduce the complexity of the litigation that can currently occur in these cases while maintaining safeguards and judicial oversight of the process.

The Bill amends warrant provisions providing for the seizure of forfeited property in public places and the management of forfeited and restrained property. The Bill also creates a new offence prohibiting a person from disclosing the existence of document requests relating to the enforcement of pecuniary penalty orders, creating consistency with information notices issued under the Confiscation Act. This new offence will help prevent advance warning being given that could undermine a law enforcement agency's investigative or enforcement actions.

The Bill will assist in finalising forfeiture outcomes by putting a six-month time limit on third parties applying for forfeited money to be excluded from confiscation. This amendment avoids evidentiary difficulties when applications are received years after forfeiture and creates consistency with other types of property forfeited under the Confiscation Act.

#### *Partial forfeiture*

The Bill addresses gaps in law enforcement's ability to investigate and seize property that is tainted by criminal offending. The Bill resolves an inconsistency in the Confiscation Act that currently allows tainted or

derived property to be excluded from forfeiture in relation to serious drug offences when it cannot be excluded for less serious offending. It also gives courts discretion to order the partial forfeiture of tainted property in circumstances where there is a sole owner of the property, mitigating disproportionate impacts and undue hardship when an entire property is forfeited, especially if it is a family home.

#### *Serious drug offender scheme*

The Bill clarifies aspects of the serious drug offender provisions to maximise the potential for asset forfeiture and reduce the risks of offenders being able to dissipate their assets. For example, the Bill clarifies that property may be forfeited if it meets the value threshold at the time of restraint, regardless of any depreciation that occurs later. The Bill also extends the period before which a restraining order lapses after a serious drug offence charge is withdrawn, from seven days to 14 business days. This will allow adequate time for the Director of Public Prosecutions to file new charges and restraining orders where appropriate and prevent the property being moved in the interim.

The Bill also makes an important amendment to ensure fairer outcomes under the serious drug offender scheme. It clarifies that a court has power to split a payment from the proceeds of sale of a serious drug offender's forfeited residence between two or more of their dependents to avoid any inequitable outcomes in cases where a serious drug offender has multiple dependents.

#### *Compensation for victims of crime*

The Bill expands the range of forfeited property that may be used to pay victim compensation or restitution orders. Specifically, it removes the requirement that forfeited property must have previously been subject to a restraining order, which is not always the case, and the need for property to have been forfeited in relation to the particular offence that impacted a victim where an offender has been prosecuted separately for related crimes.

The Bill also raises the monetary threshold for restraining orders for compensation or restitution purposes from \$10,000 to \$20,000. This threshold has not been updated since the commencement of the Confiscation Act in 1998 and the increase is approximately in line with inflation. The raised threshold recognises the Act's focus on profit motivated crime, and the need to balance the impact on personal property rights caused by restraining orders and forfeiture with the rights and interests of victims.

#### *Restraining orders*

The Bill clarifies and streamlines the operation of restraining orders under the Confiscation Act. For example, it prohibits third parties from lodging restrictions like caveats on real property that is subject to a restraining order. This amendment makes it clearer for third parties that the application pathways contained in the Confiscation Act need to be used to protect property interests, while avoiding unnecessary time and cost of removing caveats and other restrictions on property through the courts. Additionally, the Bill clarifies that restraining orders may be made for the purpose of satisfying pecuniary penalty orders, or compensation or restitution orders that have been made in the past, improving opportunities to enforce those orders.

#### *Automatic forfeiture offences*

The Bill provides a number of additional offences that will trigger the automatic forfeiture of assets upon conviction. These include the possession of a traffickable quantity of firearms, and trafficking in amounts greater than 600g of the drug 1,4-Butanediol (1,4-BD), which is a surrogate for gamma hydroxyl butyrate or GHB. The Bill removes existing thresholds that prevent convictions in relation to certain serious sexual offences from triggering the automatic forfeiture of assets. Currently, convictions for offences relating to sexual servitude and commercial sexual services by children only trigger automatic forfeiture where the payment for those services amounts to \$50,000 (\$75,000 for multiple offences) or higher. These reforms reflect that the seriousness of those offences arises from the conduct, not the value of any payment made for the services. The Bill also consequentially amends the Sex Work Decriminalisation Act 2022 for these changes.

#### *Additional clarifying reforms to the Confiscation Act*

The Bill makes several further reforms to clarify concepts and provisions in the Confiscation Act. For example, the Bill expands the circumstances in which property can be considered under the 'effective control' of an accused person, consistent with approaches taken in some other jurisdictions including the Commonwealth. This amendment is important to ensure that accused persons cannot avoid confiscation actions by simply transferring assets to family members, trusted associates, or companies they control.

The Bill also clarifies that the criminal standard of proof applies in determining whether the evidence against a person who has absconded before being committed to trial is of sufficient weight to support their conviction before an asset confiscation order is made. Using the higher criminal standard avoids prejudice to accused persons as well as their family or other third parties who may have interests in the property of the accused.



*Search warrant reforms*

The Bill amends Victoria Police's search warrant powers under the *Crimes Act 1958*, acquitting the Government's commitments in the 2018–19 Community Safety Statement to streamline those powers.

Victoria Police's search warrant powers are set out in Part III, Division 1, Subdivision 31 of the Crimes Act. Before searches can be undertaken, a Magistrate must grant a search warrant under section 465 of the Crimes Act. The Bill does not amend the test for a Magistrate to issue a warrant under section 465 of the Crimes Act. However, once a warrant is issued, the Bill provides police with a suite of expanded powers, which reflect the reality of modern policing.

First, the Bill empowers Victoria Police officers to personally take copies of electronic data from computers and storage devices. So that evidence is not tampered with or destroyed, the Bill also allows Victoria Police officers to secure electronic equipment for operation and analysis by experts. The Bill balances the impact that this power may have on individuals by limiting the time that electronic equipment can be secured to a maximum of 48 hours. If Victoria Police officers consider it necessary to secure equipment for longer, they must apply to a Magistrate for an extension.

The Bill also empowers police to seek assistance from people with specialised skills or technical knowledge to execute a search warrant, without those assistants being named in advance in the warrant—for example, seeking assistance from locksmiths or forensic accounts. The Bill ensures this power will only be exercised where the expert's skills are necessary to execute the search warrant. Victoria Police will also only be empowered to direct an assistant to take actions that are consistent with their specialised skills and knowledge, assistants will not be able to arrest a person, and Victoria Police will be required to report to the Court on the identity of any assistant used. This aspect of the reforms aligns with warrant powers across a range of Victorian legislation, such as the *Drugs Poisons and Controlled Substances Act 1981*, the *Taxation Administration Act 1997*, and the Confiscation Act.

The Bill also clarifies that a police officer executing a search warrant can break open a safe or storage receptacle as reasonably necessary to conduct a search under the warrant. The officer can also take the receptacle to another place for examination for up to seven business days if it is less expensive, easier, or safer than doing so at the search warrant premises.

The Bill allows police officers to retain things seized under a warrant issued under section 465 of the Crimes Act for an investigation or criminal proceeding, without first having to take the item back to court. Removing the requirement to return seized items to court will free up significant police and court time and resources.

Importantly, the Magistrates' Court will retain oversight over the execution of warrants despite the efficiencies gained in the process. Police will be required to lodge a report with the Court following the execution of a warrant. That report must include the name of the police officer in charge of the execution of the warrant, the date on which the warrant was executed, details of any items seized, any persons arrested, all searches undertaken, any things destroyed or disposed of, the name and qualifications of any assistants used in the execution of the warrant, and details of electronic equipment secured in the execution of the warrant and any extension of time to secure electronic equipment granted by the Magistrates' Court.

Police officers must notify the occupier of the warrant premises where and when the report will be lodged. People with an interest in the warrant can then inspect the report. The Magistrates' Court will also have a discretion to require a police officer to give evidence on the matters in the report. The Magistrate can also direct that a seized item be returned to its owner, consistent with existing legislation.

To help deter offending, the Bill also empowers the Chief Commissioner of Police to display seized items, such as quantities of drugs, openly in the media following the execution of a search warrant. This power will align Victoria Police with the practice of other Australian law enforcement agencies, will deter offending, and will provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime.

*Fingerprint reforms*

The Bill amends provisions in the Crimes Act to modernise and streamline Victoria Police's powers to retain, use and destroy fingerprints.

The reforms include removing the requirement to destroy a person's fingerprints if they die, streamlining Victoria Police's ability to conduct investigations or prosecutions where the fingerprints of a deceased person may be useful evidence.

The Bill also allows Victoria Police to use fingerprints to identify deceased and seriously injured people. Allowing fingerprints to be used for identification purposes may reduce unnecessary investigations by the Coroner and the time it takes for medical professionals treating a seriously injured person to receive relevant medical history. While this reform introduces a new purpose for using fingerprints under the Crimes Act, it

also contains important safeguards. Specifically, fingerprints can only be used for identification purposes by a Coroner and will not otherwise be able to be used as evidence in a coronial investigation. Victoria Police will also only be permitted to share identity information, and not a copy of the fingerprints themselves, limiting the risks associated with storing and destroying fingerprints.

The Crimes Act allows police to take a person's fingerprints on multiple occasions over a period of time or where they are suspected of having committed different offences. This can result in Victoria Police holding multiple sets of fingerprints for the same person, each with different retention and destruction timeframes under the Crimes Act. The Bill will streamline this process, allowing multiple sets of a person's fingerprints to be held until Victoria Police no longer has an authority to hold any set of that person's fingerprints.

The Bill will also streamline the timeframe for destroying fingerprints under the Crimes Act. Presently, fingerprints taken from suspects must be destroyed 'immediately' after expiry of the six-month timeframe after the taking of the fingerprints if a person is not charged or the charge is not proceeded with. The Bill will amend the timing of destruction so that fingerprints will be required to be destroyed 'within one month' rather than 'immediately' after the expiry of the specified timeframe. This will streamline Victoria Police's operations and align with the existing timeframe for the destruction of fingerprints in circumstances where the person is found not guilty.

Importantly, the reform will continue to be subject to the robust existing safeguards in the Crimes Act. The Crimes Act creates a summary offence, which will continue to apply, for a person who fails to destroy fingerprints or uses them after they should have been destroyed.

#### *Assumed identities reforms*

The Bill modernises and streamlines the *Crimes (Assumed Identities) Act 2004*, recognising the present-day reality that most assumed identities are online personas. In a 2020–21 report, Victoria Police identified that 1445 of the 1571 authorisations made under the Assumed Identities Act during that financial year related to online personas. These personas are often most appropriately operated by highly trained public service employees of Victoria Police.

The Bill will remove the requirement for the Chief Commissioner of Police to be satisfied that it would be impossible or impracticable for a sworn officer to acquire or use an assumed identity, before authorising a public service employee to do so. These reforms will bring Victoria more closely into line with the Commonwealth and New South Wales, which both include public servants in the definition of law enforcement officers who can operate an assumed identity.

The Bill increases the number of delegates that may exercise the Chief Commissioner of Police's assumed identities functions at any one time, from four individuals to 10, and allows the Chief Commissioner to delegate to an Inspector, rather than a Superintendent. The Bill also extends the duration of assumed identity authorisations for relevant Victoria Police employees from three months to 12 months, aligning it with the timeframe to review assumed identity authorisations for law enforcement officers under the Assumed Identities Act.

Importantly, Victoria Police employees who assume online personas will continue to be supervised by sworn officers at or above the rank of Sergeant. The Bill introduces some operational flexibility into this supervision requirement, removing the requirement to name a specific police officer who will supervise the Victoria Police public service employee when authorising the use of an assumed identity. This will again reduce the administrative burden involved in varying authorisations each time a named supervisor changes role or is no longer available.

#### *Conclusion*

The Bill modernises and streamlines essential powers to investigate and combat crime, and target proceeds of crime in Victoria. It acquits significant commitments of the Community Safety Statement 2018–19, giving police and law enforcement partners the tools they need to respond to contemporary criminal offending and keep our community safe.

I commend this Bill to the house.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:33): I move, on behalf of Dr Bach:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**CASINO LEGISLATION AMENDMENT (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022***Introduction and first reading*

**The PRESIDENT** (17:33): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Casino Control Act 1991**, the **Casino (Management Agreement) Act 1993**, the **Gambling Regulation Act 2003** and the **Tobacco Act 1987** to implement recommendations of the Royal Commission into the Casino Operator and Licence and other gambling reforms and for other purposes’.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:34): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms SHING:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:34): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Casino Legislation Amendment (Royal Commission Implementation and Other Matters) Bill 2022 (the Bill).

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

**Overview**

The Bill amends the *Casino Control Act 1991* (the Casino Control Act), the *Casino (Management Agreement) Act 1993*, the *Gambling Regulation Act 2003* and the *Tobacco Act 1987*.

It will deliver 12 recommendations of the Royal Commission into the Casino Operator and Licence (the Royal Commission), and complementary reforms, which together will ensure the casino is subject to strengthened harm minimisation and anti-money laundering measures and improved governance arrangements.

**Human Rights Issues**

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

- freedom of movement (section 12);
- privacy and reputation (section 13);
- freedom of thought, conscience, religion and belief (section 14);
- peaceful assembly and freedom of association (section 16);
- property rights (section 20); and
- rights in criminal proceedings (section 25).

*Section 12—Freedom of movement*

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria.

Clause 30 of the Bill makes changes to the exclusion framework at the casino, allowing a casino employee or the Victorian Gambling and Casino Control Commission (the VGCCC) to orally give a person a temporary

exclusion order for a maximum of 24 hours. The clause introduces two offences for the casino operator where an excluded person enters or remains on the premises (new section 76B) or plays a casino game (new section 76C). Clause 31 also makes it an offence for a person who is the subject of a temporary exclusion to enter or remain in the casino.

The purpose of these amendments is to strengthen the existing exclusion framework at the casino by improving enforcement. Temporary exclusion orders are being introduced as a mechanism to address gambling harm at the casino, which the Royal Commission identified as carrying a significant cost to Victoria. The Royal Commission cited numerous examples of patrons gambling for long periods of time with little or no staff intervention or breaks. The introduction of a temporary exclusion order mechanism allows casino staff to intervene and require a patron to take a break in play for anywhere between 15 minutes to 24 hours. The break in play can assist patrons to reconsider their gambling away from the distraction of the gaming floor.

The right to freedom of movement may be subject to reasonable limitations in accordance with section 7 of the Charter. To the extent that clauses 30 and 31 of the Bill restrict freedom of movement, this limit is justified as the maximum 24-hour temporary exclusion period is not excessive and is designed to address the risk of gambling harm.

#### *Section 13—Privacy and reputation*

Section 13 of the Charter provides that every person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 41 of the Bill makes it mandatory, from 1 December 2025 or earlier date declared by the Minister, for a patron to use a player card to play games at the casino, and further specifies that the player card must only be issued where the casino operator has verified the person's identity in line with the regulations. Clause 47 provides the Governor in Council authority to make such regulations which will include such matters as the processes for verification of identity and the collection, storage and use of information provided by players. Improved identification was a recommendation of the Royal Commission and is intended to address money laundering through the casino.

If an interference with the right to privacy is lawful and not arbitrary, it does not come within the scope of section 13. In this case, the requirement for identification will be required by law (by the Casino Control Act) and not arbitrary as it will apply to all patrons at the casino. The information will only be collected in accordance with the law and requirements to be prescribed in regulations. Therefore, these clauses do not limit the right to privacy in section 13.

#### *Section 14—Freedom of thought, conscience, religion and belief*

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to have or adopt a religion or belief of their choice and to demonstrate that religion or belief in worship, observance, practice and teaching, both publicly and privately.

Clause 41 makes it mandatory to use a player card to play games at the casino, and further specifies that the player card must only be issued where the casino operator has verified the person's identity in line with the regulations. Clause 47 provides the Governor in Council authority to make such regulations.

The improved identification requirements may restrict a person's right to demonstrate their religious belief where that demonstration includes wearing religious dress that covers the face. However, these clauses of the Bill include high level requirements regarding the identification of patrons at the casino and the more detailed requirements and processes for identity verification will be prescribed in regulations, which will undergo a human rights impact assessment. It is therefore possible that these clauses alone do not engage the rights in section 14.

Improved identification was a recommendation of the Royal Commission and is intended to address money laundering through the casino. The Royal Commission attributed the increased risk and occurrence of financial crime at the casino to the anonymity with which people could access the casino and make large financial transactions.

The rights in section 14 may be subject to reasonable limitations in accordance with section 7 of the Charter. To the extent that the right to demonstrate a person's religion or belief may be restricted by the Bill, the restriction is justified as the identification requirements apply universally and are proportionate to the significant risk posed by money laundering and other financial crime at the casino.

#### *Section 16—Peaceful assembly and freedom of association*

Section 16 of the Charter protects the right of peaceful assembly and the right of freedom of association with others.

Clause 16 of the Bill expands the current definition of an associate of a casino operator. Under the Casino Control Act, associates of the casino operator must be approved by the VGCCC and are monitored for

ongoing suitability by the VGCCC. While most associates of the casino operator are likely to be corporate entities, the definition does include officers and persons who have relevant interests in the casino operator.

The new definition in the Bill may result in some persons who would not currently fall within the definition of associate becoming subject to the restrictions in the Casino Control Act where the VGCCC can refuse to approve a person becoming an associate or can require that an associate terminate their relationship with the casino operator. To the extent that the associates are natural persons, this may place a limit on the freedom of association.

The scope of section 16 is wide and includes the right to voluntarily form and participate in any kind of organisation for a common purpose. On a broad reading of the right, it is arguable that the freedom includes commercial relationships set up primarily for economic gain.

The justification for the limitation on freedom of association is based on real concerns raised by the New South Wales Independent Liquor and Gaming Authority's Bergin Inquiry (which considered whether Crown Sydney was suitable to hold a casino licence in New South Wales) (the Bergin Inquiry) and the Royal Commission that certain persons who are in a position to control or influence a casino operator are not captured as associates under the current definitions. Both the Bergin Inquiry and the Royal Commission also identified ambiguities that make the definition of 'associate' difficult to apply.

To the extent that different treatment based on an association with the casino operator may engage the right to the freedom of association, any limitation is justified by the demonstrated risks posed by potential criminal activity of associates of the casino operator and the need for greater safeguards to ensure the integrity of casino operations as highlighted by the Royal Commission and other inquiries.

#### *Section 20—Property rights*

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with the law. This internal limitation in section 20 means that as long as a limitation is prescribed by law, it is not necessary to demonstrate that it is 'reasonable' and 'demonstrably justified'. The term 'property' is not defined in the Charter but can include both real and personal property including land, shares, leases and other rights and interests.

Clause 22 of the Bill inserts new section 36U which requires a person to obtain VGCCC approval before acquiring a relevant interest of five per cent or more in the shares of a casino operator or any of its holding companies or increasing such an interest. Similarly, Clause 20 of the Bill inserts new section 28AB which requires an associate to obtain VGCCC approval before increasing their relevant interest in shares in the casino operator or a holding company above the five per cent shareholding threshold.

Clauses 20 and 22, respectively, insert new sections 28AE and 36Y into the Casino Control Act which enable the VGCCC to instruct a person or an associate to reduce their relevant interest in the casino operator or holding company, or to seek a court order to enforce compliance with the instruction, including an order requiring the person or associate to dispose of shares or other securities. To the extent that these clauses restrict natural persons from acquiring or holding shares or securities in a company, they may appear to limit that person's property rights.

The shareholding cap was a recommendation of the Royal Commission and is intended to prevent outside influence on the operations of the casino. Referring to findings of the Bergin Inquiry, the Royal Commission found that, as a dominant shareholder, Consolidated Press Holdings Pty Ltd exercised undue influence over the board of Crown Resorts.

Clause 26 clarifies and expands the role of a manager if the casino licence is suspended, cancelled or surrendered and strengthens the arrangements for statutory management of the casino. This includes provisions that the manager assumes full control and responsibility for all the property of the casino operator in relation to casino operations, and that they may manage that property or sell it to pay liabilities.

Clause 27, which inserts new section 22D into the Casino Control Act, prohibits a third party who holds a security interest in managed property to enforce that interest during the period of appointment of a manager or to take or enter into possession of any managed property during that period, except with the approval of the VGCCC. To the extent that these provisions restrict a third party who is a natural person from enforcing their interests or otherwise restrict the person's rights with respect to their property, these provisions may be regarded as a limitation on that person's property rights.

Clauses 26 and 27 implement recommendations of the Royal Commission, which found that the current scheme is unsatisfactory and most likely unworkable. The scheme is designed to ensure that the surrender, suspension or cancellation of a casino licence does not automatically bring an end to casino operations. These amendments ensure that the manager has appropriate power to carry on the operations of the casino where the licence has been surrendered, suspended or cancelled.

Clauses 26, 27, 20 and/or 22 are unlikely to limit the right in section 20 of the Charter as the deprivation, if any, will be in accordance with the law.

*Section 25(1)—The right to be presumed innocent*

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. Any new offence that includes an exception, exemption, excuse or other defence may affect rights under section 25(1).

Clause 27 of the Bill inserts a new section 22C into the Casino Control Act, which creates an offence for the casino operator where the operator does not meet certain obligations during the appointment of a manager. New section 22C(2) imposes criminal accessory liability on officers of the casino operator if the officer authorised or permitted the commission of the offence by the casino operator or was knowingly concerned in any way in the commission of the offence by the casino operator. Under new section 22C(3) the officer may rely upon the same defences that would be available to the casino operator.

The offence in new section 22C is justifiable because it represents a reasonable response to issues identified by the Royal Commission which included the casino operator being uncooperative and at times actively misleading the regulator.

Clause 30 inserts new section 76B into the Casino Control Act, which creates new offences for the casino operator or the person for the time being in charge of the casino where an excluded person enters or remains in the casino or the casino complex. New section 76B(3) provides an exception to the offence where the casino operator or person in charge of the casino has taken all reasonable steps to prevent that person from entering or remaining in the casino.

To the extent that the person in charge of the casino is a natural person, new section 76B(3) may engage the right to be presumed innocent by creating an exception for which the accused bears the evidential burden. However, this does not shift the legal burden of proof for the offence itself to the accused or require the accused to disprove an element of that offence.

Any limitations on the rights under section 25 of the Charter are justifiable to ensure compliance with the exclusion orders scheme in the Casino Control Act and to address the issues identified by the Royal Commission.

For the reasons set out above, I consider that the Bill is consistent with the Charter.

**Hon Jaala Pulford MP**

**Minister for Employment**

**Minister for Innovation, Medical Research and the Digital Economy**

**Minister for Small Business**

**Minister for Resources**

*Second reading*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:34): I move:

That the second-reading speech be incorporated into *Hansard*.

**Motion agreed to.**

**Ms SHING:** I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

Following the release of the report of the Royal Commission into the Casino Operator and Licence on 26 October 2021, the Government acted immediately to deliver nine priority recommendations through the *Casino and Gambling Legislation Amendment Act 2021*. This included establishing both the Special Manager and the Victorian Gambling and Casino Control Commission and providing the new regulator with strengthened and expanded powers to hold the casino operator to account.

The Government went beyond the Royal Commission recommendations in several key respects. The *Casino and Gambling Legislation Amendment Act 2021* provided that Crown Melbourne's licence will be automatically cancelled at the end of the period of Special Manager oversight unless the Victorian Gambling and Casino Control Commission is clearly satisfied that Crown is suitable to continue operating the Melbourne casino. The *Casino and Gambling Legislation Amendment Act 2021* also increased the maximum

fine the regulator can impose on Crown Melbourne for disciplinary action from \$1 million to \$100 million and fully repealed legislative provisions that prevented the State from making regulatory changes to reform the casino's operations without incurring a liability to pay compensation to Crown Melbourne.

In its response to the report of the Royal Commission into the Casino Operator and Licence, the Government flagged that further legislation would be introduced into Parliament in 2022 to acquit actions arising from the remaining recommendations.

The *Casino and Liquor Legislation Amendment Act 2022* was passed by Parliament in June 2022 and delivered a further two Royal Commission recommendations to strengthen the powers and functions of inspectors. The Act also embedded a focus on harm minimisation, ensuring this shapes every single decision the regulator makes. The Casino and Liquor Legislation Amendment Act 2022 also expanded the grounds for disciplinary action against the casino operator and completed the transition to the new regulator, the Victorian Gambling and Casino Control Commission.

The Royal Commission recommendation to establish a single patron bank account was delivered by the Victorian Gambling and Casino Control Commission on 29 June 2022 through a direction issued to Crown Melbourne.

The Government supports the remaining 21 recommendations and is acting to deliver key reforms across five areas:

- preventing money laundering and other criminal activity at the casino
- minimising the impact of gambling harm
- enabling the ongoing operation of a casino in the event the operator's licence is cancelled, suspended or surrendered
- regulating the ownership and governance of the casino and its holding companies, and
- strengthening casino tax arrangements.

These reforms will make certain that the casino operator acts in a way that befits the privilege of holding the State's casino licence.

The Casino Legislation Amendment (Royal Commission Implementation and Other Matters) Bill 2022 (the Bill) introduces the most significant reforms to casino regulation in decades. It marks the next stage in the Government's comprehensive response to the Royal Commission into the Casino Operator and Licence and will deliver 12 Royal Commission recommendations.

This Bill is the third tranche of legislation to be brought to Parliament since the Victorian Government tabled its response to the Royal Commission in October 2021 and acquits the commitment made last year to deliver reforms that address the findings of the Royal Commission.

The Government supports the remaining recommendations made by the Royal Commission not covered by this Bill and will implement them through a combination of further legislation, directions and administrative mechanisms over the next 12 months.

I now turn to the provisions of the Bill before the House, which will implement world first harm minimisation and anti-money laundering reforms. The reforms will result in some of the strongest measures in any casino in Australia or overseas.

#### **Preventing money laundering and minimising gambling harm at the casino**

The Royal Commission revealed the prevalence with which money laundering and other financial crime was occurring at the casino.

The Bill will reduce the risks of financial crime by removing the anonymity with which people can access the casino.

It will make carded play compulsory and prohibit the casino operator from issuing a player card to someone without first verifying their identity in accordance with requirements to be set out in regulations.

Cash transactions will be limited to amounts of up to \$1,000 in a 24-hour period.

As outlined in the Royal Commission's report, perhaps the most damning discovery from the Royal Commission is the manner in which Crown has dealt with the many vulnerable people who experience gambling harm. It is not only the gambler who suffers, but also their family, friends and the broader Victorian community.

The Bill will introduce mandatory pre-commitment to the casino to be fully implemented no later than 1 December 2025, requiring patrons to set limits on gaming machines before they play.

In addition to implementing Royal Commission recommendations, the Bill will overhaul the state's pre-commitment system, YourPlay.

As the first step towards mandatory pre-commitment, the Bill will require any person who plays a gaming machine under a loyalty scheme at the casino to use YourPlay to track their play.

It will enable the Victorian Gambling and Casino Control Commission to publish information about individual venue compliance with YourPlay obligations.

There will also be an offence for a casino operator who does not disclose information about their loyalty scheme when requested by the Victorian Gambling and Casino Control Commission or the Minister.

Further, the Bill will impose stricter obligations on the casino operator in relation to excluded persons, such as making it an offence for the operator if an excluded person enters or remains on the premises.

In response to findings of significant failures by the casino operator to detect and deter money laundering or other forms of financial crime, the Bill will prohibit all third-party payments into the casino's patron deposit account.

**Enabling the ongoing operation of a casino where the operator's licence is cancelled, suspended or surrendered**

The Bill will ensure the smooth transition to a new casino operator in the event that the licence is cancelled, suspended, or surrendered.

This includes provisions that:

- authorise a manager to act as the agent of the former casino operator,
- require the former casino operator to support a manager and facilitate the operation of the casino, and
- prevent third parties taking possession of property, such as gaming equipment while used by the manager.

If the casino operator's licence is cancelled, suspended or surrendered, the reforms will ensure that a statutory manager has the full set of powers needed to run the casino and smoothly transition it to a new casino operator.

The Bill will also ensure that the area on which Crown Melbourne is licensed to operate the casino is the area that would be sub-leased to any new casino operator.

**Regulating ownership and governance of a casino operator and its holding companies**

The Bill introduces new requirements to prevent outside interference in the running of a casino by a dominant shareholder.

The Government is committed to restoring the integrity of the casino licence and ensuring the failures exposed by the Royal Commission never happen again, regardless of who owns the Melbourne casino.

As recommended by the Royal Commission, the Bill requires those seeking shares of five per cent or more in the casino operator to first gain regulatory approval and imposes rules to protect the independence of the board.

The Bill will also give the Victorian Gambling and Casino Control Commission the ability to recover the costs of investigating and approving shareholdings at or above the five per cent shareholding threshold.

The Bill will introduce a new definition of associate to capture the broader range of individuals and organisations that have the potential to influence a casino operator including holding companies and their officers, and those holding shares above the shareholding threshold.

**Additional reforms to the casino operations**

In line with community expectations around health and safety, including the right of all Victorians to a safe workplace, the Bill will remove Crown's exemption under the *Tobacco Act 1987* so that smoking is banned in all areas of the casino.

Finally, the Bill will address the significant costs of casino regulation by reintroducing an annual supervision charge, which was levied on the casino operator up until 1 July 1997.

As Commissioner Finkelstein made clear in his final report, holding Victoria's casino licence is a privilege, not a right.

The Victorian people are entitled to a casino operator that acts with integrity and transparency at all times, that works proactively to stamp out money laundering and illegal activity, and that prioritises the reduction of gambling harm.

This Bill is a vital step in ensuring Victoria has a casino operator that meets those expectations.

I commend this Bill to the house.



**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:34): I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**MONITORING OF PLACES OF DETENTION BY THE UNITED NATIONS  
SUBCOMMITTEE ON PREVENTION OF TORTURE (OPCAT) BILL 2022**

*Introduction and first reading*

**The PRESIDENT** (17:35): I have another message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to facilitate visits to places of detention and access to information by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the Subcommittee’s mandate under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and for other purposes’.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:35): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms SHING:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:35): 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 Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Bill 2022.

In my opinion, the Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Bill 2022, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. The Bill is protective of rights set out in the Charter and engages, but does not limit, rights in the Charter of Human Rights and Responsibilities.

I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill will facilitate inspections of places of detention by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee) for the purpose of the Subcommittee’s mandate under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

To enable the Subcommittee to perform its inspections independently and in full, the Bill requires that a responsible Minister and a detaining authority must permit the Subcommittee:

- access to, and unrestricted access within, a place of detention; and
- access to all relevant information, including personal and health information.

**Human Rights Issues****Human rights protected by the Charter that are relevant to the Bill**

The Bill engages several rights under the Charter.

By establishing a legal framework to facilitate OPCAT inspections by the Subcommittee, the Bill promotes the following human rights:

- recognition and equality before the law (section 8)—by ensuring that every person, including a detained person, has the right to enjoy their human rights without discrimination; and
- Protection from torture and cruel, inhuman or degrading treatment (section 10) and humane treatment when deprived of liberty (section 22)—by ensuring the Subcommittee may inspect and provide assurance regarding the treatment and conditions of detained persons.

**Human rights engaged by the Charter that are relevant to the Bill**

The Bill engages the Charter right to privacy and reputation (section 13).

*Right to privacy*

Section 13 of the Charter provides that a person has the right not to have, among other things, their privacy unlawfully or arbitrarily interfered with and the right not to have their reputation unlawfully attacked. The right to privacy protects a person from government interference or excessive or unsolicited intervention by other individuals.

The Bill engages the right of a person to privacy by mandating the Subcommittee's unrestricted entry and access within a place of detention, and access to all relevant information for the purpose of evaluating the needs and measures that should be adopted to strengthen, if necessary, the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment. This includes personal and health information.

I consider that the right to privacy is limited by the requirement on a responsible Minister and detaining authority to ensure the Subcommittee has unrestricted access to places of detention and relevant information as specified in the Bill. However, for the following reasons I am satisfied the Bill is compatible with Charter and that any interference with the right to privacy is proportionate, is not arbitrary, and is reasonable and just to achieve the Bill's purpose.

The Optional Protocol is a human rights treaty which seeks to protect people in detention against torture and mistreatment by the State through prevention focussed inspections. The Bill will ensure the Subcommittee may undertake such inspections during any visit to Victoria's places of detention.

Appropriate safeguards have been included in the Bill to mitigate the impact on individuals' right to privacy. The Subcommittee will only be permitted to inspect relevant identifying information during an onsite inspection in a place of detention. Further, without an individual's consent, the Subcommittee will not be permitted to retain or copy any identifiable information outside a place of detention.

Limiting the right to privacy in circumstances where access to places and information may reveal instances of torture and other cruel, inhuman or degrading treatment or punishment is necessary to acquit the assurance role the Subcommittee will perform by virtue of its inspections. Failure to require the Subcommittee's mandatory access to places of detention and relevant information could prevent the Subcommittee from having the necessary level of access to undertake inspections in accordance with their mandate under the Optional Protocol. As a result, potential instances of torture and other cruel, inhuman or degrading treatment or punishment may not be identified.

**Jaclyn Symes MP**  
**Attorney-General**  
**Minister for Emergency Services**

*Second reading*

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:36): I move:

That the second-reading speech be incorporated into *Hansard*.

**Motion agreed to.**

**Ms SHING:** I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Victorian Government supports the principles of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and is pleased to introduce the Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Bill 2022.

OPCAT seeks to protect persons in detention from torture and other cruel, inhuman or degrading treatment of punished whilst deprived of their liberty. It intends to achieve these aims through a regime of regular, independent, prevention-focussed inspections. Australia's obligations under OPCAT are two-fold:

- enabling periodic visits by the United Nations Subcommittee on the Prevention of Torture (Subcommittee) across Australia; and
- establishing, designating or maintaining a domestic National Preventative Mechanism (NPM) to coordinate visits to places of detention and the monitor the treatment of persons in detention.

This Bill is intended to facilitate the Subcommittee's inspections within Victoria, as a part of the Subcommittee's periodic visits to Australia. It intends to complement existing oversight regimes to ensure that people in detention are protected against torture and other cruel, inhuman or degrading treatment or punishment.

Victoria is pleased to establish a framework that will ensure inspections may be carried out by the Subcommittee when it conducts its inaugural visit of Australia. Whilst a planned visit in March 2020 was suspended due to the COVID-19 pandemic, on 30 June 2022, the Subcommittee confirmed its upcoming visit to Australia in the second half of this year. Victoria looks forward to confirmation of the Subcommittee's visit in due course.

The Bill will provide a framework to ensure Subcommittee visits may proceed in Victoria in accordance with OPCAT. In particular it:

- defines places of detention in scope for inspections by the Subcommittee across the Corrections, Youth Justice, Secure Welfare Services, Mental Health and Disability sectors, noting that in accordance with Article 4 of OPCAT a place of detention requires a person be detained by virtue of a public authority or at its instigation or with its consent or acquiescence.
- specifies the State's obligations to facilitate, for the purpose of the Subcommittee's visit and inspections, Subcommittee access to a place of detention and relevant information, and the ability to interview detainees and others in a place of detention.
- creates a system to support the Subcommittee's access to places, information and people. This includes a consistent approach to entry requirements, information sharing provisions and the power to nominate accompanying officials and issue Ministerial Guidelines to assist and facilitate inspections operationally in places of detention.
- provides necessary safeguards to protect the privacy of detained persons and ensure detained or other persons who provide information to the Subcommittee are protected from reprisal; and
- provides necessary safeguards to enable detaining authorities to preserve security, good order, welfare and safety in places of detention during visits by the Subcommittee.

As an international human rights treaty, the Commonwealth's 2017 ratification of OPCAT imposed additional and separate obligations on states and territories by virtue of domestic inspections under the National Preventative Mechanism. Victoria looks forward to continuing discussions with the Commonwealth regarding the National Preventative Mechanism to facilitate the full implementation of OPCAT across Australia in a way that is nationally consistent, effective and economically sustainable. Given its significance, Victoria wants to play its part in ensuring that Australia's full implementation of OPCAT is done right.

I commend this Bill to the house.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:36): I move, on behalf of Dr Bach:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**Adjournment**

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (17:36): I move:

That the house do now adjourn.

**WOODEND PRIMARY SCHOOL PEDESTRIAN CROSSING**

**Ms LOVELL** (Northern Victoria) (17:36): (2112) My adjournment matter is directed to the Minister for Roads and Road Safety, and it relates to safety concerns at the Woodend Primary School pedestrian crossing on High Street, Woodend. The action that I seek from the minister is for him to order the immediate installation of flashing LED speed signs to operate at the Woodend Primary School crossing in High Street during school times, facing and applicable to motorists approaching in both directions, to improve safety at the crossing for students, staff, parents and motorists.

Woodend Primary School has a student enrolment of over 435 students and is located in the heart of Woodend, with an additional grade 4 campus located in Carlsruhe. Although the official address of the main campus in Woodend is Owen Street, the school also borders the C792, which is High Street, which is the main thoroughfare through town and, as such, carries a large volume of traffic each day. The only pedestrian access to the school for students, staff and parents is the school crossing on High Street, which is manned by a crossing supervisor in the morning and afternoon on every school day. With the large volume of traffic that travels through the school crossing each day the school community have grave concerns for users of the crossing. The crossing is marked with the regular school crossing signs, a single amber light facing both directions and a smaller 40-kilometre school zone sign. These markers are clearly not sufficient, with reports by the crossing supervisor of collisions and many near misses in recent times.

The common denominators for these incidents are speed or driver unawareness of the school crossing, with one incident resulting in a vehicle colliding with the 'Stop' sign being held by the crossing supervisor. The supervisor also reports that he has nearly been struck on many occasions whilst operating the crossing as well as vehicles skidding through the crossing after approaching it at excessive speed. On one day in July alone, the supervisor stated, six cars slid off the road at the crossing. He was nearly struck by four cars that slid through the crossing, nearly hitting him, and two separate nose-to-tail collisions occurred at the crossing.

Representatives of the school community report that driver behaviour improves dramatically when dedicated police patrols of the crossing are conducted but have sought my assistance to ensure permanent safety upgrades are implemented. The school community is requesting that flashing 40-kilometres-per-hour LED speed signs be installed to warn drivers during the drop-off and pick-up times and make the crossing safer for all. I call on the minister to provide the funding and direct Regional Roads Victoria to install these signs as a matter of urgency.

**ASSISTANCE ANIMALS**

**Mr GRIMLEY** (Western Victoria) (17:39): (2113) My adjournment matter is for the Minister for Agriculture, and the action that I seek is a change to the Domestic Animals Act 1994 to include assistance animals as being eligible for zero registration fees. I direct this to the Minister for Agriculture and not the Minister for Local Government, for instance, because this change requires an amendment to the Domestic Animals Act, administered by Agriculture Victoria. Currently the only exemption from registration fees in Victoria applies to guide dogs and dogs for the hearing impaired. The issue with this is that this does not include all assistance animals, and I believe the exemption should be amended to the current language of 'assistance animals'. Such animals are widely accepted in the community and are providing many people with valuable support for varied reasons, and this includes those with physical disabilities and veterans of the Australian Defence Force and Victoria Police who are suffering with post-traumatic stress injury (PTSI) and related mental health conditions.

I personally know ex-police members with PTSI who have assistance dogs. These dogs are providing incredible support to those veterans, and in certain circumstances the dogs have been credited with saving lives. Section 7 of the Domestic Animals Act 1994 states that guide dogs and dogs for the hearing impaired are exempt from registration fees. This should be amended to resolve the confusion in Victoria surrounding the zero-fee dog registration and bring the language into line with commonwealth law. New South Wales have already amended the wording, and legislation clearly

states in the New South Wales Companion Animals Regulation 2018, part 3, item 20, that there is a registration fee exemption for assistance animals.

This matter was brought to my attention by a constituent, Lisa Robinson. Lisa is the founder of the assistance dogs organisation Assistance Paws. Lisa is a passionate advocate for handlers and persons with a disability. Many Victorian assistance dog handlers and people with disabilities are being financially disadvantaged by some local councils who refuse to recognise that assistance dogs should be eligible for zero-fee dog registration. There are other councils that do allow for the exemption of registration fees for assistance animals. For the avoidance of any doubt and to eliminate confusion across Victoria the language should be amended to 'all assistance animals'. As David Clark, the president of the Municipal Association of Victoria, said, the best way to do this is through legislative changes to the Domestic Animals Act. The current provisions under the DAA are inconsistent with state laws. For instance, under the Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015 an assistance animal may be taken onto public transport. It uses the definition under the commonwealth Disability Discrimination Act 1992. The MAV says that there is no formal registration or accreditation process through which council can verify the bona fides of the exemption. A definition should be adopted from the commonwealth in order to fix the loophole in this legislation.

### SCHOOL CURRICULUM

**Mrs McARTHUR** (Western Victoria) (17:42): (2114) My adjournment matter is for the Minister for Education. The idea that one should feel superior based on race, colour, sex or national origin is abhorrent. It ought to likewise be abhorrent that these same attributes cause shame or guilt to fall upon an individual. And yet that is the case in Victoria: men and white people apologising for sins they have not personally committed; schoolboys made to stand and apologise to girls; boys having their fingernails painted on International Women's Day, as if emasculating our men somehow improves the lot of our women; and removing the authority of the parent because the state knows best. All the while there is a downward trend in measured achievement in our schools. It is outrageous to increase the burdens on teachers and students alike by cramming the curriculum full of woke agendas. It has been a case of in with critical race theory and out with critical thinking.

Federally we see our Prime Minister advocate constitutional reform, standing alongside not a great legal mind but a foreign basketball player. This somehow passes for political debate in our country. It goes further to the mental health crisis our young people face. If they were shown how to reason and grapple with the great thinkers of the past, if they were taught science, they could be encouraged to solve the problems of the world with ingenuity, creativity and knowledge. Instead they see themselves and others as victims or worse by dint of the location of their birth, their gender, their religion, as perpetrators of violence and incapable of escaping their lot. It is insidious, it is dangerous, it is failing our young people and our society. Victoria used to be a prosperous place with world-class education. We created individuals who changed the world by dint of their intellectual rigour. We now see the rise of the shy conservative, those who are frightened to speak what used to be considered common sense, because they are shouted down not by the voice of reason but by the hardcore left.

The popularity and renown of Florida's governor, Ron DeSantis, is rapidly rising because he speaks for so many who feel shut down. He has introduced legislation to make such state indoctrination illegal in his state. It ought to be here. I call on the Minister for Education to require a return to the fundamentals and remove institutionalised Marxism from the classroom.

### DAYLESFORD HOSPITAL

**Ms MAXWELL** (Northern Victoria) (17:44): (2115) My adjournment is to the Minister for Health, and the action I seek is for the minister to commit to a significant capital works upgrade for the run-down and disintegrating Daylesford hospital. I had a great meeting last week with representatives of the Daylesford hospital upgrade committee. The hospital's committed and capable team is increasingly working in conditions that are not fit for purpose and diminish the level of quality

care they can provide to patients. The situation for Daylesford hospital echoes other pressures felt by regional hospitals, including poor infection control due to facilities that are outdated and unsuitable, ambulance ramping and bypasses, and a sense that they are always begging for funding instead of governments delivering ahead of the curve to meet the health service demands.

Daylesford hospital is 160 years old, and it has been 20 years since the last major upgrade. Despite being a tourism hotspot, their hospital buildings are crumbling and both locals and tourists often miss out on care. Key spaces like the urgent care centre and renal dialysis are too small and not well ventilated. The aged care wing does not meet contemporary guidelines and staff amenities are very poor. The community health and community nursing areas do not meet requirements for space, accommodation or functionality. Basically, it is a hot mess.

This campaign has strong backing from the community, and in 2021 the community raised \$100 000 in less than eight weeks to fund development of a master plan. Central Highlands Rural Health commissioned and endorsed the plan earlier this year. This master plan provides a blueprint for the future of the Daylesford hospital. The total estimate for the build is \$75 million, delivered in three broad tranches of around \$25 million over 10 years. This provides perfect bite-size pieces for the government to deliver regular, staged investment. The government made a modest allocation of \$4.5 million late in 2021 to upgrade the hospital's operating theatre through the Regional Health Infrastructure Fund; however, this is separate to the master plan process and represents only a fraction of their total need. This is a community with wellbeing indicators that sadly back up this need. Asthma, heart disease, obesity, cancer incidence and smoking rates are all above the state average. Low birth weights, breastfeeding statistics, immunisation rates, maternal child health attendance and developmental vulnerabilities give further concern. The need for urgent care at Daylesford hospital has increased by 17 per cent in just one year from July 2020. This is a community with a growing and ageing population, so aged care, acute care and community health and wellbeing are vital. It is time to change this and build the healthcare facility that they deserve and need.

#### MINISTER FOR HEALTH

**Ms CROZIER** (Southern Metropolitan) (17:47): (2116) My adjournment matter this evening is to the Minister for Health, and I have to say that it has been quite extraordinary to hear the former Minister for Health speak out against the Ombudsman at a speech that she delivered at a book launch on Tuesday night regarding the lockdowns and the thousands of Victorians that were locked out of the state or locked in public housing towers. I find it extraordinary that the former minister is having a hissy fit about this. This will go down as one of the most inhumane—

**Ms Shing:** On a point of order, President, I would ask in fact that if Ms Crozier has a substantive allegation to put she should do so by way of a substantive motion.

**Ms CROZIER:** Well, it was reported.

**Ms Shing:** So?

**Ms CROZIER:** President, I will rephrase it.

**The PRESIDENT:** Yes, you cannot make an allegation or anything in the adjournment, Ms Crozier. I agree with the point of order. I will be listening very carefully.

**Ms CROZIER:** All right. I was making the point that reports were saying that the former minister was not happy with the Ombudsman's comments that she made at a speech at a book launch about the inhumane actions and decisions made by the Andrews government. I agree with her. The Liberals and Nationals think that the former minister should apologise to the Ombudsman for the comments that he has made publicly on this matter.

But my matter tonight goes to the current health minister as well, and it goes to another apology, because today in question time my colleague Mr O'Brien raised a very important matter about one of

his constituents and somebody that he knew that was taken to hospital and did not receive appropriate care—and in the words of her son, ‘didn’t have any care’—and sadly, Ms Snell died. When this was asked of the minister, the minister made these comments:

... people in our health system do not always have good outcomes.

**Mr Davis:** Shameful.

**Ms CROZIER:** Well, it is shameful, Mr Davis. It does not get any worse than that. They are insensitive, they are arrogant and they are non-caring comments. I think the minister needs to really have a good hard look at herself and see if she is fit to be the health minister, with comments like this. We have got too many Victorians that have died because of the failures of the Andrews government.

**Mr Davis:** 000s.

**Ms CROZIER:** Well, it is 000s, it is ambulance, it is not being able to get their vital surgery and then it is things like the tragic circumstances of Ms Snell, and her family deserve an apology. The minister has not done that today, she has just gone to ground. I think that is incredibly disappointing, and the action I am seeking is for the minister to immediately apologise to this family and to every Victorian who lost loved ones as a result of the Andrews government’s failures in the health system.

### ESSO HASTINGS GAS PROJECT

**Dr RATNAM** (Northern Metropolitan) (17:51): (2117) My adjournment matter tonight is to the Minister for Planning. The action I seek from the minister is to conduct an environmental assessment of Esso’s proposal to build a new ethane gas power station at Hastings to the east of Melbourne. Esso is a company that operates oil and gas platforms and processing facilities around Melbourne. They currently produce ethane gas as a by-product of the fossil gas manufacturing process. Up until now they have piped this ethane to a customer in Altona for use in plastic manufacturing; however, I understand that the customer is reducing the amount of ethane it is using, so now Esso is looking for what they can do with the excess. What they have come up with is a proposal to burn it in a new gas-fired power station at Hastings.

This proposal is a big problem for a number of reasons. Firstly, it is irresponsible to even be considering new fossil fuel projects in 2022 as we continue to experience the impacts of the escalating climate crisis. It is convenient indeed that the greenhouse gas emissions for the project come in just under the trigger for an environment effects statement. Secondly, using ethane for power generation is a new and untested technology. No other gas power plant in Australia uses ethane, and even the turbines would have to be adapted from the methane ones. Ethane is more flammable than methane, and local residents are concerned about the safety risk, especially when Hastings is already the site of other hazardous substances. Thirdly, the proposal is likely to harm the local environment. The proposed site is next to the internationally significant Ramsar wetlands of Western Port Bay, only 700 metres from the high-water mark. Burning ethane near these wetlands could have impacts on the local environment, such as native plants and animals, including migratory birds and mangroves. Finally, the community around Hastings and Western Port Bay have had enough of destructive heavy industry in the region. Many members of the community have expressed their concerns about the project, as it is likely to have an impact on the health of the environment and the local community due to the air pollutants, noise, odours and artificial lighting from the proposal.

For all these reasons this project should not be allowed to proceed; however, the fact this project is being pushed through our planning system without a proper environmental assessment is even worse. So the action I seek is for the planning minister to urgently request an environment effects statement to fully and independently identify the impacts of Esso’s project on the climate and local environment.

### ENDEAVOUR COVE

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (17:53): (2118) My matter for the adjournment is for the attention of the Minister for Planning in the other place. It concerns

correspondence and material I have from the City of Kingston, their news releases and other bits of material, and it deals with the Endeavour Cove precinct. I think we are very concerned, many people in metropolitan Melbourne and Mr Rich-Phillips in particular, about the government's plans for this area. The City of Kingston has called for the government to act to protect Endeavour Cove. There is an application for a 10-storey building, a reduction of parking spaces and development proposed at 64 Pier One Drive. That is listed for the VCAT hearing in September. Now, the mayor and others have called for action from the minister, the Honourable Lizzie Blandthorn, to make sure that there are interim controls so that there cannot be a devastating and damaging outcome. I know our candidate down there, Bec Buchanan, has been very active on this and a number of councillors have also been active to ensure we do not end up with a 10-storey building in a pocket that fundamentally should be four storeys.

I know that there is need for action here. Without the interim controls, there is the prospect of a potentially expensive, time-consuming and frustrating VCAT hearing, which is clearly not in the best interests of the community. The minister has the power, and the minister has these reserve powers to be exercised cautiously, expeditiously and with thought. In this case the local council is making points, the local community is making points and Bec Buchanan is calling for this action to occur to protect the Endeavour Cove region.

I do not know why the minister has not acted, but I am calling on her to. My action is that she moves in line with what the council and community want and puts in interim controls to protect Endeavour Cove. Maybe it is because of John-Paul Blandthorn and his involvement. He is a corrupt person who has admitted so to the Royal Commission into Trade Union Governance and Corruption. I mean, he dumped Mr Melhem, who sits over there, in the matters of the royal commission. But there is a linkage between Minister Blandthorn and John-Paul Blandthorn. He is the brother, understand this, and he is now caught in a close relationship. He is a person who is a registered lobbyist through Hawker Britton, and now all sorts of planning issues are caught up in this process. The government's own foolish steps have caught the planning minister in a terrible bind with advocacy from a corrupt brother who has been caught again and again, including an admission at the royal commission—

**Ms Shing:** On a point of order, President, if there is any allegation that Mr Davis wants to put, he should do so by way of substantive motion.

**The PRESIDENT:** Mr Davis, I understand your allegation was not against the minister. I understand that it was about the brother. Anyway, your time has run out and your action has—

**Mr DAVIS:** My action has been registered.

### WESTERN ROADS UPGRADE

**Dr CUMMING** (Western Metropolitan) (17:57): (2119) My adjournment matter is to the Minister for Roads and Road Safety in the other place, and the action that I seek is for the minister to provide the measures that were put in place to ensure that works completed as part of the western roads upgrade met the required standards. The western roads upgrade is a \$1.8 billion scheme awarded by the government to contractors. Leakes Road in Tarneit was improved as part of the western roads upgrade in 2021. Shortly after its completion locals started to notice parts of the works were deteriorating rapidly. Last month they received letters informing them that a section of the road that had been completed was already being resurfaced. Surely the work was given to a company that was fully aware of the required standards, and I would have assumed that someone from the government would have overseen the work at the time to ensure that it met the standards. Instead we have residents having to pay the price by having to put up with the noise and the disruption while the road is being redone less than 18 months after it was completed. What a waste of money—taxpayers money.

The western roads upgrade is yet another government scheme that has been plagued with problems. Dozens of small businesses are facing bankruptcy after a major contractor went bust. Firms which were never paid are working towards a class action against the government, which commissioned the



project, to get the money that they are owed. They are also calling for an independent probe into the state's handling of the projects, including how contracts are awarded and how blowouts are managed. I do not blame them. This government is incapable of managing projects. We have to work just to actually balance a budget and make sure there is a couple of million for Western Metro, rather than blowing out billions.

But we are used to these massive blowouts by this government and to everything taking longer than expected. Roads are in disrepair everywhere, with potholes; even here in the CBD, just driving through, there are potholes absolutely everywhere. Where is the money being spent for our roads? Whose pockets is it going into? The people of Victoria, particularly the ones in the Western Metropolitan Region, get to pay the price, with inconvenience, consistent disruptions to their lives and massive state debt.

### SHOOTING SPORTS FACILITIES PROGRAM

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (18:00): (2120) I wish to raise a matter tonight for the Minister for Community Sport, and it relates to funding for the shooting sports facilities program, which is a great program that the previous Liberal-National government was very pleased to support in the 2010 to 2014 period. The action I am seeking from the minister tonight is for that program to be re-funded.

Last week, along with a number of members of this chamber and the other chamber, I was pleased to be a guest of Field and Game Australia at the 19th annual polie clay target shoot up at the Melbourne Gun Club in the Yarra Valley. Some members were able to attend; some other members were not able to attend on that occasion. But once again it was a great event hosted by Field and Game Australia, and it highlighted what a great sport clay target shooting is and indeed what a great facility the Melbourne Gun Club has in the Yarra Valley.

But of course there are clubs like the Melbourne Gun Club across Victoria. In my electorate in the south-east there is the Frankston Australian Clay Target Club, which doubles as a Field and Game ground for Frankston and Cranbourne. At Springvale we have the Sporting Shooters Association of Australia range. And elsewhere throughout Victoria, whether it is at Willowmavin, which is the main ground of Field and Game Australia, or throughout country Victoria, there are any number of grounds for clay target shooting and fewer grounds for rifle shooting.

But all these grounds require continual upgrade, continual improvement. They make a major contribution to their local communities and are an important recreational and sporting activity for so many thousands of Victorians, so there is a role to play for the Victorian government in supporting those recreational endeavours through the shooting sports facilities program. There is so much need for this program at many of these grounds, and Willowmavin is a prime example where government support could allow that facility to be developed in so many ways beyond the current work that has been put in. The action I am seeking from the Minister for Community Sport today is to fund that program, as the previous Liberal-National government did, to ensure that there are funds available for the upgrade of these important community facilities over the coming year.

### VICTORIA POLICE FUNDING

**Mr LIMBRICK** (South Eastern Metropolitan) (18:03): (2121) My adjournment item is for the Minister for Police. Minister, the report tabled today from the Auditor-General states that Victoria Police did not have a full business case in 2016 when the Andrews government announced \$2 billion in additional funding over four years from 2017–18. We all know that this is not the first time this government has invested money without a strong business case, but when it comes to community safety this is one of the areas where the Liberal Democrats do support intelligent public investment. However, the report states that Victoria Police cannot show that the 2729 new police officers it said it needed were supported by any modelling of its future staffing requirements. Similarly, the \$2 billion package was for the community safety statement program, but the Victorian Auditor-General's

Office (VAGO) found Victoria Police could not assure itself the initiative delivered community safety outcomes. As if this were not enough, the report states that Victoria Police's staffing needs remain unclear because it does not have a strategic workforce plan nor any modelling or forecasting for current or long-term requirements.

I have also recently been made aware that the reported number of officers leaving Victoria Police compared to those joining the force is at a negative ratio. This is obviously not a sustainable pattern for any workforce to follow and begs the question: is our \$2 billion that never had a business case currently walking out the door anyway? Minister, following this VAGO report, will you now commit to undertaking a strategic workforce plan to assess what the staffing needs are in Victoria Police to ensure optimal community safety?

### OPIOID OVERDOSE

**Ms PATTEN** (Northern Metropolitan) (18:05): (2122) My adjournment matter is for the Minister for Police, and the action I seek relates to opioid overdose. As the minister is very aware, there was a recent sizeable seizure of fentanyl coming in via a Melbourne port. As we all know, the potential to dramatically heighten the risk of accidental overdose in this state is now apparent with fentanyl hitting our shores. But overdose death is entirely preventable, even with fentanyl, by using Nyxoid, a naloxone nasal spray. It is an opiate agonist that reverses the life-threatening effects of a known or suspected opioid overdose. It is easy to administer, and it is life saving.

Some years ago I was visiting Vancouver and we were being taken around by the police there. They were proudly showing us their supervised injecting facilities and their heroin testing when they saw a person overdose on fentanyl on the street. The police officer raced to that person, gave them some naloxone and saved that person's life. I was there with now deputy commissioner of police Rick Nugent, and he saw it as well as I did. North Richmond's safe injecting room equally provides life-saving assistance on a daily basis by ensuring that opioid injecting takes place in a safe space. This has recently been proven by the latest overdose statistics, which show that opioid overdoses are down 60 per cent in Yarra compared to only 15 per cent across the state.

The action I am seeking tonight relates to police in Richmond, Fitzroy and the Melbourne CBD, and it is twofold: firstly, that the minister ensures that all police stationed in these precincts are inducted in relation to the medically supervised injecting room and visit that facility so they can better understand how the centre operates and the discretion required for its operation. As we saw in Canada, the police are great supporters of these types of facilities. Further, I ask that the minister require all police stationed in Richmond, Fitzroy and the CBD area to carry Nyxoid with them whilst on duty for use in the event of an overdose.

### VICTORIA POLICE

**Mr QUILTY** (Northern Victoria) (18:07): (2123) My adjournment matter is for the Minister for Police, and the action I am seeking is for the minister to initiate a royal commission into the police and political corruption. In the late 1980s Queensland conducted a police corruption royal commission that resulted in the resignation of its then Premier, Joh Bjelke-Petersen. This inquiry, known as the Fitzgerald inquiry, found corruption at the highest levels of the police force, including then commissioner Terry Lewis. In the mid-1990s New South Wales conducted the Wood royal commission into police corruption, which led to the resignation of the New South Wales police commissioner after it found officers engaged in bribery, corruption, child pornography and heroin trafficking.

Victoria has not had a royal commission to investigate corruption in its police force. It is clear that police are susceptible to corruption and that special care needs to be taken to audit the use of police authority and suppress opportunities to use that authority illegally. For years now I have brought Victoria Police corruption issues to the attention of the police minister, and they have been ignored. Firearms and ammunition go missing while in police custody. Senior officers have subordinates

witness statements to explain away missing firearms. Senior officers ignore reports from junior officers about misconduct at gun clubs, comments of interest and suspect relationships throughout the licensing and regulation division (LRD).

The security industry is another hotbed for suspect behaviour, with special take-home permits that have no legal basis, exemptions from licensing requirements for some companies and not others and lucrative contracts for favoured mates. The hotel quarantine fiasco was arguably one such contract. When questioned about who made the decision to hire the security firm responsible, everyone responded with, 'I can't recall'.

It is not just the LRD though. Former Chief Commissioner of Police Simon Overland was accused of 'evil, corrupt and dishonest behaviour' by informant Nicola Gobbo, who herself is an example of police willingness to engage in corrupt behaviour. After being sacked, Overland landed himself a gig as the CEO of a Labor-held council in northern Melbourne. The current Chief Commissioner, Shane Patton, oversaw the botched investigation into the red shirts saga, which uncovered secret files showing police orders instructing police not to arrest, photograph or search MPs. We have recently received new evidence that this government suppressed the investigation of the red shirts case, and the government responded by trying to suppress the consideration of that new evidence.

The government is too close to VicPol. The Premier's ex-chief of staff Brett Curran is now an assistant commissioner. There are many others in the high ranks of VicPol with Labor connections. Mr Curran is a two-time head of LRD and anointed Senior Sergeant Armstrong as his replacement, who you may remember from my previous contributions on suspect police behaviour. Curran is widely believed to have been anointed as the next commissioner.

Time and again complaints against police are referred back to police. A culture of police protecting other police leads to cover-up after cover-up. We need to clean up Victoria Police. Like Queensland and New South Wales, we need a Fitzgerald-style royal commission into the police force.

## RESPONSES

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (18:10): Tonight there have been 12 adjournment items raised for various ministers. They will be referred for response in accordance with the usual practice.

**The PRESIDENT:** On that basis, have a good weekend. The house stands adjourned.

**House adjourned 6.11 pm until Tuesday, 13 September.**