

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 26 MAY 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

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Deputy Premier, Minister for Education and Minister for Mental Health	The Hon. JA Merlino MP
Attorney-General and Minister for Emergency Services	The Hon. J Symes MLC
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Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. AR Carbines MP
Minister for Public Transport and Minister for Roads and Road Safety .	The Hon. BA Carroll MP
Minister for Energy, Environment and Climate Change and Minister for Solar Homes	The Hon. L D’Ambrosio MP
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Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating	The Hon. MM Horne MP
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Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs.....	The Hon. G Williams MP
Minister for Planning and Minister for Housing	The Hon. RW Wynne MP
Cabinet Secretary	Ms S Kilkenny MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, 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 Shing, 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, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

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

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, Mr R Smith, Mr Walsh and Mr Wells.

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, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.

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

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier, Mr Erdogan and Ms Shing.

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

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.

Assembly: Ms Blandthorn, 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

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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

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

¹ Appointed 5 March 2020

² Appointed 2 December 2021

³ Resigned 17 June 2019

⁴ Appointed 15 August 2019

⁵ LP until 24 May 2022

⁶ Resigned 23 March 2020

⁷ Resigned 11 April 2022

⁸ Resigned 26 September 2020

⁹ Resigned 1 December 2021

¹⁰ ALP until 15 June 2020

¹¹ Appointed 23 April 2020

¹² ALP until 7 March 2022

¹³ Appointed 13 October 2020

¹⁴ Resigned 28 February 2020

Party abbreviations

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

CONTENTS

ANNOUNCEMENTS	
Acknowledgement of country	1759
National Sorry Day	1759
PAPERS	
Department of Justice and Community Safety	1759
Victorian Government Response to the Review of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017	1759
COMMITTEES	
Environment and Planning Committee	1759
Inquiry into Renewable Energy in Victoria	1759
PAPERS	
Papers	1763
BUSINESS OF THE HOUSE	
Notices	1763
Adjournment	1763
MEMBERS STATEMENTS	
Commercial Passenger Vehicles Victoria	1763
Veterinary workforce	1764
Victorian Law Week	1764
Hoon driving	1764
Federal election	1765
Eating disorders	1765
CareWorks SunRanges	1765
Government performance	1765
Multicultural Alliance of Women against Family Violence	1766
Government performance	1766
Portarlington Football Netball Club	1766
Political advertising	1767
BUSINESS OF THE HOUSE	
Notices of motion	1767
MOTIONS	
Yarra Ranges planning scheme amendment	1767
BILLS	
Agriculture Legislation Amendment Bill 2022	1771
Second reading	1771
Instruction to committee	1777
Committee	1779
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Health services	1781
Fur industry	1781
Ministers statements: kindergarten funding	1782
State Emergency Service Cranbourne unit	1782
Child sex offenders	1783
Ministers statements: Growing Suburbs Fund	1784
Emergency Management Victoria	1784
Sunshine super-hub	1785
Ministers statements: small business mental health support	1785
Victorian Civil and Administrative Tribunal	1786
Commercial Passenger Vehicles Victoria	1787
Ministers statements: Aboriginal languages	1787
Written responses	1788
CONSTITUENCY QUESTIONS	
Northern Metropolitan Region	1788
Northern Victoria Region	1788
Northern Victoria Region	1789
Western Victoria Region	1789
Northern Metropolitan Region	1789
Eastern Metropolitan Region	1789
Western Metropolitan Region	1790
Northern Victoria Region	1790
Western Metropolitan Region	1790
Eastern Victoria Region	1790

Western Metropolitan Region	1791
Eastern Victoria Region	1791
Northern Victoria Region	1791
Northern Metropolitan Region	1791
Eastern Metropolitan Region	1791
Southern Metropolitan Region	1792
BILLS	
Agriculture Legislation Amendment Bill 2022	1792
Committee	1792
Third reading	1812
Victims of Crime (Financial Assistance Scheme) Bill 2022	1812
Second reading	1812
Committee	1824
Third reading	1829
COMMITTEES	
Pandemic Declaration Accountability and Oversight Committee	1830
Membership	1830
RULINGS BY THE CHAIR	
Constituency questions	1830
BILLS	
Appropriation (2022–2023) Bill 2022	1830
Introduction and first reading	1830
Statement of compatibility	1830
Second reading	1831
Appropriation (Parliament 2022–2023) Bill 2022	1839
Introduction and first reading	1839
Statement of compatibility	1840
Second reading	1840
State Taxation and Treasury Legislation Amendment Bill 2022	1841
Introduction and first reading	1841
Statement of compatibility	1841
Second reading	1843
ADJOURNMENT	
Wild horse control	1846
Women’s Centre for Health and Wellbeing Albury-Wodonga	1846
Energy policy	1847
Western Metropolitan Region maternal and child health services	1848
Contrast media shortage	1848
Government accountability	1849
Responses	1849

Thursday, 26 May 2022

The PRESIDENT (Hon. N Elasmr) took the chair at 10.04 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (10:04): 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.

NATIONAL SORRY DAY

The PRESIDENT (10:05): Today is National Sorry Day, a day to recognise the history and continued effect of the forced removal of Aboriginal and Torres Strait Islander people from their families, communities and culture. Today let us reflect on how we can all play a part in the ongoing process of healing.

Papers

DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

Victorian Government Response to the Review of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:06): I move, by leave:

That there be laid before this house a copy of the *Victorian Government Response to the Review of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*.

Motion agreed to.

Committees

ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Renewable Energy in Victoria

Ms TERPSTRA (Eastern Metropolitan) (10:06): Pursuant to standing order 23.29, I lay on the table a report from the Environment and Planning Committee on the inquiry into renewable energy in Victoria, including an appendix, extracts of proceedings and minority reports. I further present transcripts of evidence, and I move:

That the transcripts of evidence lay on the table and the report be published.

Motion agreed to.

Ms TERPSTRA: I move:

That the Council take note of the report.

There has been a substantial workload undertaken by the Environment and Planning Committee during this term of Parliament, and this latest inquiry adds to that long list referred by this house. In regard to this inquiry, it was not the committee's intention to undertake a far-reaching and detailed analysis of renewable energy. Firstly, by the time the inquiry was able to be commenced there was not time to undertake such a complex inquiry, and secondly, and more significantly, there have been a number of such inquiries into the area of renewables that have already been completed and that are already accessible to the public.

The committee commenced the inquiry by writing to a number of stakeholders in October 2021, and at the same time the committee advertised a call for submissions via the usual processes. By the time submissions closed the committee had received 90 submissions from a range of individuals and organisations. The committee held only two days of public hearings, on 16 and 17 March 2022. At these hearings the committee heard from a range of organisations and individuals with expertise in renewable energies. The report is therefore intended to provide the Victorian context for renewable energy transition and to canvass some of these issues that were raised during the inquiry.

There are a number of themes that are highlighted in this report, and of course they emerge from the terms of reference. In broad terms they are: measures to enable Victoria to transition its energy supply to 100 per cent renewable energy, benefits of transitioning to renewable energy, other opportunities to reduce emissions, and ensuring a just transition for workers and communities.

The transition to renewable energy in Victoria is already well underway. The Victorian government has put in place the structures and policy framework for the transition to renewable energy. It has designated renewable energy zones across the state with the best wind, sun and hydro-electric sources. The renewable energy zones are located in areas that take advantage of existing electricity transmission networks, and work is already underway in constructing wind and solar farms in many areas of Victorian renewable energy options.

Whilst renewable energy generators can be sensitive to unfavourable weather—for example, if the sun does not shine and the wind does not blow, they do not produce energy—there are a number of strategies the Victorian government and the Australian Energy Market Operator are putting in place to mitigate this, and these include: construction of firming tools, such as big batteries and pumped hydro; ensuring a geographic spread of renewable energy generators and a diversity of generator types as well as strengthening Victoria's transmission network; and of course rooftop solar and batteries will also play a vital role in Victoria's energy security. This is one of the success stories of Victoria's renewable energy transition.

Victoria also has one of the world's highest take-up rates of rooftop solar, and the committee has made recommendations in relation to variable pricing and virtual power plants as well. More transition infrastructure will be needed to transport electricity from solar and wind farms across the state, but also Victoria's renewable energy revolution will deliver job opportunities for regional Victorians as well. Also, as I mentioned earlier, one of the important aspects of this inquiry was to look at the transition to renewable energy and that it must be a just transition for workers and communities who have worked in these industries previously.

The Victorian government has already put forward \$266 million for the Latrobe Valley support package. It has also created the Latrobe Valley Authority, which has supported retiring coal-fired power station workers into other jobs. It has also helped to grow new industries that will provide Gippsland's jobs of the future, and the transition to renewable energy will lead to the creation of many jobs in the construction, operation and ongoing maintenance of renewable energy infrastructure.

Really pleasingly, the Victorian Skills Authority will map out renewable energy workforce needs so that our vocational and tertiary institutions can provide the necessary training to ensure that people successfully work in this new and emerging industry for many years to come. The committee also examined other opportunities to reduce carbon emissions in Victoria, and these included zero-emission vehicle policies, substituting gas with electric appliances and energy-efficient buildings.

Just a note on the commonwealth government: the committee also examined the lack of commonwealth coordination in this space under the previous Morrison government. This is a space where the Victorian government stepped in and provided strong leadership and strong policy certainty to the market, and this has meant that Victoria is well on the path to reaching its renewable energy targets. So recommendation 17 of the report is that the Victorian government continue to advocate to

the commonwealth for policies that will speed up the uptake of zero-emission vehicles as well as national vehicle emissions standards.

Finally, I would also like to thank the people who made submissions—both the groups of and individual experts—and the scientists and academics who presented evidence. Thank you so much for your time and insights. They were truly valuable and appreciated by the committee. I would also like to thank Michael Baker, the committee manager, for his consistently invaluable help in managing the workload for our committee. I would like to thank Kieran Crowe, Hong Tran and Justine Donohue for their assistance in researching and supporting us on this inquiry, and I would also like to thank my parliamentary colleagues, who conducted themselves in such a professional manner throughout this inquiry. Thank you.

Mr HAYES (Southern Metropolitan) (10:12): I welcome the tabling of this report. I think it is a landmark report, in that we have got to transition to renewables as fast as possible, and I do congratulate the government on providing strong leadership in this area. I think the report and what we are hearing in the report is good news for transitioning to renewables.

My only problem is it is probably not going fast enough. We worry about workers transitioning too, but I think that there are going to be amazing employment opportunities. It is great to see what is happening down in the Latrobe Valley and the work that is going into it. The government really has to take the lead on providing transmission lines and working that out as quickly as possible. There is a lot of conflict and angst about how that is going to be implemented, so that is work to be done.

There are some areas I feel the report did not go to—electric cars, electric vehicles and construction machinery. This is all something that should be progressed a lot faster. There should not be a tax on electric cars, either. Also, the brown coal deposits in the Latrobe Valley being used for the production of hydrogen, and the potential for enormous greenhouse gas emissions there, is something that we should be avoiding altogether or transitioning away from as quickly as possible. Leave the brown coal there for our grandchildren.

Anyway, that is all. I want to congratulate the committee and especially the staff and all the people that submitted to our committee—and our secretary for his work, Michael Baker. Thank you.

Dr RATNAM (Northern Metropolitan) (10:14): I am so pleased to be speaking about the renewable energy inquiry report that has been tabled today. Firstly, my thanks to the secretariat staff, all the members of the committee and of course all the submitters and witnesses who gave us a breadth of evidence that clearly points to the fact that Victoria can be going much further and faster on renewable energy. The science tells us that we have to move to 100 per cent renewable energy by 2030, because the climate demands it. Over the weekend Victorians overwhelmingly voted for much stronger, faster action on climate change, and the time to act is now.

The report also identifies that we need to talk about gas and Victoria's reliance on this fossil fuel. Now is not the time to be drilling and mining for more and more gas. The government has already approved 12 new onshore gas licences and the licence near the Twelve Apostles. We should also be talking about demand side for gas in households and industry. We heard really strongly evidence that there is so much more that we can be doing to improve energy efficiency and drive down the demand from and reliance by households for gas; for example, by introducing minimum standards for rental properties and social housing and improving our energy efficiency rating and disclosure schemes.

We had very strong evidence that one of the biggest barriers at the moment to accelerating our transition to 100 per cent renewable energy is the transmission and distribution networks. We should be doing more. We should be planning and coordinating and investing in those distribution networks much more strongly if we are going to get the renewables that are planned, which the market is delivering at a rapid pace, into households, into businesses, into the wider Victorian community. The report overwhelmingly highlights that we can be doing so much more, that we can get to 100 per cent

renewable energy in Victoria. Now is not the time for low ambition and low aspiration. Let us aim big and let us move Victoria to 100 per cent renewable energy by 2030.

Ms BATH (Eastern Victoria) (10:16): I support the tabling of the renewable energy report. In doing so I present the Liberals' and Nationals' minority report to provide some balance on a pro-Labor committee. When we want to move to renewable energies and be an exemplary environmental citizen we must pave the way with practical solutions. We reiterate in the report our commitment to net zero emissions by 2050. Constituents want us to do more on climate action, but we need to do so in a sensible and structured way that keeps the lights on and does not destroy communities as we progress. We want there to be more manufacturing of renewable energy components, replacing imports. Only 11 per cent of energy components are manufactured in Australia. We must organise ourselves to lead by cradle-to-grave management, with recycling of spent components so that we do not have any overtones of environmental impacts. We need dedicated recycling for discarded solar panels.

We see that the former federal government funded energy from waste in a circular economy at Opal Australia and supported offshore wind development through legislation, not through a virtue signalling target by the Premier coming late to the offshore table. We support blue and green hydrogen. We support deep storage with a light environmental footprint. We call for bonds for large-scale solar energy facilities so that they can be remediated at end of life. We also support electric vehicles, but not bans and not to disadvantage rural and regional Victorians—we believe consumers will change their purchasing patterns without a government mandate. If the government is to be a holistic citizen, it must not be powered by rhetoric; it must be powered by science and sense.

I thank the committee members for their respectful attitude, and I wholeheartedly thank all the secretariat—Michael Baker, Kieran Crowe, Hong Tran, Sylvette Bassy and Justine Donohue—because they do an absolutely awesome job in a very tight time frame.

Ms SHING (Eastern Victoria) (10:18): This is a really significant report, and I want to echo the sentiments around this chamber of gratitude to members of the committee and the secretariat for all of this work to provide an update on the complex and interlinking components of a transition to renewable energy.

One of the things, though, that I want to put on the record is that this government has done more to achieve renewable energy, despite vocal opposition on the renewable energy targets, despite all sorts of objections after those opposite have talked at length about how they support a transition and then consistently blocked efforts in this place and in this Parliament to achieve those ends.

What we have delivered, and this is borne out in the recommendations and the findings of this particular report, is a transition which is not only grounded in a practical realisation of need over time—and therefore at odds with Ms Bath's characterisation of the work to transition to renewable energy—but a practically grounded recognition of the failures of the former federal government to effect the necessary changes to the national energy grid, not the Victorian energy grid but the national energy grid, to provide certainty and security in a vacuum as far as energy policy is concerned. We have seen the Australian Energy Market Operator repeatedly request clarity. We have seen operators and producers, consumers and those who provide retail products to the market repeatedly call for certainty in the market.

This former coalition government has repeatedly failed Victorians. It is our record investment in renewables that in fact eclipses in reality the last-minute calls of those who joined the support of the band after they were famous and who are now saying from coalition benches that in fact they have always supported renewables. Be under no doubt whatsoever—the Liberals and The Nationals have consistently opposed any move to renewables. This report speaks volumes to the work that this government has undertaken.

Dr BACH (Eastern Metropolitan) (10:20): It is good to rise to make a brief contribution on this report, and I also want to thank other committee members. It was an excellent exercise, and all

members, despite some differing views, I thought engaged in that exercise very well. We were supported by a fantastic secretariat. The chair, in my view, did an absolutely fantastic job, and just when there was a rare outbreak of bipartisanship in this place, well, along came Ms Shing with her contribution. I was rather thinking after Saturday's result that we might be able to move away from the constant blame of the Morrison government for anything and everything that goes wrong. However, given that Jeffrey Kennett continues to get much of the blame for things that go wrong in this state and he was voted out, what, 23 years ago, maybe we should expect the blame-shifting to the Morrison government will stop in, what, about 2045. The fact of the matter is of course that those of us on this side of the house, as articulated in a minority report that bears my name and yet I must say was predominantly completed by Ms Bath—

A member: You have not read it.

Dr BACH: I have read it, but I did not personally make a great contribution to it. It is a fantastic document by Ms Bath and articulates our strong views. We do not seek to create division on these issues on this side of the house. We have some different proposals, and Ms Bath put forward those different proposals in her normal constructive way. I would urge the government to have a look at those proposals. They are put forward in good faith.

Motion agreed to.

Papers

PAPERS

Tabled by Clerk:

Children, Youth and Families Act 2005—Review of the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*, May 2022, under section 492B(4) of the Act.

Business of the house

NOTICES

Notice of intention to make a statement given.

ADJOURNMENT

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (10:24): I move:

That the Council, at its rising, adjourn until Tuesday, 7 June 2022.

Motion agreed to.

Members statements

COMMERCIAL PASSENGER VEHICLES VICTORIA

Mr BARTON (Eastern Metropolitan) (10:24): Commercial Passenger Vehicles Victoria has finally taken a proactive approach to the illegal touting that has plagued our industry. This could not come soon enough. I have been informed that the CPVV fined 20 drivers during the Melbourne grand prix weekend for touting, which is the illegal offering of services. Touting poses a serious safety issue to the travelling public. I have been adamant for a long time that greater enforcement is needed to stamp out this illegal behaviour. Many of these touts are not legitimate operators, many are driving unmarked cars and most are offering work for cash, and they are ruining Melbourne's reputation as a safe city. I hope moving forward we can see the CPVV, or whatever they are going to be called, apply greater consistency when it comes to the regulation of the commercial passenger vehicle industry and that they protect those who abide by the law from those who break the law. Our industry and the travelling public deserve no less.

VETERINARY WORKFORCE

Ms BATH (Eastern Victoria) (10:25): I rise today in my members statement to pay homage to all of the vets and the veterinary assistants throughout our whole fantastic state. I know in my patch during COVID—I have a very dear friend who is a veterinary nurse, and she told me—they are very much under the pump. They have had their supply of overseas veterinary surgeons cancelled, they have also had people adopting more pets during the lockdowns, but that has implications for their workload, particularly if there are furloughed staff. As a pet lover and the mother of Buddy, it is a really amazing job that they do. They take care of our furry friends and our livestock and wildlife animals as well.

Dr Hugh Millar is the Victorian president of the AVA, the Australian Veterinary Association, and I have spoken with him this morning. He has written to Peter Walsh and I think members in this chamber speaking about the bill that is before the house this week. He has grave concerns for clause 189, which removes from the board the president or the vice-president in terms of the board position, which is absolutely counterintuitive in the sense that you take away those with the most knowledge, expertise and understanding to run the board or to be chair of that board. So we have listened, and we are certainly going to move an amendment during the course of the committee of the whole. I also hope that the government is listening to this and works for a very sensible outcome.

VICTORIAN LAW WEEK

Mr ERDOGAN (Southern Metropolitan) (10:27): I would like to join with the Attorney-General's comments on Tuesday and celebrate Victorian Law Week—a week of community events and activities designed to improve the public's understanding of the law and the legal system. As a former solicitor and now a parliamentarian making laws for Victoria, I truly believe the rule of law and its protection of the human rights of all people is a cornerstone of our modern democracy—that is to say, the law and the legal system only exist to serve the people. My professional background has also led me to understand how the breadth and complexity of our legal system is ever increasing. This is not necessarily a bad thing, but it does have an impact on public confidence in the law as legal affairs become harder to understand for laypersons. This is where law week comes in. At its heart this is a week for everyday Victorians. It is there to help Victorians understand their rights, find answers to their questions and find out what help is available. I would like to acknowledge everyone who has participated in the events of law week, particularly the Victorian Law Foundation for their work coordinating the activities and events.

HOON DRIVING

Mr GRIMLEY (Western Victoria) (10:28): I rise today to promote and thank the state government on the establishment of the Hooning Community Reference Group. This has come about due to the advocacy of Derryn Hinch's Justice Party through my private members bill, which sought to introduce penalties for those who attend hoon events. Victoria has some of the most stringent anti-hoon legislation in the country, including on-the-spot licence suspension for excessive speeding and the authority of police to impound and permanently confiscate vehicles. However, certain municipalities have enacted additional safeguards through by-laws such as fines for hoon event attendees.

The community reference group will consider short-, medium- and long-term solutions to promote education, early intervention and deterrence at major hooning hotspots throughout Melbourne's north, west and south-east. One of the group's priorities, in my opinion, should be to investigate open days at skid pans or racetracks where people can safely and legally participate in motorsport. It should also obviously explore the viability of the penalties included in my private members bill. The Hooning Community Reference Group may include community members, municipal council members, motorsport enthusiasts or operators and law enforcement officers, among others. I encourage those interested to send their applications to Road Safety Victoria at roads.vic.gov.au or via the Department of Transport's website.

FEDERAL ELECTION

Mr ONDARCHIE (Northern Metropolitan) (10:29): Election times are tough on candidates and a very busy time for them and their families. I want to pay tribute to the Liberal candidates in Melbourne's north and west: Tim Staker-Gunn in Calwell, Tom Wright in Wills, Virosch Perera in Scullin, Jadon Atkinson in Cooper, Richard Welch in McEwen, Mira D'Silva in Maribyrnong, Ravi Gaddipati in Lalor, James Damches in Melbourne, Sahil Tomar in Jagajaga, David Wood in Fraser and John Fletcher in Gorton. I want to thank their families, their friends and their campaign teams and the many volunteers, helpers, Young Libs and businesses who supported our candidates in Melbourne's north and west. It is not an easy job to convince people in Melbourne's north and west if you are a Liberal, but they did an exemplary job of convincing people that there are alternatives to other candidates. The Liberal Party is extremely proud of these candidates for their efforts. We thank them so much for their tenacity, their persistence, their determination and their energy.

EATING DISORDERS

Ms TAYLOR (Southern Metropolitan) (10:30): I am really pleased to see that Minister Merlino has announced more support for Victorians with anorexia nervosa. There is \$20 million in new funding, and this new funding includes \$500 000 for Eating Disorders Victoria to continue to deliver programs that improve quality of life for clients with an eating disorder and reduce hospital readmission rates. EDV will also use the funding to create a new dedicated program for people with severe and enduring eating disorders who have disengaged from treatment and have extremely poor quality of life, including social isolation. A further \$1.5 million was invested across six metro health services to provide specialist mental health clinicians to care for young people with eating disorders.

I was pretty horrified to find out that eating disorders—of course they are a serious mental illness, and that is well known—have the highest mortality rate of any psychiatric illness. Many people experiencing an eating disorder suffer from depression and anxiety, with rates for anorexia 32 times higher than the general population. I also want to reflect on this because I used to do ballet. There are many triggers for this. I am not a psychologist, so I am not going to explain how it comes about. But I remember a director of the dance school who had anorexia herself, and unfortunately her not so healthy thinking cascaded down. I remember a dance teacher pointing to students around the room and saying, 'You need to lose weight. You don't. You do'. It was humiliating. There is a lot of work to do, but I am very glad that our government is backing it in.

CAREWORKS SUNRANGES

Dr CUMMING (Western Metropolitan) (10:32): I speak today about CareWorks SunRanges. Based in Sunbury, CareWorks SunRanges is a not-for-profit relief centre dedicated to supporting local people and families who find themselves going through a difficult time. They provide a diverse range of services to those who are struggling—a very important service as so many are struggling after the last couple of years and with the cost of living is rising. They provide food hampers, food vouchers for those with special dietary needs and prepared meals in emergency situations. Food hampers are delivered to the elderly, the ill and anyone who is housebound and not able to get to the shops. Depending on circumstances, they may also assist during a financial emergency, offering assistance with rent, vehicle registration, utilities, transport costs and short-term accommodation. CareWorks are committed to giving everyone a chance to be heard, and their volunteers are selected and trained to be great listeners. Where an issue is beyond their scope, they will refer these people to another service provider. I would like to congratulate CareWorks for providing such an essential service to the people of my electorate, especially the people of Sunbury.

GOVERNMENT PERFORMANCE

Mrs McARTHUR (Western Victoria) (10:33): Victoria is not Australia's biggest state, but you would not think it when you listen to our Premier. It is all about 'big'—big hopes, big dreams, big budgets, big futures. But I want to talk about another big, the bigger picture. It is all about the wrong

type of big—not big budgets but big blowouts. The Big Build is the big bill, the big broke, the big bust. We still do not have the big tunnel, but we have got the big potholes. The Big Battery became the big burn up. Patients all through our hospitals now face the big wait. And there is another big wait—the wait for a big sorry. Some hope, but instead we have got the big spin, big smoke, big mirrors, big lies and a big bloody cover-up. I am not even going to talk about the big brown envelopes. There is only one certainty here, only one thing is sure: bigger is not better in Victoria. The big ego has become the big problem, and we have got a big decision to make in November.

MULTICULTURAL ALLIANCE OF WOMEN AGAINST FAMILY VIOLENCE

Ms BURNETT-WAKE (Eastern Victoria) (10:34): Last sitting week I had the honour of attending the launch of the Multicultural Alliance of Women against Family Violence. The goal of the alliance is to address family violence in multicultural communities and advocate for funding for culturally specific support services. The group formed in response to a lack of awareness and action being taken around family violence in our culturally diverse communities. As it stands, Victoria does not have culturally specific women's refuges available for women and children escaping family violence. This overall lack of support results in many women staying in violent relationships, which is devastating and can have dire consequences. Six years on from the Royal Commission into Family Violence, it is disappointing that there are still so many barriers to women and children seeking help. I commend the alliance for coming together to address these gaps in family violence services. As a former volunteer at the Casey Cardinia Community Legal Service, I understand the many challenges faced by our CALD community, particularly when it comes to migration and visa issues for women escaping family violence. As an MP I will advocate at every available opportunity for better support services for all victims of family violence. Everyone deserves safety and respect. Congratulations again to the alliance. I cannot wait to see the positive changes that come about from its advocacy.

GOVERNMENT PERFORMANCE

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:36): I want to draw the chamber's attention to comments made by the Premier of WA, Mr McGowan—an erratic set of comments is what I would describe them as. I would nonetheless say on some things I agree and on others I do not. I firmly agree with the Commonwealth Games coming here, and the Liberals and Nationals do too; we think that Mr McGowan has lost the plot in criticising the Commonwealth Games. We also do not agree with his view on the GST. It is true that Victoria has done poorly under governments of all colours for a very long time, not only with the GST but with funding from a whole range of federal sources. That is a fact, and Victorians have every reason to be angry about that. Indeed I often agree with the Treasurer on these points—that Victoria has done poorly and we should have funding approximating our population share. That is the target, and I think that we should focus heavily on that.

But I do agree with Premier McGowan in his attack on the Andrews Labor government's budgetary processes, its waste, its mismanagement, its incompetence in managing the budget. The truth is our debt is growing massively. By 2025–26 our debt will be very close to that of New South Wales, Queensland and South Australia combined. That is the legacy. And on failures in health, Mark McGowan was quite correct in identifying the failures of the Andrews Labor government in health. It has been a disaster, a flop under Andrews.

PORTARLINGTON FOOTBALL NETBALL CLUB

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

Incorporated pursuant to order of Council of 7 September 2021:

This week Portarlington Demons Football Netball Club are hosting their inaugural Indigenous round, during National Reconciliation Week 2022.

The AFL of course celebrates a Dreamtime round each year, where players wear unique jumpers and celebrate the contribution of Indigenous players to our great game.

It is fantastic to see that regional football is following suit in an initiative that makes it clear that reconciliation is everyone's business.

Portarlington is part of the Bellarine Football Netball League.

This week's game is against Modewarre.

Portarlington Demons senior players will wear specially designed football jumpers and netball bibs created by Chris Delamont, member and Indigenous inclusion coordinator.

This year's national reconciliation theme is 'Be Brave. Make Change'.

The theme challenges everyone to explore how each of us can contribute to achieving reconciliation in Australia.

Portarlington Demons have invited former AFL players Matthew Stokes and Marcus Seecamp to present the playing gear to the footballers and netballers after tonight's training session.

On game day, Wadawurrung traditional owners will conduct a welcome to country and smoking ceremony.

I congratulate the club for understanding the importance of becoming a fully inclusive sporting club at the local level.

I wish both Portarlington Demons and Modewarre Warriors well, but as Port's slogan goes, 'My heart beats true' for the red and the blue, so 'Go Demons'!

POLITICAL ADVERTISING

Mr HAYES (Southern Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

Spend, spend, spend.

My constituents keep asking me about the extraordinary level of expenditure on this year's federal election and ask: where does all the money come from? Unknown donations? Declared donations? Taxpayer funding? Who really knows?

This past federal election period has seen overloaded constituents exhausted, from the election campaign, due to endless advertising, letterboxing, corflutes, billboards, sponsored ads on social media, not to mention TV advertising, press ads, foot soldiers with walking boards, followed by the intimidating visit to the voting centre with scores of how-to-vote cards being thrust upon potential voters.

Election spending has passed acceptable limits: Clive Palmer's \$70 million cash splash to buy votes; Liberal and Labor expected to spend more than \$20 million each. In one week prior to the election \$3 million was spent on election Facebook ads.

Without oversight, the Victorian election will be heading down the same path: those with the biggest wallets buying their way into favours with political parties, and political parties with the deepest pockets buying their way into the lives of voters. Without spending caps, our election debates are dominated by those with the biggest bank balance. If the Victorian government is committed to protecting the integrity of Victoria's elections, then it's time to bring forward the introduction of election spending caps prior to the 2022 state election.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (10:38): I move:

That the consideration of notices of motion, government business, 683 to 746, be postponed until later this day.

Motion agreed to.

Motions

YARRA RANGES PLANNING SCHEME AMENDMENT

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (10:38): I move:

That, pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendment 122 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved.

This motion comes at the request of the Yarra Ranges Shire Council. It will amend the regional strategy plan to facilitate changes to the Yarra Ranges planning scheme to include more contemporary and effective planning divisions. Minister Wynne has adopted amendment 122 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, and the council is supportive of amendment 122. The amendment does not change the urban growth boundary or subdivision provisions in green wedge areas. The benefits include removing the need for a permit for vegetation removal where it is not required by the planning scheme—this will ensure the regional strategy plan is consistent with existing planning overlays relating to vegetation and will assist with safe and efficient vegetation removal after storms or fires, removing a lot of the red tape and inconsistencies in the planning controls that apply in the Yarra Ranges; and deletion of the confusing and poorly defined term ‘major tourist facilities’. Finally, there is an update on the reference to restaurants so that they can be located in conjunction with agriculture, natural systems, outdoor recreation facilities, a rural industry or a winery rather than just tourism accommodation. I commend the motion to the house.

Ms BURNETT-WAKE (Eastern Victoria) (10:40): I rise to speak on the Upper Yarra Valley and Dandenong Ranges regional strategy plan amendment. The Upper Yarra and Dandenong Ranges are very unique parts of the world. They are both breathtakingly beautiful areas despite being vastly different. Part of the magic of living in the Yarra Ranges comes from the fact that you can be out amongst the rolling hills at one point and a few turns later find yourself in the midst of the lush, ferny forests of the Dandenongs. Those of us who live there—and I know Ms Shing also lives up there—are truly lucky, and we do have the best of both worlds.

Now, I know from my time as a councillor on Yarra Ranges council that local government work incredibly hard to get right the balance between managing green wedges and other areas of significance with the need to create modern, livable communities. The regional strategy plan that we are speaking about today is something that has been in place since 1982, and it is all about protecting the landscape in a way that still allows for urban development. Yarra Ranges council opted to review its planning scheme, and this was conducted by an independent planning panel in late 2018. The recommendations of that review were considered by the Yarra Ranges council at a meeting in March 2019. Councillors resolved to adopt the amendment after receiving consultations and considering community submissions. The amendment was then sent to the Minister for Planning for approval, which is why we are seeking this amendment before us today. This is because any amendments to the planning scheme require consequential amendments to the Upper Yarra Valley and Dandenong Ranges regional strategy plan.

There are numerous other changes here, but at its core this amendment has been introduced because council required an update to its planning scheme. This is because council have new and updated planning strategies that are not adequately reflected in the current scheme. Experience in dealing with the current planning scheme has revealed some aspects are difficult and confusing for the public, such as inconsistent wording and also double-ups. Considering this was discussed by the council in 2019 these changes have been a long time coming. Planning rules should now be a lot clearer, and regulations will now allow decisions to be progressed much faster, also ensuring better protections. This will allow my Yarra Ranges constituents the freedom to get on with their lives and business.

It is good to see the update of the regional strategy consistent with the planning scheme, particularly in the areas of green wedge zones. Green wedge zones are a product of forward thinking by past Liberal MP and Premier Rupert Hamer. He said that the future planning of Melbourne should take account of the surrounding countryside as a vital part of the metropolitan environment, and he could not have been more right. We do need to counter the urban sprawl and protect vital parts of our landscape, and I know that Yarra Ranges Shire Council are committed to getting that balance right with the urban growth boundary. I think it is important that policy is consistently updated to match current circumstances. This policy must continue to be firmly adhered to alongside common sense so we can maintain these green wedge areas for our future generations. Our future generations too should

be able to enjoy the balance of city and country whilst preserving and protecting our green wedges and areas of significance.

Ms SHING (Eastern Victoria) (10:43): Thanks, President. You did not think you were going to escape without me wanting to have a word on this planning scheme amendment, I would hope, on the Thursday of a long sitting week. I want to make a few contributions to this particular planning scheme amendment. I echo, on a point of what is increasingly rare agreement, Ms Burnett-Wake's sentiments about the diversity within the Yarra Ranges Shire Council boundaries. It is a huge area, relatively speaking, for different economic and central activity district townships, such as Lilydale and Mooroolbark, on the one hand, right through to the I would say rural areas within the Yarra Valley, which are characterised by land that is reliant upon a visitor economy and upon primary production and agriculture. Anyone who has ever seen the Yarra Valley in full flight with hot air balloons and tourist buses will know it is a real drawcard for the state in terms of tourist attendances, expenditure and indeed the wonderful brand that we have across the Yarra Valley.

We do know that there has been a fair degree of complexity with the planning schemes as they have previously operated. We know that, for example, after storms and other major events such as bushfires there have been issues associated with vegetation removal which has required planning permits for removal of that vegetation at a time when people have so many other things to do that applying for a permit for these purposes is just another layer of stress. Anyone who saw the Yarra Valley after the bushfires would know that businesses were devastated—everything from smoke taint to vineyards right through to, out near Yarra Glen, these patches of black and white where previously everything had been so lush and so productive and indeed so valuable. So making sure that we can accommodate the realities of the planning scheme framework and making sure that we have a practical opportunity to assist the council with the work that it is undertaking but also assist residents, ratepayers and businesses to do what they do without those avoidable encumbrances is important.

This motion, as has been indicated, comes at the request of the Yarra Ranges Shire Council to amend the regional strategy plan to facilitate those changes on these contemporary and effective planning solutions. One of the things that I think is also important to note is that amendment 122 does not change any of the urban growth boundary definitions or change any subdivision provisions in green wedge areas. This is a really important point to note. The green wedge system and framework was developed to provide lungs for the city and to make sure that with the benefit of early planning we could see a population grow in a way which continued to maintain access to green space and continued to maintain access to breaks between low-, medium- and indeed increasingly high-rise developments as we see the outer urban and peri-urban areas of Melbourne continue to grow.

We have got broad support from council for the way in which the amendments have been couched around removing red tape and inconsistencies. We have also seen that there has been a very clear process of public exhibition of notices and of communication with the community around what these changes will mean. So this is part and parcel of the work that the Yarra Ranges Shire Council has been doing for some time, not just in understanding the practical consequences of a planning and permit framework which has created inconvenience and difficulty but also in meeting the challenge of that careful balance that needs to be struck around achieving the objectives of a strategy plan whilst also making sure that the utility of the planning framework is not so onerous that it presents an unwieldiness which costs businesses and properties and families time and money and indeed provides a source of great confusion—and avoidable confusion at that.

We also see amendment C148 to implement the Yarra Ranges Shire Council planning scheme review. These reviews are required every few years to make sure that schemes are up to date with new policies as well as technology and strategic vision. Across the board we see councils increasingly embracing the way in which technology and strategic planning are incorporated not just in everyday decision-making but in the longer term medium and long horizon events that will define the way in which councils function in every way, from the way in which decisions are taken within the planning framework to what those councils will be overseeing, as far as community growth and development

go, for many years to come. So councils are keenly aware of this, and it is an important part of what this amendment looks like. Again, that amendment was subject to public discussion and exhibition, and it has been done in a really transparent way.

Now, by way of background, the Minister for Planning has adopted amendment 122 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, but this adoption and the ratification need to be provided by both chambers of Parliament. This is a really important accountability mechanism to make sure that transparency is incorporated into the process for this planning scheme amendment, and again it does need to be underscored that it does not change urban growth boundaries or indeed the green wedge geography or framework as a consequence of its passage.

These are the things that I did want to place on the record, including a reference to intensive agricultural policy areas dealt with elsewhere in the planning scheme being removed and making sure that there is an amendment to update any reference to restaurants so that they can be located in conjunction with agriculture, natural systems, outdoor recreation facilities, rural industries or a winery rather than just tourist accommodation. I am thinking in this instance of St Huberts, Yering Station and others which are in a position to provide accommodation onsite as well as restaurants and to host events.

This is about making sure that there is a further opportunity for businesses such as these to be developed in a careful and considered and balanced way while also continuing to be a tourist drawcard. We know that the chocolaterie in the Yarra Valley is a hugely popular tourist destination. It draws thousands of people every day to its doors and its clutches as far as amazing locally produced chocolate is concerned, and I do confess to having been a frequent flyer of their product offering over time. But this is about making sure that the range of offerings across the Yarra Valley are broad, enticing, hospitable and adequately appointed. This is again an important part of making sure that when people come to the Yarra Valley to enjoy a hot air balloon ride or to enjoy the extraordinary, again sampled—I can put this on the record—firsthand by me, offerings of places like the Yarra Glen bakery they are in a position also to take a walk amongst the vines, to enjoy the beautiful natural surrounds and to make sure also that they can get a great feed in a world-class facility at the same time, or even stop to get married, which is something that we are seeing in increasing numbers since restrictions were lifted.

This is an important amendment. It is an amendment which gives effect to practical changes, reduces inconvenience and provides a greater measure of consistency. It has been put forward by the council and subjected to rigorous processes of public consultation and engagement. I do look forward to the passage of this amendment and the way in which it will provide a more equal set of opportunities across the Yarra Valley. I look forward to continuing to see the council provide that engagement and direct support and assistance to everyone across its LGA, including those businesses which operate in and rely upon a solid, balanced and accessible mechanism for decisions to be made about their futures economically, environmentally and in the context of decision-making to help them to flourish.

I commend this amendment to the house. I am looking forward to seeing its speedy passage and ratification through both houses in accordance with the requirements of the act following the Minister for Planning's decision.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:52): I will be very brief. My colleague has made some commentary on this. The planning amendment that is proposed here is in one sense straightforward—that, under section 46D(1)(c) of the Planning and Environment Act 1987, amendment 122 of the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved. As has been pointed out, this has been requested by the Yarra Ranges council. There has been a panel process, it was supported by the panel, and in that sense the opposition is supportive of this step. I understand the logic in enabling a range of facilities to have some greater flexibility under these arrangements. I understand the points made about native vegetation and buildings and works.

I do put on record a caution about the changes relating to the historically significant buildings and features in each centre. Just to be clear, while there will be equivalent protections in the planning

scheme, I do want to put on record that they are more easily tampered with than is the case in a regional plan of this type. Removing some of the plain English words suits planners and suits those who would like to see consistency across the state, but it also carries some risk that a future government—and I am not making accusations here—could more easily tamper with what would be long-term protections that I think most people would desire.

I am not opposed to regional planning schemes of the old-fashioned nature that provide clear and strong protections. Notwithstanding that, in this case this has been through a rigorous process and the opposition is supportive. Ms Burnett-Wake, as a former councillor, has a deep understanding of these matters and the precise geography and areas in question. I pay tribute to her work and her contribution at the Yarra Ranges council and since.

Motion agreed to.

Bills

AGRICULTURE LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms PULFORD:

That the bill be now read a second time.

Dr CUMMING (Western Metropolitan) (10:55): I rise to speak on the Agriculture Legislation Amendment Bill 2022. This bill will make amendments to 11 different acts. These amendments are to improve efficiency, operation, administration and enforcement, and my contribution will be brief. While the amendments are primarily administrative, a number of concerns have been raised with me by my community members. These include concerns regarding hemp cultivation, cultivating fruit and vegetables, access to properties as well as the organic and biodynamic farming industries. There are also concerns about the amendments to the Veterinary Practice Act 1997 and the Wildlife Act 1975. Now, during the committee stage of this bill I will hopefully be able to determine if these concerns are founded and the intentions behind these amendments.

However, I personally have another concern. Agriculture is vital to all of us. It is the food we eat, but it also has a huge financial impact on this state. We need to make sure that we get this right. This legislation gives more enforcement powers to relevant departments, particularly around the control of pests, both plants and animals. These can only be effectively controlled by departments working together with farmers and with industry, yet this government has cut the staff who were in these positions. Will the government really be able to efficiently implement these changes? I do not know. I look forward to this committee stage.

I would just like to raise a couple of the concerns. I know that I have given the government these questions that my constituents have raised with me, and hopefully we will be able to have a very fulsome committee stage with some fulsome answers to my community's concerns. One of my resident's concerns was around a report demonstrating that the Australian Pesticides and Veterinary Medicines Authority (APVMA) is continuously contravening the regulations, resulting in an unwarranted duplication of regulatory effort and regulatory burdens on business. They believe that there is not enough demarcation in these regulations between private residents and farmers and that there is a misinterpretation of the legislation for the purpose of the scope of this legislation.

The Australian Federation Party also had concerns that this bill would actually allow the APVMA the ability to prohibit, suppress or reject organic or biodynamic hemp industry farmers from agriculture, thus denying organic certification peak bodies the ability to regulate their own legislation. This bill is badly scoped, in their belief, in that it could result in numerous duplications and confusion, and ultimately they believe that it stops the autonomy of Victorian farmers.

Another concern that was raised by one of my residents was around protections to guarantee the food supply in Victoria, and this was from Rob in Tarneit. One of my residents from Williamstown also sent me a very fulsome email, which I have forwarded on to the department. Like I have said, I want fulsome answers in the committee stage, so I am hoping that by giving you the concerns that were raised on the clauses by these constituents I actually will get fulsome answers in the committee stage.

This resident believes that there is not enough demarcation regarding the rights of organic, biodynamic and alternative farmers, and they are worried around what authorised officers will allow in inspecting their farms. One of the other questions they raised was that they are worried that they are going to be allowed to shut down organic farmers for non-compliance due to toxic chemicals. They also have concerns about what happens around corporate-owned farm dumped chemicals into waterways that consistently affect neighbouring farms. How will they be reviewed and potentially fined?

There are many concerns that I have. There is one other. My last concern that people have raised with me is the actual removal of the Department of Health. Why is this being removed, seeing that in lots of ways the Department of Health can go hand in glove with agriculture? I will be, hopefully, getting fulsome answers from the minister during the committee stage. I will leave my contribution at that.

Ms PATTEN (Northern Metropolitan) (11:01): I would like to rise to speak briefly on this bill. As speakers before have said, this is a very broad piece of legislation that covers a number of other acts and a number of areas of our agriculture industry. I note Dr Cumming's contribution. I think many of us have received some quite alarmist emails about what this bill might do, whether it is pulling up people's veggie gardens in their back gardens or impacting on the biodynamic industry or the organic industry. I have no doubt that certainly some of the correspondence I have received has cleared up some of those concerns and found that they are unwarranted.

The area that I just want to touch on today is the amendments to how we treat hemp licences and how we treat the small but burgeoning hemp industry in Victoria. As many of you know, we established a hemp task force here in this Parliament. I am fortunate to be a member of that task force. This is really to look at the challenges and opportunities that the industry is facing. I am pleased to say that this bill does go to some of those challenges, one in particular, which is around aligning the THC allowed in hemp plants across the nation so we will have a standardised measurement for that, which will enable much greater import-export, particularly across our state borders.

This product has incredible potential. It is quite an extraordinary plant. It is a crop that Victoria should be doing everything in its power to enable and to build. Hemp has been in Australia since the First Fleet. Hemp seeds came out with Sir Joseph Banks. There are some theories that not only were we designed to be a penal colony but we were designed to be a hemp colony, because as we know, back in the 18th century the British navy survived on hemp. The British navy could not exist without hemp. Its sails were made of hemp, its rope was made of hemp, its uniforms were made from hemp, and most of its hemp came from Russia. We were seeing those Crimean wars way back then, and it is a timely reminder today—not that we buy much of our hemp from Russia anymore—that the reason that they looked at hemp down in Australia was that they were worried about the regular supply of hemp coming from the Russian nations back in the late 18th century. Hemp has been in this country for well over 200 years. It is a product that has been grown for thousands of years. If you look at some of the most ancient Chinese manuscripts that still exist, they were made from hemp paper, and they still exist because they were made from hemp.

Hemp is making plastics. It is cleaning up toxic soils. It is cleaning up toxic water. It has got innumerable uses. Look at the bioplastic polymers; if anyone is interested, I have got a hemp bowl in my office that is strong. I literally have thrown it around the car park here trying to break it. It will not scratch. It will not break. It is an extraordinary product. Really, in a weird way it is quite magical. It is extremely light, it is extremely strong, it is biodegradable and it is renewable, unlike the petroleum-based plastics we are using now. Products that feel just like plastic are made from grinding up the hemp stalk. You just grind it up, mix it with water and make yourself some plastic. In fact there is a

company, sadly not in Victoria but operating now out of Tasmania, that is looking to supply little disposable salad bowls for Woolworths and Coles because they can do a translucent one.

I am just trying to paint the picture that hemp is an incredibly diverse and important crop, and it should be the future for paper in Victoria. In fact it should be the future for timber in Victoria. If you are interested, I have also got some composite hemp products that mimic a four-by-two plank, that mimic plywood, but are stronger, and rather than waiting 20 years for trees to grow, it takes four months for a hemp plant to grow. One acre of hemp can produce as much paper as 4 to 10 acres of trees.

Ms Symes: Still going on about this?

Ms PATTEN: Every opportunity I get to talk about hemp, I will. We are saying that 1 acre of hemp produces as much paper as 4 to 10 acres of trees, and the hemp takes four months to grow compared to the 10 to 20 or even 80 years that we need for the trees. It has got a far higher concentration of cellulose than wood, which is why it goes further.

These are just two products, but it can do rope, it can do textiles, it can do clothing and it can do shoes, food, insulation, hempcrete and biofuel, so you could literally run a city on hemp. In fact I was looking at some hemp buildings the other night. One acre of hemp will build a building, so you could actually grow your own buildings in Victoria in four months rather than in the decades that it would take to do that with timber.

As I mentioned, I support the aspects of this bill that align the THC values across the jurisdictions, and that is something that the hemp task force really did—we made those recommendations. But the hemp industry says we need a goal of 1 million acres, and at the moment I think we are at about 288 hectares, so we have got a long way to go. We need to be encouraging agriculture to take on this crop, and this bill does not do that.

What we heard loud and clear from farmers and people involved in the industry is that we need to remove the stigma around hemp, and there still is significant stigma around hemp. It has been caught up in the kind of hard-on-drugs, cannabis debate for decades—for centuries. In fact there was that link that was erroneously made earlier, in probably the 1950s, that led to a prohibition on hemp. Hemp is really only coming back in this century again.

We needed to simplify and streamline those licences. I acknowledge there have been some improvements in that area. I think the last tranche of changes to those licences went way too broad, so we were looking for police records of a stepson. We took a very broad definition, and I am pleased to see that this bill has narrowed that. But still, the fact that in this bill the Chief Commissioner of Police can veto a hemp licence sends a completely wrong message about what a hemp crop is. A hemp crop is not a cannabis crop. It is not an opium poppy crop. It is a crop that makes great paper, makes great clothes, could make great plastic, could make great houses, could make great roads, could make great hempcrete sound barriers. It should not be taken to this much higher level of licensing, as if it is somehow dangerous.

I note also—and the Scrutiny of Acts and Regulations Committee noted this in their report—the exemption from the spent convictions scheme. So even if someone had a very historical conviction for something, that would be disclosed in deciding whether this person could have a hemp licence. I mean, you would probably get more danger out of growing a rapeseed crop, and certainly if you were growing acacia. The types of poisons and drugs that you can pull out of acacia—DMT for one—are far more dangerous than this, and you are not asking for licences for people to grow acacia, even though very dangerous substances could be produced from that.

I will signal now that I intend to vote against, at the very least, clauses 57 and 58 of this bill. I think that it was a real missed opportunity, that we should have got ahead of the curve here and that this bill should have been about promoting the hemp industry, about promoting the opportunities of hemp in Victoria, rather than what I am seeing here. It is further stigmatising, it is further telling potential

growers that this is a dangerous crop and that the police commissioner may have a role in deciding whether they can grow it or not. So as I said, I think it is a missed opportunity. We still have a hemp task force, so I am still optimistic that we can start promoting this industry in Victoria in other meaningful ways. But on that note I will finish my contribution, and I look forward to listening to the committee of the whole.

Mr QUILTY (Northern Victoria) (11:12): I will be brief. The Agriculture Legislation Amendment Bill 2022 is an omnibus bill making amendments to 11 separate acts. These changes include increasing fees and regulation and removing the need to apply to courts for access to private land. The bill is generating considerable concern in both the farming community and the community at large. This concern seems to have taken the government by surprise, possibly because, as usual, they did very little consultation. Some of the concerns may be misguided. The government is probably not currently planning to rip up everyone's backyard gardens or choke out the supply of game-harvested protein in order to increase their grip on the food supply. But the government's actions over the last two years have fuelled and grown the segment of the population that is concerned about these issues, and now they will need to address these concerns with every piece of legislation they introduce—and if they ignore that, the problem will only get worse. If portions of the powers under these acts were fully enforced, it would lead to the shutdown of agriculture in Victoria—indeed of daily life outside the cities. The fact that the government has no real intent to enforce this legislation in that fashion only means it is bad legislation.

The bill will increase fees being charged to landholders for inspectors to do the same job that they are currently doing. There are increased powers given to authorised officers without any increased scrutiny of those powers. There are increased rights of access to private land and fewer checks over the exercise of those powers. It is not clear that there is currently a significant problem with inspectors gaining access to lands. This appears to just be an expansion of state powers.

Under the bill any farmer taking stock to market can be stopped and his animals inspected for a seed that may or may not have come from the property. Any vehicle moving around the state can be stopped and searched by police on the pretext that it will have a seed—as indeed it will, somewhere. The bill increases the penalties for transporting soil across Victoria or machinery—agricultural or earthmoving. Regardless of how well cleaned machinery is after use, seeds will be hiding somewhere. It is just not practicable to do a full decontamination of all machinery each time it moves. Of course the laws will not be enforced in this way, because we lack the capability or the will to do so. Any law that only works in reality because it is mostly ignored is bad law.

The bill creates clear penalties for various infractions involving noxious weeds, but given the abundance of noxious weeds, particularly grass species in certain areas, it criminalises ordinary behaviour for many landholders. These laws deal with absolutes, but without reasonably practical clauses you are theoretically outlawing economic activity across regional Victoria.

A beekeeper will now be charged for the cost of an inspector watching them destroy infected beehives. Beekeepers have been very active in self-policing and self-reporting and destroying their infected beehives. This system has been working for decades. It calls into question why there is a need for this change. As far as I can tell it is only about extra revenue and extra regulation; at least the government is consistent. The fact that individuals in these industries will now have to pay for the pleasure of self-reporting may well act as a disincentive. This should have crossed the mind of someone in government. Perhaps it would have done had there been more consultation. Many concerns have been raised with me around the impact on organic farmers of this bill. That is also a concern.

Weeds are a huge problem for agricultural industries. I do not doubt that many farmers would welcome increased enforcement of weed control. On the farm where I grew up we would spend weeks every year controlling weeds, and I was brought up with constant fuming about failure to control weeds by private landholders and those charged with enforcing it. Of course the greatest offender when it comes to weed control is the government. Vast areas of public land are overrun with weeds, and the

government has neither the capacity nor the will to do anything about it. If you speak to any landholder who shares a boundary with Crown-controlled land, you will hear an endless tale of woe. Crown land spews out feral animals that destroy livestock and crops, native fauna and flora and weeds that farmers are required to control. If that landholder is losing the battle against the infestation coming from the state forest or the national park, they can now look forward to an authorised officer coming onto their property and handing them an increased fine. Oddly, the government seems strangely reluctant to enforce penalties for failure to control weeds against itself, and there is nothing in this bill that will change that. We might even say that part of the purpose of this bill is to cover up the government's complete abdication of responsibility in this area.

Many agricultural groups self-fund education programs and even self-fund their own biosecurity officers. The agricultural industries have been working to eradicate disease and weed infestations for decades without the threat of increased fines and government intervention. The need to maintain biosecurity is essential to the farming communities in Victoria. But this legislation ignores the responsibility the government has in its own backyard and increases fines and regulations for those who have been and will continue to protect the agricultural industries—the farmers themselves.

It is unclear exactly why changes are being made to the supply of meat for pet food consumption and human consumption. On reading this bill I was shocked to discover that it is currently illegal in Victoria for farmers to kill an animal for their own consumption. That is already government overreach. I only found that out very recently. If I had had more time, I would have proposed an amendment to allow farmers to kill animals on their own farms again. But I have not done that—one day in the future, perhaps. We are now apparently making it illegal to kill and dress game for human consumption or to supply as pet food. It seems that game meat can still be processed in a licensed mobile abattoir for human consumption but not for pet food. This appears to be more nonsense.

I am well aware of the need to control weeds in agriculture, and I am not necessarily opposed to increased penalties for the failure to do so. But I believe that the government's failure to consult more widely has resulted in a bill with enough areas that go too far for us not to support it.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:19): I thank members for their contributions on this bill so far, which will support Victoria's agriculture industry and help safeguard food security, food safety and access to export markets which are vital to the state's economy. Ms Bath discussed some questions which have been raised by the Scrutiny of Acts and Regulations Committee. The Minister for Agriculture, Mary-Anne Thomas, has responded to the committee on those issues. Regarding protections against self-incrimination, it is necessary that a person answer questions or produce evidence due to the potentially large ramifications for the environment and economy of the failure of a person to discharge their duties and statutory responsibilities in relation to land management. The provisions provide a protection against direct self-incrimination where a person required to answer a question claims that their answer may incriminate them. The provision is reasonably justified and appropriate for persons who have assumed statutory duties to protect against broader environmental, cultural and economic harms where there is a strong requirement for remedial or enforcement action in relation to a failure.

In regard to penalties relating to noxious weeds, the bill graduates the penalties for noxious weed offences by declaration category—for example, from state prohibited weed to regionally prohibited weed, regionally controlled weed or restricted weed. The amended penalty units will improve alignment with penalties for equivalent pest animal offences. As noted by Ms Burnett-Wake in her contribution, these penalties reflect the seriousness of the threat posed by pests and weeds, which can severely damage agricultural industries.

In regard to the Dairy Act 2000, an amendment will ensure that Dairy Food Safety Victoria employees are accountable for their conduct against public sector codes of conduct and values. This is as expected by businesses and community members dealing with Victoria's dairy regulator.

Ms Bath also raised changes to the appointments to the livestock disease compensation committees. The Minister for Agriculture has met and discussed these changes with the Victorian Farmers Federation. The minister has also written to the VFF to assure them that the changes do not preclude current prescribed industry bodies from continuing to nominate candidates for appointment as members of the committees. In advance of any committee appointment process, Agriculture Victoria will engage with the current nominating bodies, including the VFF, about how they can assist in promoting the committees' roles within their membership and industry networks. These steps will help ensure that the committees continue to reflect the industry they serve.

This is a largely administrative and routine bill. However, misleading information circulating online has generated concerns amongst some members of our community. This has been noted by Ms Bath, Ms Lovell and other members in their contributions, and I welcome the opportunity to allay these concerns. Let us be crystal clear: this bill will not result in the destruction of crops, nor will it prevent people from growing their own food. Any suggestion to the contrary is false and misrepresents proposed changes in the bill. The amendments provide appropriate powers where they are needed, balanced with important limitations and obligations. As noted by Ms Burnett-Wake, this bill does not confer powers to search residences.

In response to the concerns raised by members in the community who have seen these claims, Agriculture Victoria has published a fact sheet on its website to provide accurate information. These claims have also been independently fact checked by outlets including Australian Associated Press. Claims that amendments in the bill will ban or in any way prevent Victorians from growing their own food are false. No-one will be prevented from growing their own food as part of these changes, and they will not result in the destruction of crops, whether they are grown on farms or in backyards. Our government firmly supports and encourages the right of people and communities to grow their own fresh fruit and vegetables. We also want to grow our agriculture industry and our exports to help supply more food to the world. Our produce is renowned locally and globally for its high quality, nutritional value and safety. Now, that is a reputation we want to protect.

Both Ms Bath and Mr Meddick have circulated amendments to the Wildlife Act 1975 which impact on the access of wetlands and proximity to hunters. It is vital that we maintain safety on wetlands. Existing provisions ensure a safe separation between hunters and non-hunters. Therefore the government does not support changes to these provisions. Mr Meddick has also circulated an amendment which would remove kangaroos from the definition of 'game'. The government does not support this amendment, which would make the kangaroo harvesting program unviable and prevent the use of kangaroo meat as a sustainable, high-protein food source.

Mr Bourman—although he is not present today, and I wish him all the best in terms of his recovery—has raised with the government questions concerning proposed changes to the Veterinary Practitioners Registration Board of Victoria. This has also been raised by Mr Meddick and was raised again by Ms Bath yesterday and I think this morning as well. I would like to have a house amendment to this circulated now.

Government amendment circulated by Ms TIERNEY pursuant to standing orders.

Ms TIERNEY: This concerns retaining the requirement for the president and the deputy president of the board to be registered veterinary practitioners. The Victorian government believes in the importance of having an open and transparent selection process to support diversity and inclusion across all government bodies. The amendments in this bill are consistent with Victorian government policy on good board governance, including that appointments be skills and experience based. However, the government recognises the need for further engagement with veterinary practitioners and the Australian Veterinary Association on this issue, and as such the government will not pursue the proposal to remove the requirement for the vet board president and deputy president to be registered practitioners in this bill.

Ms Burnett-Wake raised concerns over notices of entry in her contribution. Under amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 authorised officers are required to notify the occupier of the premises, such as a farmer, that it is being entered in the course of their duties. Where an occupier cannot be located—for example, in remote areas—authorised officers can enter but are to leave a notice of entry to inform the occupier. The notice includes details of the authorised officer, the purpose of the visit, what actions were taken, date and time et cetera. AOs must leave the notice in a conspicuous manner on the land or premises—for example, main gate or front door. A notice left is unlikely to be the only means of communication with the occupier. Usually further communication would be required with the occupier once contactable. Should the occupier not see the notice, there would only be limited impact, as the proposed notices of entry do not put any obligations or requirements on the occupier.

Dr Ratnam has circulated an amendment which would introduce a ban on second-generation rodenticides. The Victorian government acknowledges emerging concerns about the risks associated with second-generation pesticides, particularly in relation to impacts on non-target domestic animals and wildlife. That is why Agriculture Victoria has been working with the national regulatory body, which is undertaking a review of these products. The Australian Pesticides and Veterinary Medicines Authority is an independent statutory authority responsible for registering and approving agricultural chemicals, including rodenticides, before they can be supplied or used. The authority has the appropriate scientific capability to assess the risks associated and has the powers to determine controls on sale. The proposed amendment does not align with current national agreements on regulating agricultural chemicals, and it is important to maintain, we believe, national consistency on these measures. Therefore the government does not support the amendment.

I thank members again for their contributions so far and look forward to the committee stage.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Mr Melhem) (11:29): I have considered the amendments proposed by Dr Ratnam's set SR104C, and in my 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) (11:29): I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to prohibit the sale of certain rodenticides.

I would like to speak to my instruction motion briefly, because I am concerned that it has become the trend a bit in this chamber that instruction motions are voted down despite being a practice of this house for many, many years. Instruction motions are really important.

One of the reasons I am moving the instruction motion is to introduce amendments that address a big problem in Australia—that is, the fact that dangerous poisons which are harming and killing native wildlife can be easily bought in supermarkets and hardware stores right across Victoria. These poisons, called second-generation poisons, build up in birds, mammals and reptiles that consume poisoned rats and mice. The list of species affected is enormous and includes owls, eagles, parrots, quolls, possums, snakes and lizards. Pet cats and dogs are also affected. Last year, during the New South Wales mouse plague, vets were treating so many poisoned pets that the treatment drugs had to be rationed.

The damage being done by these poisons is widespread and deeply concerning. A Western Australian study found second-generation poisons in over 70 per cent of southern boobook owls, with lethal concentrations in 18 per cent. A Tasmanian study of wedge-tailed eagles found 74 per cent had detectable levels of these poisons, with 34 per cent measuring at levels that would cause likely adverse

effects from toxicity and a further 22 per cent with likely lethal levels. In Victoria 61 per cent of powerful owls, an endangered species, had toxic levels of poisons.

The truly tragic thing is that this widespread wildlife poisoning is completely unnecessary. We have alternative rodent poisons available, and these harmful ones should simply not be available on retail shelves. Australia is well behind on this issue. In Europe, the US and Canada second-generation poisons have already been banned from domestic sale. They are still allowed in some circumstances, such as professional pest control, but with tight rules to limit any flow-on effects for wildlife. It is time for Australia to follow suit and protect our wildlife. I am excited that if my amendments were successful Victoria could lead the way, as we do on so many issues.

To enable retailers to comply with the ban, our amendments have a one-year introduction period. It is also important to note that, like the regulation of these poisons overseas, our amendments set up a power to create regulations for when and how second-generation poisons can be used—for example, by a professional pest controller with strict conditions.

Now, I know that the federal government is also looking into this issue, which is welcome. However, I am concerned by how slow this process is and that it may result in a weak policy response, such as labelling changes. This simply does not go far enough and puts all the burden on consumers. America tried this approach, and it failed, so let us not make the same mistake here.

I am also aware that the ACT and Victoria are looking at the issue from the angle of our nature laws. I believe both jurisdictions are looking at whether these provisions should be listed as a ‘threatening process’. While this is really important, ultimately we need to be removing the poisons from public sale, and that is what our amendments do today.

I hope to see widespread support for these amendments. They are important, they are overdue and they will make a huge difference to our wildlife, which already faces so many threats. I urge the members of this chamber to support the instruction motion, which would allow us to have a more fulsome debate on the amendments. You can then record your opposition or support for the amendments when we come to the substantive motion, but I think it is a really important practice that we allow instruction motions and out-of-scope amendments because it has been a practice of this house that allows matters of real public importance to be tabled when a bill is before us.

Mr MEDDICK (Western Victoria) (11:33): I will not be speaking for very long other than to say that I will be supporting this instruction motion and, if it should pass, I will also be supporting Dr Ratnam’s amendments. As a wildlife rescuer myself of many years down in the Surf Coast region it will not surprise the chamber to know that I am in constant contact with many and varied different rescue groups in that area, and I am aware of almost every single incident where rodenticides have been used in various rural properties. It invariably coincides with a following of many—and when I say many, up to over 100 at any individual time—species such as powerful owls, for instance, being found that have consumed mice and rats that have consumed these poisons and been subsequently killed themselves. Autopsies have been undertaken, and it has been determined that this secondary contamination is what has killed them. It is not just limited to them, of course. It includes other raptor-like species, and it is highly concerning given the essential role that they play in our ecosystem and the balance of that ecosystem. So again, I will be supporting both the instruction motion and the amendments should that pass.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:34): The government will not be supporting the instruction motion. I gave the reasons for this in my summing-up speech, but for the sake of clarity, the point the government makes is that we acknowledge that there are concerns and risks associated with second-generation rodenticides, particularly in relation to the impact on non-targeted domestic animals and wildlife, but that is why Agriculture Victoria is working with the national regulatory body which is undertaking a review of these products. The Australian Pesticides and Veterinary Medicines Authority is an independent

statutory authority responsible for registering and approving agricultural chemicals, including rodenticides, before they can be supplied or used. The authority has, we believe, the appropriate scientific capability to assess the risks associated with this and has the powers to determine controls on sale. We believe that this proposal does not align with current national agreements on regulating agricultural chemicals, and we believe that it is important to maintain national consistency on these measures. As a result of that, we do not support the instruction motion and we will not support the proposed amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:36): I note this is a debate on an instruction motion, and the content of the debate has broadened much beyond the instruction motion to a debate on the substance of the proposed amendments that Dr Ratnam wants to bring forward to the chamber. Obviously the reason that has happened is because, as Dr Ratnam pointed out, recently there have been occurrences where instruction motions have been not supported. It is very much my view that this chamber should support instruction motions. The only party that benefits from the chamber not supporting instruction motions is the government, and I think in the interests of appropriate debate we should return to the practice we have had historically of this chamber supporting instruction motions, obviously when they are within reasonable scope of the bill—not outlandishly outside the scope of the bill—to ensure that there is an opportunity for appropriate debate so that instruction motions themselves do not become the forum for the substantive debate. For that reason, we will support this instruction motion, and we would hope to see a return to this house’s previous practice of supporting instruction motions as a matter of course.

House divided on motion:

Ayes, 19

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

Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Lovell, Ms
Maxwell, Ms

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

Noes, 15

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

Melhem, Mr
Pulford, Ms
Shing, Ms
Stitt, Ms
Symes, Ms

Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Watt, Ms

Motion agreed to.

Committed.

Committee

Mr MEDDICK: At this point I would like to circulate my amendment sheet AM31C in lieu of my previously circulated amendment sheet AM26C. There was a typographical error in the amendment sheet I had previously circulated, which has been corrected in the new amendment sheet. The change is simply the addition of a single quote mark in amendment 3.

Ms BATH: I would like to circulate my amendment that relates to clause 189. This amendment is a very important removal of something that should not have been there in the first place. We have had some communication—and I have indeed spoken with Dr Hugh Millar this morning, and I know my colleague the Shadow Minister for Agriculture, Mr Walsh, has spoken with him at length over the last few days—that this should not have been there in the first place. To remove the very scientific heads from having control or auspices over the veterinary board—to remove the vets off the vet board—just did not make sense.

I guess the main point I would like to put to government in circulating this amendment is the fact that the Australian Veterinary Association said that there had been no communication with that peak body in relation to any part of the bill but specifically this particular clause. I hope that in future the AVA and the Victorian division will certainly be provided with the courtesy befitting their knowledge and expertise and have a proper level of consultation for any future amendments to the Veterinary Practice Act 1997.

Clause 1 (11:49)

Ms BATH: Thank you, Minister, in advance, for your responses, and the department over there for their wise heads as well. Minister, it is an omnibus bill, amending 11 different acts, but one of the key features of this bill that has raised concern with people is in relation to authorised officers and the new powers that they have bestowed on them through this bill. They have new powers, increased importance and increased workload, yet we actually have seen Agriculture Victoria jobs cut by 100 jobs. So my question is: how does the government expect to support people—the industry, the ag sector—when there have been cuts to the agriculture department with new powers required of authorised officers?

Ms TIERNEY: In terms of the question that Ms Bath has asked, there are two points that I wish to convey. The first one obviously is in terms of the early retirement package: that is within the hands of the secretary of the department to manage, including the consequences. The second point, though, is that there are more people with Agriculture Victoria now than there were even four years ago.

Ms BATH: Minister, how many Agriculture Victoria authorised officers are there now, and how many will there be in order to cope with this increased workload through the passage of this bill?

Ms TIERNEY: We do not have that level of detail on us at the moment, Ms Bath.

Ms BATH: Is there a ballpark figure that the department may have, just as a round figure?

Ms TIERNEY: The preference is to take it on notice so you are furnished with accurate information.

The DEPUTY PRESIDENT: Just to clarify, Minister, will you come back before the conclusion of the committee stage with that number for Ms Bath?

Ms TIERNEY: They will be undertaking their best endeavours.

Mr MEDDICK: Minister, this speaks to the section about the Meat Industry Act 1993 in clause 1: will the new categories of ‘field depot’ and ‘harvest vehicle’ help the government to make the killing of our native kangaroos more efficient?

Ms TIERNEY: Mr Meddick, would you be able to repeat? Was it vehicles that you were citing?

Mr MEDDICK: Yes, they have been referred to as harvest vehicles. If I put my next question, it might explain that a little bit better. You would be aware as the government, and the Minister for Agriculture would be aware, that there are significant harms that kangaroo shooting causes to rural Victorians who live in peri-urban, regional and rural areas. There is significant trauma caused to people who operate other businesses and nearby properties. These in fact mobile slaughter facilities are designed to strengthen and streamline the killing of animals classed as game out in the open, and that includes kangaroos. So I suppose that question is an explanation of what those vehicles are.

Ms TIERNEY: Mr Meddick, there is further clarification sought. Is the actual question about whether the mobile abattoirs are the way that kangaroo harvesting will occur? Is that correct?

Mr MEDDICK: That is correct.

Ms TIERNEY: Mr Meddick, we are attempting to really get to an answer for you, and the person we are trying to contact at the moment is not picking up. We are attempting to deal with this. Can we just take that on notice and try and deal with it as expeditiously as possible?

Mr MEDDICK: Absolutely, yes. I appreciate that. The next question, then: will these new vehicles make it easier? I appreciate, to the chamber and to you, that my language may be a little colourful or a bit adjectival for some people, but it is the reality of what is happening out on the ground, particularly in Western Victoria. Will the new vehicles make it easier to dismember kangaroos out in the open in regional Victoria? I put it in that fashion because the way that kangaroos are dealt with by shooters out on the land—we have seen through various documentaries and various reports of exactly how kangaroos are dealt with—is not a way that we might consider humane, or that any reasonable person in any other area might consider humane. So that is the context of that question, if you like.

Ms TIERNEY: I will seek advice on this, but it is very difficult. I understand the points that you are making, but in terms of trying to visualise the specifics of it, it is difficult and therefore difficult to try and land an answer that really deals with your question. But I will attempt it again.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

HEALTH SERVICES

Ms CROZIER (Southern Metropolitan) (12:00): My question is to the Attorney-General. Attorney, since January 2020 how many Victorian deaths involving ambulances not turning up on time or ESTA call failures has the coroner investigated or is the coroner currently investigating?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:01): Ms Crozier, I would not have that figure on hand. The figure would not be that easy to extrapolate, because of the various processes that are involved when matters are referred from Ambulance Victoria to Safer Care Victoria or from ESTA through their reporting mechanisms to the inspector-general for emergency management, and both of those bodies inform the coroner's work. So it is not really a question that has a simple answer. The coroner ultimately would determine causes of death in these matters, but it may be a collaboration, it may be a separate process or indeed, as has been past practice, the coroner may effectively endorse the work of Safer Care Victoria or the IGEN. So the numbers from 2020 are just not something I think I can provide.

Ms CROZIER (Southern Metropolitan) (12:02): I appreciate that response in terms of the specifics and the difficulty because of Safer Care Victoria and IGEN looking at those issues, but these are not recent figures—they are for 2020, so it is two years—and certainly there have been a number of reports and referrals to the coroner. I hear that you do not know the figures currently, but I am wondering in my supplementary if you could possibly find out for the chamber since January 2020 how many Victorian deaths the coroner has investigated due to illness relating to delays on the elective surgery waiting list as well as those other issues that have been raised.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): Ms Crozier, I am certainly trying to be helpful in this regard, but they are really matters for the coroner. The Attorney-General does not have any ability to direct the coroner when to conduct an investigation and when not to. Really the public comments that the coroner has made are that it is appropriate to wait for material from the appropriate agencies. It is within your rights to write to the coroner and ask for any further information if you like. They are an independent body. As I said, it is inappropriate for me to intervene in coronial processes.

FUR INDUSTRY

Mr MEDDICK (Western Victoria) (12:03): My question is for the minister for consumer affairs in the other place. Last week DNA testing revealed that domestic cat fur is being sold on unlabelled items at Queen Victoria Market. The explosive investigation by the Animal Justice Party and Collective Fashion Justice made headlines around the country, and members of the public are outraged after being misled in their efforts to make cruelty-free purchases. This is the fourth time forensic results have confirmed flouted labelling, including independent testing by Consumer Affairs Victoria, which

found 100 per cent of the faux items sourced contained genuine animal fur. The question is: what is the government doing to address the widespread problem of mislabelled and misleading fur products being illegally sold across the state?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:04): Thank you, Mr Meddick, for your question. I understand your concern around this issue, so I will make sure the question that you have asked is received by the minister for consumer affairs and you get a response from her within what is prescribed in the standing orders.

Mr MEDDICK (Western Victoria) (12:04): Thank you, Minister, for doing that. By supplementary: following a motion I brought for debate in 2019, the government committed to deploying a Consumer Affairs Victoria task force around Victoria's markets to investigate the sale of illegal fur products. This task force found more examples of fur products being labelled as synthetic. Are Consumer Affairs Victoria still investigating, and if so, what are the recent findings?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:05): I thank Mr Meddick for his supplementary question, and I will ensure his question gets to the minister for consumer affairs and she supplies him with a response within what is prescribed in the standing orders.

MINISTERS STATEMENTS: KINDERGARTEN FUNDING

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:05): I was very pleased last week to announce the successful recipients of the latest round of Building Blocks improvements and inclusion grants. Three kinders are set to share in almost \$140 000 for projects to improve their facilities. Romsey Kindergarten will use its grant of more than \$47 000 to replace two play forts, Somers Parade Kindergarten in Altona will put more than \$40 000 towards upgrading its old outdoor cubbyhouse and Batman Park Kindergarten in Northcote will use a grant of \$50 000 to create new play spaces.

Through the latest round of inclusion grants another 122 projects totalling \$5 million will help make kinder more accessible and inclusive for kids of all needs and abilities. Kinders will be able to purchase inclusive education equipment such as mobility stools and special swings. They will be able to make modifications to buildings, bathrooms and outdoor spaces, and they will be able to purchase sensory resources to help children self-regulate.

I can report that since 2019 the Andrews Labor government has invested more than \$42.8 million in 456 improvement and inclusion projects across Victoria, and I am proud that this year's budget provides \$11.9 million for additional rounds of the Building Blocks inclusion grants program. This is all part of the Andrews Labor government's record investment in early childhood infrastructure. We are continuing to ensure that children right across our state can enjoy learning in modern, fit-for-purpose and inclusive environments, giving them the very best start in life.

STATE EMERGENCY SERVICE CRANBOURNE UNIT

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:07): My question is to the Minister for Emergency Services. In May 2017, five years ago, the government funded and committed to building a Cranbourne SES unit to be completed by June 2018. Why hasn't it been delivered?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:07): I do not have a list of projects in my folder in terms of their status. It is something that I am regularly briefed on. We have an area in the department that works with our agencies in relation to infrastructure projects. It is fair to say that with COVID there are some planning issues. There are a few issues across some of the projects in relation to land availability, and we are working through every committed project to make sure that they can be brought back on track and delivered. But in relation to the Cranbourne SES project, I just do not have that level of detail on hand,

but I am more than happy to get a briefing for you or take it on notice and provide you with a status update of that project. But, rest assured, all of the projects that we have committed to are certainly going to be delivered.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:08): I thank the minister for her response, though I note that the project was committed to be finished long before COVID started. June 2018 was the scheduled completion time. The Victorian government established the Emergency Services Infrastructure Authority to 'improve the delivery of emergency services infrastructure in Victoria'. Council meeting agendas identify that the ESIA approached the City of Casey in November 2019 to help identify a site for the Cranbourne SES, so my question is: given Cranbourne SES was supposed to be completed in June 2018, why did the ESIA not even commence site identification until November 2019?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:09): I thank Mr Rich-Phillips for his question. I can provide a more timely update to the house that the project will commence in the coming months. In relation to the historical issues, I am just not across the detail of interactions with council. That was well before my time as minister.

CHILD SEX OFFENDERS

Mr GRIMLEY (Western Victoria) (12:09): My question is for the Minister for Higher Education, representing the Minister for Police, and it relates to the report of the inquiry into management of child sex offender information. Recommendation 3 from this report sought the government to refer to the Victorian Law Reform Commission the circumstances in which a limited public disclosure scheme for registered sex offenders could be trialled. In answer to a previous question on notice the government said it would not refer the matter to the VLRC as it had already been examined in detail at the national level, and I assume that this is the work mentioned in the June 2019 communiqué of the Ministerial Council for Police and Emergency Management, which looked at the issue of limited notification schemes and was required to report back by the end of 2019. This report, however, does not appear to be available in the public domain. Minister, will the government make this report available or, if not, explain the outcomes of the national considerations of such a scheme?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:10): I thank Mr Grimley for his question—his very detailed question, I must say. Obviously this is a matter for the Minister for Police, and I will refer the matter to the Minister for Police as per the standing orders.

Mr GRIMLEY (Western Victoria) (12:11): Thank you, Minister. In its response to the report, the government noted that the Sex Offenders Registration Act 2004 already includes measures for the public disclosure of information relating to offenders in limited circumstances. The circumstances, however, are only when an offender cannot be located and does not comply with their reporting obligations. Further disclosures are subject to several conditions and at the discretion of the chief commissioner. Section 61A of the act requires the chief commissioner to maintain an internet site to publish relevant details. This site either does not exist or it is so hidden as to be inaccessible to the public. So, as far as public access to information about these sex offenders goes, it would be more accurate to say not that it is a limited scheme but that it is non-existent. Minister, as of 30 June 2021 there were 9170 registrable offenders. How many of these met the section 61A criteria for publication, and how many were published and by what means?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:12): I thank Mr Grimley for his supplementary question, which in equal measure was incredibly detailed as well, and it will be referred to the Minister for Police for a response.

MINISTERS STATEMENTS: GROWING SUBURBS FUND

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:12): Today I would like to provide an update on the Growing Suburbs Fund. I am very pleased that in this year's budget the state government delivers another \$50 million to continue the great work being done through the Growing Suburbs Fund. This continues our legacy for record investment in the state's growth areas and will deliver even more libraries, playgrounds, streetscapes, parks, community hubs and recreation centres.

Not long ago, for a previous project, I was lucky enough to join the member for Sunbury, Josh Bull, to officially open the Connecting the Sunbury Town Centre project. He is a great member. With Josh, who is a great member, I also visited the Melba Street streetscape upgrade. He is a fantastic member; he has done a lot for that area. I also managed to join Pauline Richards, the member for Cranbourne—a great member—along with Gary Maas, the member for Narre Warren South, to see the progress of the Woodbine Children's Centre upgrade and the Cranbourne North active open space reserve project, which is an amazing active space program. I was actually blown away by the number of football pitches and play spaces—an amazing facility. I would not even call them clubrooms; it was just something better. It is a great credit, particularly to Pauline Richards and her advocacy for that part of growing Melbourne—as I said, a fantastic MP. On this side of the chamber, the one thing that the other side of the chamber—sorry, the opposition—do not understand is that we like each other. We actually like each other as a caucus. There you go. Maybe that is an aspiration— *(Time expired)*

EMERGENCY MANAGEMENT VICTORIA

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:14): My question is to the Minister for Emergency Services. Minister, why did Emergency Management Victoria cease publishing its annual emergency management operational review document, which included analysis of ESTA's performance, in 2017–18?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:14): Mr Davis, I will have to take that on notice. It was obviously not a decision that I made, because I was not Minister for Emergency Services at the time. In terms of the role of the inspector-general for emergency management in oversight of ESTA and the reporting mechanisms, there may have been a crossover of the roles there, but in terms of any decisions that were made I will have to come back to you.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:15): Thank you, Minister. I therefore ask: does Emergency Management Victoria still produce but not release the emergency management operational review documents, or has this activity ceased completely?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:15): Mr Davis, there are a range of reporting mechanisms that are in place for emergency services agencies that would be coordinated by Emergency Management Victoria, but in terms of the reporting and particularly in light of ESTA it is the material that is now provided in their annual report. If there is particular information that you believe was made public that is no longer made public, you are more than welcome to bring that to my attention. But the transparency and reporting mechanisms for all of our emergency services organisations have a variety of platforms that they are delivered on.

Mr Davis: On a point of order, President, it was a very specific question about the emergency management operational review document. It is actually a specific document, and in that sense the minister has not quite answered the exact question.

The PRESIDENT: You know I cannot direct the minister how to answer the questions.

SUNSHINE SUPER-HUB

Dr CUMMING (Western Metropolitan) (12:16): My question is to the Minister for Transport Infrastructure in the other place. Will the minister please clarify when the Sunshine precinct will be funded? Prior to the state election in November 2018 the Victorian government announced that there would need to be a significant redevelopment of the Sunshine area and the Sunshine super-hub would become another Southern Cross station. In November 2021 Brimbank City Council welcomed the state government's announcement of the Sunshine precinct opportunity statement. This was followed by the consultation earlier this year on the nine key project ideas to help transform the Sunshine precinct. Despite these developments, the Victorian government is yet to provide any certainty on the financing and the delivery of this key project.

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): I thank Dr Cumming for her question about the development and updating of the Sunshine transport precinct, which will be very, very exciting indeed, and I will seek a written response from Minister Allan for Dr Cumming.

Dr CUMMING (Western Metropolitan) (12:18): Thank you, Minister, and I look forward to the minister's response from the other place. Can the minister please advise when the master plan will be completed? In response to one of my previous questions, the minister advised:

The Government is developing a draft Sunshine ... Masterplan in consultation with local stakeholders, which will look at requirements for future investment and opportunities around Sunshine Station, beyond ... Airport Rail.

The Department of Transport is leading planning for the Sunshine Transport Precinct ...

This project was a promise by this government before the last election, and we are yet to see any real progress on it. Also, where is the financial certainty within this budget?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:19): I thank Dr Cumming for her supplementary. I am sure Minister Allan will be delighted to provide you and the local community with an update on these things.

MINISTERS STATEMENTS: SMALL BUSINESS MENTAL HEALTH SUPPORT

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:19): I rise to update the house on what the Andrews Labor government is doing to promote and improve the mental health and wellbeing of Victoria's small business owners and their staff. While it appears that the worst impacts of the COVID-19 pandemic are behind small businesses, challenges of course remain. For some there are debts to be paid off, rising business costs and changing consumer patterns presenting new challenges. Of course many businesses are flourishing now that the public health restrictions have eased, but the government is here to help those that are not doing so well.

We are achieving this via our nation-leading Wellbeing and Mental Health Support for Victorian Small Businesses services, including our flagship Partners in Wellbeing helpline, a free and confidential service offering one-on-one wellbeing support and access to financial counsellors and business advisory services seven days a week; the Partners in Wellbeing embedded consultants, providing mental health support to members and mental health training to staff in industry and business associations; Mindarma, a free online mental health support tool for small business owners and their employees; the WorkSafe WorkWell Toolkit to help small business owners prevent mental injury and create mentally healthy workplaces; and the mental wellbeing of business communities grants program, supporting business communities to develop and deliver dedicated programs to improve the mental health and wellbeing of their members.

I am delighted that the recent state budget provided another \$2.9 million to maintain these services until the end of 2022. Victoria's small business sector is growing, with the total number of businesses rising from around 620 000 just prior to the pandemic to nearly 640 000 as at July last year. The Andrews government will continue to ensure that every one of these businesses receives the backing that they need to thrive.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Mr ONDARCHIE (Northern Metropolitan) (12:21): My question is to the Attorney-General. Attorney-General, Brad vacated a rental property in Fairfield in April 2021. The agent lodged a claim against Brad for the full bond, claiming he was at fault for sun damage to the property's floorboards, without providing any evidence. The next month, in May, VCAT told Brad he would have to wait 12 months, a whole year, for his case to be heard. Brad really needs his money. He needs his bond money urgently. He is experiencing financial stress and has appealed to VCAT several times for an earlier hearing, but each time his request has been denied. Is it government policy that it is acceptable to have VCAT delays spiral so out of control, leaving thousands of Victorians just like Brad waiting in unbearable limbo for far too long with unresolved disputes?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:22): Thank you, Mr Ondarchie—the best question from you guys today. There is a lot going on in this space. It is an important issue. There are backlogs at VCAT. The paper-based systems that existed in this organisation for a long time did not stand up to impacts from the pandemic. We are certainly aware that these matters are impacting Victorians like Brad. It is something that we are working hard to achieve, and it is not easy. Our efforts are focused on doing it. We are trying to get through the backlog.

I am speaking regularly with Court Services Victoria and the president of VCAT, Michelle Quigley, about these matters, looking at a number of measures that can help get VCAT back to normal. We have instituted a backlog recovery program particularly focusing on the residential tenancies list, which you have referred to, so that we can find cases that can go to mediation, and we have also deployed additional member resources to that task. We have got mediators from the Dispute Settlement Centre of Victoria that have gone across to VCAT to provide expert dispute resolution services to the residential tenancies list and additional support to help members get through these cases as quickly as possible. The additional mediators have been complemented by a new deputy president to coordinate VCAT's recovery efforts, and there is a team that is focused on triaging that list.

VCAT have finalised more than 47 cases in the 10 months to April this year and have a clearance rate of 84 per cent. It has been a difficult task, Mr Ondarchie. I acknowledge that there are people that are waiting unacceptable times for their cases to be heard. I acknowledge that a lot of members in this place get constituency questions about the matters, and by all means continue to send them into my office and we will do our best to work with the members at VCAT to really help people in situations like Brad.

Mr ONDARCHIE (Northern Metropolitan) (12:24): Attorney-General, thank you. On 17 May 2022, just nine days ago, Brad was told he will have to wait another 12 months—that is two years in total—for the VCAT hearing, which is unacceptable. He needs his money. Indeed in a decision last year refusing to transfer a matter from her court to VCAT, County Court Judge Burchell said:

In my view, given the current under-resourcing of VCAT ... The backlog of matters and shortage of resources at VCAT currently means that this matter in fact could *not* be heard by VCAT.

Attorney-General, when will Brad's case be heard?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:24): I thank Mr Ondarchie for his question. I am disappointed to hear that Brad has been advised of a further delay. If you want to provide me with some details in relation to Brad, I would be happy to raise that with VCAT and see if they can do better than that.

In relation to your points about resources, this is an organisation that has been supported by our government through significant funding in recent budgets. Last year there was almost \$57 million invested for digitally enabled services transformation. As I indicated, this is an organisation that was predominantly paper based, so being able to operate in a pandemic with the health restrictions and an inability for people to come face to face was extremely challenging. They did move to phone hearings and the like, but it did slow down issues and it did lead to the delays that you have identified. Importantly this year's budget had \$21 million to increase the number of members of the tribunal to address the backlog. So the digital investment and the new members are going to get on top of these backlogs, but it is a challenge.

COMMERCIAL PASSENGER VEHICLES VICTORIA

Mr BARTON (Eastern Metropolitan) (12:25): My question today is for Minister Pulford, representing the minister for transport. A taxidriver had two customers get in his car who were somewhat over-refreshed and had become tired and emotional. That led to altercations, and when they started to become difficult and threatened and abused him he pulled over and asked them to get out of the vehicle. He then had a bottle thrown at his head and got back into the vehicle and drove up and around the corner. He immediately notified the police and notified Commercial Passenger Vehicles Victoria. There was an allegation that in his departure he hit the female passenger with his car. However, after an investigation by Victoria Police there was no finding made against him. Despite VicPol's finding, the CPVV have taken disciplinary action and put a warning on his record, which can be used to cancel his accreditation in the future. Minister, why is the CPVV taking disciplinary action against the driver over an allegation where VicPol made no finding?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:26): I thank Mr Barton for his question, which I will forward to Minister Carroll for a response. As Minister Stitt often states in this place, every Victorian workplace needs to be a safe workplace. Everyone is entitled to go about their work or their business without fear of the kinds of awful incidents that you have described. So I would extend our sympathies and our care and concern to the person involved in this incident, and in accordance with our standing orders we will provide a response on that matter.

Mr BARTON (Eastern Metropolitan) (12:27): Thank you, Minister. This is a very experienced driver with a perfect track record over many decades. This driver has been the victim of assault and now his record has been tarnished by disciplinary action, which is completely baseless, from the CPVV. He is entitled to be considered innocent unless proven guilty, so I ask, Minister, as this is only fair: can you remove this unnecessary warning from the driver's record in line with the outcome of the Victoria Police investigation?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:28): Thank you, Mr Barton, for the supplementary question. We will provide a written response in accordance with the standing orders.

MINISTERS STATEMENTS: ABORIGINAL LANGUAGES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:28): Today is an important day, National Sorry Day, a day when we acknowledge the strength of stolen generations survivors. It is a day to ensure that we never lose sight of the importance of healing, focusing on strong future and the significance of Australia's First People, who are the oldest living culture on earth. Settler Australians represent the heritage of many cultures from around the world, and it is critical as we work together as a society that we never lose sight of or respect for Australia's First People. I am proud that our government is working towards treaty with traditional owners and Aboriginal Victorians on this important process.

Education and skills and training play an important role in our society, spanning beyond employment and the economy. They are key drivers for a more inclusive and equitable society that will resonate for future generations. That is why I am pleased that in this year's budget we are investing a further \$2.9 million to formally establish the nationally accredited certificate IV in teaching an Australian First Nations language. Corrina Eccles is a Wadawurrung woman, community leader and newly minted graduate of the teaching an Australian First Nations language course. It was a privilege to meet with her at the Gordon Kitjarra Centre, along with Christine Couzens, the member for Geelong, and other community members to discuss the significance of this course and of collaborating with traditional language holders to ensure integrity and respect.

As we enter Reconciliation Week, I hope all Victorians embrace the importance of all of us uniting to tackle the unfinished business of reconciliation.

WRITTEN RESPONSES

The PRESIDENT (12:30): Questions and answers: Mr Meddick, consumer affairs, Minister Leane, question and supplementary; Mr Rich-Phillips to Ms Symes, question, one day; Mr Grimley to the Minister for Police, Minister Tierney, two days, question and supplementary; Mr Davis to Ms Symes again, one day, the question; Dr Cumming, transport, Ms Pulford, two days, question and supplementary; and Mr Barton, transport, Ms Pulford, two days, question and supplementary.

Constituency questions

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:30): (1799) My constituency question today is for the Minister for Transport Infrastructure. Every morning and night Greenvale residents experience choked roads and frustrations with the traffic that is just banked up. Greenvale residents were thrilled when the former federal Liberal government announced they would fund the duplication of Mickleham Road to the tune of \$109.5 million. I wonder if the new Albanese government will now match that and ensure the residents of Northern Metro get that funding? The state government has now been dragged kicking to the table with an additional \$96.5 million in the state budget. Residents have raised with me their worries about Somerton Road missing out again and also why this duplication of Mickleham Road between Somerton Road and Dellamore Boulevard is so expensive—\$207 million to duplicate 1.4 kilometres of road seems high. The question for the minister is: would the government respect Greenvale residents and explain why the cost to duplicate Mickleham Road to Dellamore Boulevard is so high for such a short stretch of road?

NORTHERN VICTORIA REGION

Mr GEPP (Northern Victoria) (12:31): (1800) My question is to the Minister for Workplace Safety. Violence in the workplace is not acceptable at any level in Victoria, especially in our hospitality venues. As we know, hospitality workers are already under enormous pressure from insecure work, stagnant wages and attacks on their penalty rates. Adding alcohol-fuelled patrons to the environment can be a dangerous mix and present particular workplace safety challenges for workers. For example, we have recently heard about the appalling treatment meted out to hospitality workers and other patrons in a number of venues, including in my electorate of Northern Victoria, by Mr Davis after he had consumed far too much booze. Hospitality workers in Northern Victoria expect to have a safe workplace, and I have been asked by constituents to address this matter with you. My question, Minister, is: what steps is the government taking to ensure the workplace safety of hospitality workers in Northern Victoria, particularly when they are confronted by rude, obnoxious, boorish and abusive drunks?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:33): (1801) My constituency question is to the Minister for Energy, Environment and Climate Change on behalf of Strathbogie shire. Energy security across Strathbogie shire has been a longstanding problem. Electricity supply comes in from the south through a feeder line from Seymour, and AusNet knows this line is regularly overloaded. The result is regular power failures, particularly during peak periods such as hot weather. Blackouts can last as long as 24 hours, and they not only result in serious economic loss but they are inconvenient and dangerous for residents. AusNet tell council that current regulations require upgrades to infrastructure that must be funded by customers in the region. It maddens me no end that without a major manufacturer the rights of a small shire to regular power supply are ignored. There is strong community interest in establishing a microgrid to reduce reliance on the AusNet system, so my question is: will the government fund a feasibility study as the first step to improving energy security in the Strathbogie shire?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:34): (1802) My question is for the Minister for Roads and Road Safety and concerns the Buninyong community's decades-long desire for a bypass. Every year, with increasing traffic, heavy trucks in particular, the need becomes more pressing. In recent weeks there have been two serious accidents in the town. The Regional Roads Victoria report released in July 2019 concluded a bypass was not yet appropriate and that consultation on alternative measures should be prioritised. Minister, in the three years since the problem has only worsened. My question is: what consultation has been done, when will these alternative measures be put in place and will you consider again as a matter of urgency Buninyong residents' desire for a bypass?

NORTHERN METROPOLITAN REGION

Dr RATNAM (Northern Metropolitan) (12:35): (1803) My constituency question is for the Minister for Public Transport. Along Sydney Road in my electorate there are no accessible tram stops between Brunswick Road and Bakers Road. This 5.5-kilometre stretch from Coburg to Parkville is a major activity centre, with many shops, cafes, bars and restaurants along the route, but the lack of any accessible tram stops means many people with disabilities are effectively locked out of the area and unable to access this major shopping and public precinct. While all tram stops in Melbourne are required to be accessible by the end of this year, almost three-quarters are still not accessible to people with disabilities. In fact, at the current rate of construction, our transport network will not be fully accessible until the year 2066. Today at 1.30 pm residents will be rallying at Brunswick town hall to call on the government to prioritise building accessible tram stops on Sydney Road. While I cannot be there with them today, I echo their calls, and I ask the minister: when will accessibility works along Sydney Road begin?

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:36): (1804) I have got a constituency question today for the Minister for Local Government. Recently a gentleman named Will reached out to my office. Will lives in Box Hill North. He wanted to speak with me and my team about the state of footpaths, in particular in Box Hill North near Station Street and Boxleigh Grove. He reported, and other residents have reported, to me that the footpaths there are crumbling, creating a significant tripping hazard. It has also been put to me by local residents that given the state of affairs at Eastern Health, at Box Hill Hospital—which is a fantastic hospital staffed by wonderful people but nonetheless under massive pressure at the moment where we have seen ramping and really bad outcomes for sick people—we should be doing everything we can in the community to prevent people from becoming sick or injured. So my question is: will the minister engage with the City of Whitehorse to improve the condition of footpaths in Box Hill North?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:37): (1805) My constituency question is to the Minister for Energy, Environment and Climate Change. Last night much of the north-west of Melbourne was without power. So widespread was the loss of electricity to maybe hundreds of thousands of people that there is no way this outage could be described as localised. Indeed Melbourne Airport was plunged into darkness, causing pandemonium for travellers arriving in and leaving our city. One can only imagine the impression this left on first-time visitors to Melbourne. They must be wondering whether the comparison between Victoria and North Korea is actually on the money. There were no storms or so-called extreme weather events in Melbourne last night, so many of my constituents are still wondering why they were left shivering in the dark. Minister, what caused this outage, and will you guarantee we will not see a repeat performance this year?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:37): (1806) My constituency question is for the Minister for Energy, Environment and Climate Change. Victorians were rightly outraged when the minister announced that the brumbies in both the Barmah and Alpine national parks would be wiped out by professional shooting culls. In Barmah Parks Victoria agreed to reduce the number through trapping and working with volunteers from the Barmah Brumby Preservation Group to place them at the group's brumby sanctuary or rehome them. Concerns were raised with me by Barmah locals when only 10 brumbies were trapped by Parks Victoria in April, with five being placed at the sanctuary and five rehomed. But it was a media report in the *Weekly Times* that revealed the deceptive nature of the Andrews Labor government, with details of plans to start shooting brumbies in secret rather than trapping the horses as promised. Will the minister immediately intervene and stop Parks Victoria's plans to secretly cull Barmah brumbies by contracting professional shooters?

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (12:38): (1807) My constituency question is directed to the Minister for Public Transport and Minister for Roads and Road Safety, the Honourable Ben Carroll MP. The COVID-19 lockdowns disrupted all our lives, and the most impacted have been our young Victorians. They lost two years of their formative time. Many missed out on getting their drivers licences. Tests are back, but many young Victorians are still not able to book a test. Currently the waiting period to book a test is almost two months across most centres in Victoria. Young Victorians who are eager to get their drivers licences are feeling disappointed and desperate as they have to depend on family members to move around. This puts a pause on everything they need to do. My question to the minister is: can the minister advise what action the Victorian government is taking to reduce the long waiting periods and to speed up the booking process for driving tests?

EASTERN VICTORIA REGION

Ms BURNETT-WAKE (Eastern Victoria) (12:39): (1808) My constituency question is to the Minister for Planning. Many of my constituents feel that they have not been heard despite putting forward objections to the expansion of the Dandy Premix quarries sand mine at Grantville. Last week the minister approved the expansion despite 78 objections being lodged, including an objection from Bass Coast council. The member for Bass in the other place, Ms Crugnale, also lodged a petition last sitting week requesting there be no further expansion of mines operating within the coastal forest corridor between Lang Lang and Grantville. This had 1118 signatures. Many of my constituents in Grantville and surrounds feel that their concerns for the future of the woodland corridor and the rare and threatened species that live there have been completely ignored. Minister, in what ways were these concerns listened to and acted upon in making the decision to expand the commercial sand mine?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:40): (1809) My question is for the Attorney-General, from resident Ken Betts of Footscray. When will this government recognise volunteers, especially justices of the peace, in Western Metro for the services that they provide the community? Ken has been a justice of the peace in my community for 13 years. It is an honorary role where he is responsible for witnessing legal documents for community members. A lawyer would charge a substantial amount for the same service. He was recently given a \$50 voucher by this government to recognise his contribution and to cover his travel expenses. This does not even cover a tank of fuel and it would be lucky to cover a month of public transport cost. I say to this government: we should be able to look after our volunteers in a more substantial way and recognise what they do for our community.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:41): (1810) My constituency question is for the Minister for Mental Health. Some months ago I was contacted by a constituent who lives in Moe. Her son had spent a couple of nights in the adult ward, Flynn unit, of Latrobe Regional Hospital. When he was released, he was told to contact the child youth mental health and wellbeing services in the area, which his parents did. When his mother rang to make a booking, the response was, very apologetically, 'You can get your next available booking in 2025'—for a 17-year-old child. In no way am I or the mother or the son making serious demands on the person answering the phone. But the minister must be able to explain why a young man of 17 cannot have access to these mental health services any earlier than 2025.

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:42): (1811) My constituency question is for the Minister for Public Transport. Once again V/Line passengers travelling between Melbourne and northern Victoria have been faced with substandard services. Last Wednesday passengers arrived only to discover there would be significant delays due to a communications outage. Several constituents contacted my office to convey their frustration that once again they found themselves inconvenienced by the inability of V/Line to run a service that meets the time frames expected. The unreliability of V/Line services leaves passengers scrambling to reorganise commitments they can no longer reach, whether it is connecting travel arrangements, business appointments or just getting home to their families. Now that there are passengers again, northern Victorians are back to experiencing slow, late and cancelled trains. All of northern Victoria needs reliable passenger train services. Minister, when will you make the northern Victorian trains run on time?

NORTHERN METROPOLITAN REGION

Ms PATTEN (Northern Metropolitan) (12:43): (1812) My constituency question is for the Minister for Housing. My constituent is a single mum with two children, and she resides in one of the North Richmond towers. She observes what she describes as basically a free-for-all of non-residents accessing the building and using the lifts and stairs. This has been affecting her family's quiet enjoyment, but it has also made her feel very unsafe at times. It seems that security is not checking for residential status and people are just walking in and out freely of her building. The current redevelopment of the foyers presents an opportune time to implement new safety and security measures, so she asks: what security or other changes is the minister planning to address this problem?

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:44): (1813) My constituency question is for the Minister for Community Sport. I have had a constituent contact me regarding the lack of netball courts in the City of Whitehorse. Whitehorse council recently refused a proposal to put a single netball court in Box Hill North's Springfield Park. The netball club is very disappointed with this decision, even pointing to the council's continuously prioritising infrastructure for male-dominated sports while the girls are stuck with the leftovers. This netball club needs a place to play. So the information I seek is: does the Andrews government have any plans to build the netball court for residents in the City of Whitehorse?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:45): (1814) My constituency question is for the Minister for Planning, and it relates to the Walmer Street bridge, a bridge that goes between Kew at the end of Walmer Street and across to what I suppose is Abbotsford strictly—or is it Richmond, really? It is quite near the shopping centre and comes across onto the land where there are bike paths and so forth. I attended a rally before the last state election, and there has been no commitment by the state government of funding for the Walmer Street bridge. I know that our candidates both in Kew and in Richmond have been very supportive of making that bike connection. Lucas and Jess have been very active in seeing that pushed forward. The previous federal government made a commitment of funding to ensure that a component of it was funded, but the state government has not funded it. I ask the planning minister to make that provision to ensure that the Walmer Street bridge is funded and its deteriorated position is improved.

Bills**AGRICULTURE LEGISLATION AMENDMENT BILL 2022***Committee***Resumed.****Clause 1 further considered (12:47)**

The DEPUTY PRESIDENT: We return to clause 1, and the minister was about to answer Mr Meddick's question.

Ms TIERNEY: Deputy Chair, with your indulgence, we are getting further information for Mr Meddick. We have got some of it but not all of it, and we would be looking at trying to complete that in the lunchbreak. So I am happy to take further questions from Dr Cumming.

Dr CUMMING: My first question to the minister on behalf of my residents is around clause 1(b)(iv), 'to make other miscellaneous'. What defines 'miscellaneous', Minister?

Ms TIERNEY: I just sought advice to see whether this is out of the ordinary. It is not. This is just the term that is used generally, particularly when you have got a fairly large omnibus bill. It is a catch-all referral, the word 'miscellaneous'.

Dr CUMMING: Thank you, Minister. In division 1, under 'Definitions' it adds 'any land' and 'any temporary building or structure'. The question is this: what stops an inspector who may be disgruntled by a farmer from constantly pursuing and harassing the farmer?

Ms TIERNEY: This is a hypothetical and has got nothing really to do with the bill in front of us, but if a farmer believes that an authorised officer (AO) is not behaving appropriately then they should lodge a complaint and raise it.

Dr CUMMING: Thank you, Minister. Obviously there are other concerns that I raised in my debate, but this is one of them: where are the demarcations regarding the rights of organic, biodynamic and alternative farmers? Is an authorised officer allowed to inspect their farms?

Ms TIERNEY: The answer is yes.

Dr CUMMING: Are they allowed to shut down organic farms for non-compliance when there are scheduled toxic chemicals?

Ms TIERNEY: The answer is yes.

Dr CUMMING: Thank you, Minister. Under new section 54, 'Power to enter and inspect', this government has added a paragraph around chemical products and fertilisers, and I have a couple of questions. Is contamination considered to affect a farmer that has a neighbouring farm that is

contaminated as a result of pollen shift and run-off? Is that going to be considered within this new section?

Ms TIERNEY: These are dictated by operational procedures and the particular circumstances of each case. Ultimately the AOs must justify that their actions are reasonable and within power. It would be impractical to include prescriptive requirements in the act as AOs will be required to exercise these powers in a wide range of circumstances. AgVic standard operating procedure states:

Officers should make a reasonable effort to ensure that there is no other person present on the land or premises. This may include driving along adjoining roads to make observations, attending residences that appear to be associated with the land or premises etc. Contemporaneous notes of the efforts taken must be recorded at the time of inspection.

Is that the answer you are seeking, Dr Cumming?

Dr CUMMING: Minister, that goes to answer the last bit, which is about ‘reasonably necessary’. Maybe I will reframe the question. It would seem that because the government has added the wording ‘chemical product’ and ‘agricultural chemical product’ there are major concerns around organic and biodynamic farms. I am wondering what steps are going to be in place to protect organic or biodynamic farming, as neighbouring farms could possibly dump chemicals into the waterways and affect their farms. Are there any protections in place to help organic and biodynamic farming if one neighbour—as they were saying, with pollen shift and those kinds of things—somehow adversely affects their neighbours? Is the authorised officer able to help the organic or biodynamic farming industry with this new section?

Ms TIERNEY: Essentially: will the amendments destroy the organic industry, production or suppress innovation in regenerative agricultural practices? The answer is no. The amendments would not have this outcome.

Dr CUMMING: Under division 7, ‘Other compliance measures’, my other questions, and I think you almost touched upon them, are about the demarcations, especially around organic farms and agriculture produce. How will the authorised officers possibly be able to administer these regulations? What thresholds are there around chemical administration under the code? Is the wording here too broad, and could it possibly lead to compromising of the organic industry?

Ms TIERNEY: The answer is no.

Dr CUMMING: Under division 3, ‘Administrative arrangements’, clause 27, ‘Definitions’, why has the government decided to take out the definition of ‘Secretary to the Department of Health’? A constituent of mine believes that the Department of Health should not be removed.

Ms TIERNEY: Amendments to section 58 allow discretion for alternatives to destruction, such as re-use, recycling or treatment covered by ‘or otherwise dealt with’. The current limits for destruction notices are not consistent with Victoria’s policies for waste, re-use and recovery and are needed to manage risks associated with the detection of high-risk chemical products the sale or use of which is prohibited. For example, if an AO finds a person with a restricted chemical product in their possession that they are not trained or authorised to use, nor do they have a reasonable reason for possession, and the AO considers it likely that they will illegally use the product, seizure under section 57 poses risks to the government from transport and storage, and it is administratively complex.

The best outcome for all parties, including the owner of the chemical, may be to issue a notice under new section 58 requiring the return of the agricultural chemical to the manufacturer for potential re-use rather than destroying the product. The act currently allows for cost recovery from an owner who has been issued with a destruction order if they do not comply with that order. The process for recovery is not stated, creating uncertainty on how this provision could operate. The amendment clarifies that cost recovery may be achieved via a court and is consistent with other existing acts, such as the Environment Protection Act 2017.

Sitting suspended 12.59 pm until 2.04 pm.

Mr MEDDICK: Minister, just following on the theme of the questions I was asking earlier, is it the intent of these vehicles to make it easier to facilitate killing and processing of kangaroos in the open?

Ms TIERNEY: No. The bill before us today is not actually dealing with the issue that you are talking about, Mr Meddick. It is mainly dealing with meat processing as such and matters relating to PrimeSafe.

Mr MEDDICK: Thank you, Minister. That might go largely—and I am happy for it to do so—for the next question. If you can just confirm that the new vehicles and field depots, as it were, will allow adult and young kangaroos to be fully dismembered in the open, in paddocks, in fields, on plains and forest outskirts and near people's homes and businesses in regional Victoria.

Ms TIERNEY: Again, I would say the new definitions proposed in the amendments to the Meat Industry Act 1993 do not introduce new categories of vehicles. Both a field depot and a harvest vehicle are established features of the existing game supply chain and help to ensure safe production of game meat. Definitions are drawn from the national game standard, and the vehicles are already licensed by PrimeSafe.

Mr MEDDICK: Thank you, Minister. Minister, in my substantive speech on this bill I spoke about instances where killing of kangaroos often happens in proximity to other residents in regional Victoria and rural Victoria and to dwellings, including tourism businesses. What steps will the government take to ensure that the mental and physical safety of regional Victorians who live in kangaroo-killing zones is respected?

Ms TIERNEY: What I am going to say now goes to that question but also just more generally to some of the matters that Mr Meddick raised in his second-reading contribution. Harvesters are required to hold a valid firearms licence—again, harvester skill set accreditation and firearms competencies certification. They must comply with the conditions of their authorisation and animal welfare requirements. Harvesters are also required to have their vehicles licensed with PrimeSafe. All commercial harvesters must comply with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes. Compliance priorities include harvester competency, animal welfare, sustainability and adherence to authorisations. Compliance activities have included the auditing of harvesters, desktop audits, in-field inspections and audits of private property where harvesting occurs. Since the beginning of this year the program has received three reports concerning alleged actions of harvesters, two inspections have undertaken on authorised harvesters while in the field and three investigations have been completed.

Mr MEDDICK: Thank you, Minister. Minister, could you please outline the steps that the government will take to ensure regional Victorians are not confronted by gunfire and spotlights and having to see kangaroos being shot and dismembered in front of their homes, their families and children and their guests? To give some context to that, some time ago I raised in this chamber a constituent of mine. This seems to be a reasonably frequent occurrence, where shooting takes place on a property and there is a dwelling that is built in close proximity to the fence line between the two adjoining properties. With this one particular incident, for instance, shooting was taking place within 10 metres of their kitchen window and their children's bedroom windows, spotlights were being shone inside the house and dismembered parts of a kangaroo were laid on their doorstep. Not discounting that the laying of body parts on doorsteps is not a frequent occurrence, the other parts that I just described are very frequent in parts of my electorate. These people cite going to organisations and authorities such as Victoria Police, the RSPCA, the Game Management Authority, the minister's office, the Department of Jobs, Precincts and Regions and the Department of Environment, Land, Water and Planning, and they feel that they get nothing from them—and indeed they have not. They feel that they have gone through a Monty Python-esque, *Life of Brian*-esque buck-passing circle of

these agencies, and it always comes to nought. Regional Victorians feel helpless and distraught in that regard, and they tell me they have got nowhere left to go for any help. So could you please, as I say, outline the steps that the government will take to ensure their safety and their ongoing mental health and emotional wellbeing—that they are not confronted in this way?

Ms TIERNEY: In terms of the broader issues, I think I dealt with that in terms of the licensing and the certification and the training et cetera, but I think this is a particular incident that has occurred in your electorate, from my understanding. I am not acquainted with the details of it, but what I can say to you, Mr Meddick, is if you provide me with that documentation I am more than happy to raise it with Minister Thomas.

Mr MEDDICK: Thank you, Minister. I will make sure that that comes through to you.

Ms TIERNEY: This is in response to a question that Ms Bath asked before question time. The overall proposals will make it easier for authorised officers to achieve the required outcomes under the existing legislation. The proposal is to update and modernise authorised officer powers, removing ambiguity and improving efficiency and the ability for AOs to conduct enforcement and compliance activities to protect the health of users and the public, animal health and welfare, the environment and trade. This means that there is no change to the work. It will enable AOs to be more efficient and effective in undertaking their duties.

In respect of AO numbers, there are 278 across Agriculture Victoria. There are 191 AOs in the biosecurity services branch of Agriculture Victoria. This includes plants, chemicals and invasives as well as animal health and welfare. I think that covers it.

Ms BATH: So it is 278 in its entirety, and within that there are 191 officers working on biosecurity, plants and animals.

Dr RATNAM: I move my amendment 1:

1. Clause 1, page 2, line 1, after “powers” insert “, to prohibit the sale of certain rodenticides”.

I have provided the substantive rationale for why I am moving this amendment—banning second-generation poisons—previously during the procedural debate on the instruction motion, so I will not go into that length of detail again. But just to summarise, we know that these poisons are very dangerous to animals, killing our native wildlife, and can be bought so easily from supermarkets and hardware stores. They build up in animals—mammals, reptiles and birds that consume poisoned rats and mice. We know that we are in a biodiversity and extinction crisis in Victoria, as our parliamentary inquiry recently found, and it also found that we should be doing everything we possibly can to protect our native flora and fauna.

Here before us we have an opportunity to do something that will have a significant impact on our native wildlife. Through our amendment, as I outlined before, there is an implementation plan that allows for a one-year transition of the introduction period for the ban to take effect, and we also know that there are alternatives and that there will be exemptions for permitted uses in some circumstances as well. So we think it provides the right balance in terms of introducing a ban to ensure that as much of our native wildlife as possible can be protected from these very, very dangerous poisons.

Just in response to the minister’s previous response to my amendment, I appreciate the minister’s response and appreciate that the government are part of this process that is happening federally and have said that they do not want to support this amendment because they are waiting for the federal process. The concern we have around this is that it is going to take quite a lot of time; we do not have a guarantee of when that process is going to be completed. Every day there is a risk of more and more of our native wildlife being killed. We have an opportunity to do something now, so why don’t we take that opportunity?

The other concern is that the process might result in very minor reform. For example, as was referred to, it might just result in labelling changes. That will not go far enough. We have seen what has happened in other jurisdictions and why internationally they are moving to ban these poisons, because they too have found through the evidence that you have got to move with a ban. You cannot just do incremental changes because it does not actually protect our wildlife. Victoria has the chance to lead the way, and while there is a federal process, Victoria has done it before, and I encourage the government to consider that again. We could lead the way. We know that, once one state moves, lots of the other states and the territories follow suit, and the federal process itself could accelerate if Victoria takes a lead. There is ample evidence. It is very clear. We have international precedents. The justification and rationale are very clear and very, very strong. We should be taking the lead and not shying away from this really important reform.

As I mentioned, there are alternatives. If this ban were to come into place, we know there are alternatives in terms of the control element that these poisons are designed to have in terms of pest animals et cetera. So when we have alternatives, why are we shying away from an opportunity to create reform?

As I mentioned, a recent parliamentary inquiry that this Parliament conducted, one of the most wide-ranging inquiries into the ecosystems and extinction crisis in Victoria, found that we are at critical levels now when we are talking about flora and fauna and native animals being driven to extinction because the resources are just not being put into biodiversity protection and ensuring that these critically endangered animals and species are protected from further harm and complete annihilation.

We have the logging industry that seems to be getting the green light to decimate our native forests. Here is an opportunity, if you care about our environment, to take some action around it. It is a simple change, but it could have dramatically powerful consequences—positively for our native wildlife to address the biodiversity and extinction crisis that we face. As that report outlined, we should be all hands on deck now. Everything that we can possibly do we should be taking that opportunity up. Here is an opportunity to do something that has precedence, has a very strong rationale, has ample evidence, and we could do it with an agreement in this chamber today. I really encourage and urge the government and all MPs in this chamber to support this amendment.

Ms BATH: The Nationals and the Liberals will not be supporting this amendment today. I appreciate the comments that the minister at the table made in relation to the federal government and investigations going on there, but also these sorts of controls are used often in food manufacturing premises. They are critical to controlling rodents. I am sure those in food manufacturing use them very judiciously and in a limited way, and it needs to continue for the present.

I will take up the Greens comment about the inquiry into ecosystems decline. One of the key features of ecosystem decline is invasive pests such as mice and rodents—the whole gamut. Another one is weeds, and the other one is out-of-control bushfires.

Ms TIERNEY: I outlined the government's position on this in my summing up as well as when we were dealing with the instruction motion. We do understand that there are emerging concerns in this area, particularly in relation to non-targeted domestic animals and wildlife. But there is a process in place. There is work that is being undertaken at a national level. We do believe that there needs to be national consistency. We are looking forward to that work being progressed as much as it can be in the shortest possible time, and we believe that that is the most appropriate process to be undertaken by this state at a national level.

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

Committee divided on amendment:*Ayes, 6*Barton, Mr
Cumming, DrHayes, Mr
Meddick, MrPatten, Ms
Ratnam, Dr*Noes, 28*Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Crozier, Ms
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Gepp, MrGrimley, Mr
Kieu, Dr
Leane, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Melhem, Mr
Pulford, Ms
Quilty, MrRich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Watt, Ms**Amendment negatived.**

Mr QUILTY: I know the minister partly touched on this in her closing speech, but I thought we should just make it very clear. Does the bill give the government the power to stop people growing food in their backyards, their vegetable gardens?

Ms TIERNEY: No. People can grow food in their backyard.

The DEPUTY PRESIDENT: Sorry, Minister, did you just want to make that a little bit clearer because you said, ‘No people can grow food in their—

Ms TIERNEY: No to the proposition.

The DEPUTY PRESIDENT: If we can just have you set it out a little bit clearer, please.

Ms TIERNEY: Again, people can grow food in their backyard. As I said in my summing up, the government is very supportive of people growing their own fruit and vegetables.

Mr QUILTY: Just to finalise that point, do the powers in this bill allow the government to go in and pull up a vegetable garden if it is infected or if there is a problem, or does it not apply to domestic houses and land?

Ms TIERNEY: The amendments will help safeguard food security, food safety and access to export markets; for example, by preventing contamination of food by pesticides. The amendments will not result in the destruction of crops, nor will they prevent people from growing their own food. Information circulating online misrepresents and misinterprets what is before the house today. There is a fact sheet that Agriculture Victoria have put together because they were aware—and it says it in the fact sheet—of issues that have been raised on social media. They have been very clear in dealing with seven claims, and I am happy to go through those claims with the chamber. Can I also suggest that if people are particularly interested, the document can be found on www.agriculture.vic.gov.au.

The fact sheet deals with the claims in relation to the state government:

... passing a bill now which means you won’t be allowed to grow your own food, they can forcibly come in and rip it all out ...

I have just given the response to that with the last question that was raised.

The second claim that is out online is that:

Landholder consent will no longer be required for Authorised Officers to take samples, stock (animals) or documents.

The facts are that landholder consent is not required to take samples, specimens or remove documents under the existing act. This is unchanged by the legislation before us this afternoon.

The third claim is that there will be an increase in enforcement powers to search property and persons without a warrant. The facts are: clause 10 of the bill contains amendments to section 54 of the Agricultural and Veterinary Chemicals (Control of Use) Act of 1992 which introduce new inspection and enforcement powers, subject to constraints. These amendments address outdated requirements of existing powers available under the act. Amendments in the bill will not allow searching of a residence without a warrant. There are no powers provided to search a person. The amendments include a requirement for the authorised officer to present identification and to take reasonable steps to notify the occupier before an inspection.

The fourth claim is that authorised officers will no longer be required to present identification under new section 53(4) of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. The facts are: there are only limited circumstances where an authorised officer would not need to present identification—for example, when an authorised officer needs to access paddocks or bushland in remote areas to assess compliance and the property owner is away or cannot be located. Secondly, an authorised officer will be required to leave a notice of entry if no persons are present. The notice must include the time and purpose of the entry, a description of all things done while at the place—or in the vehicle or vessel or aircraft—and the time of departure, as well as the authorised officer's name and contact details.

The proposed requirements to leave a notice without the occupier being present is consistent with other existing legislation administered by Agriculture Victoria—for example, section 82(4)(c) of the Catchment and Land Protection Act 1994 (CALP act). A rare circumstance where notification may not be provided by an authorised officer would be if there was a risk of evidence being destroyed. For example, if an authorised officer was in a paddock or bushland and collected a sample of a suspected illegal bait, notifying the occupier could allow them to remove and destroy the evidence before the authorised officer could get a sample analysed and return with a search warrant.

The new entry and inspection powers require the authorised officer to justify that their actions were reasonable and within the constraints of the powers. Standard operating procedures will be prepared for authorised officers on exercising their powers for entry. These will emphasise a conservative and cautious approach to ensure that any evidence gathered can be used in any enforcement action. This approach is consistent with other existing legislation, such as the Environment Protection Act 2017.

Section 53(3) maintains the existing requirement that, if requested to do so, an authorised officer must produce their identity card before or at any time when exercising power under this act. The new section 53(4) makes it clear that this does not apply if the request is unreasonable under the circumstances or the powers are exercised by post or electronic communication. Circumstances that would be unreasonable would include situations where the production of their identity card would require the authorised officer to undertake excessive travel or where it would delay the collection of time-sensitive evidence.

The fifth claim is that there will be heavy penalties for obstructing entry to property under new sections 54J and 54K of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. The facts: 54J relates to failure to comply with a requirement of an authorised officer; a person must not, without reasonable excuse, fail or refuse to comply with a requirement of an authorised officer under this act. The new section includes protections to provide an exemption where there is a reasonable excuse to not comply. An example of this situation is where an authorised officer requires a person to produce a document but they are unable to do so as it is stored within a safe that the person cannot access.

New section 54K creates an offence of obstructing an authorised officer or a person assisting an authorised officer. A person commits the offence if they obstruct, threaten or intimidate an authorised

officer who is performing a function or exercising a power, or a person who is assisting an authorised officer. Offences for the obstruction, threatening or intimidation of authorised officers are common to other Victorian legislation; for example, the Livestock Disease Control Act 1994 and the Summary Offences Act 1966. This offence is required to allow authorised officers to conduct lawful investigations unhindered. The maximum penalty for this offence is 100 penalty units, which is appropriate to deter offending.

There is another claim that says that fines will increase from \$1800 to \$10 000 for providing false and misleading information under new section 54L of the Agriculture and Veterinary Chemicals (Control of Use) Act 1992. The facts are that penalty units for new section 54L are consistent with existing offences—there is no increase. The existing act includes offences under section 59 for false or misleading statements that relate to chemical use; for example, advising a person to use an illegal chemical or stating that there are no spray-drift sensitive crops next to the target area in applications under the act for licences or permits. The intention of new section 54L is to dissuade a person from providing false or misleading information to authorised officers. This could include falsified records of chemical use or vexatious complaints against a neighbour. The amendment intends to allow authorised officers to allocate more effectively time which is otherwise wasted on these vexatious complaints and issues.

The bill does include a separate amendment to section 137A of the Livestock Disease Control Act 1994 which increases the maximum penalty for making a false or misleading statement from a penalty of 10 penalty units, or \$1817, to 60 penalty units, or \$10 904. This increase is proposed to deter behaviour that puts Victoria's livestock industry at significant risk. False and misleading statements relating to the Livestock Disease Control Act 1994 have the potential to severely impact the integrity of our traceability systems and consequently damage trade relationships. Examples of false and misleading statements include fraudulent use of vendor declarations, livestock identification tags and other documentation relating to livestock traceability.

The penalties described in the legislation are maximum penalties. The actual penalties handed down are determined by the courts. The courts may impose penalties at the higher end of the scale for offending resulting in high levels of risk of harm or repeat offending.

There is one further claim. The reason I am doing this is the amount of misinformation that has been online for such a long time meant that Agriculture Victoria had to try and provide the real facts in this fact sheet. I think it is important that I read it out so that people understand the reality. The final claim that I will read out is this:

The government is putting in place laws which would allow them to charge Victorians the money it cost them to destroy their own food supply, under clause 20 of the Bill which amends section 58 of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

So the facts are that destruction orders are an existing provision. Destruction notices are an appropriate tool to manage high-risk incidents such as contaminated crops or unlawful use of chemicals. Destruction notices can only be issued when the sale or the use of a chemical product, fertiliser or stock food is prohibited or agricultural produce is or is likely to be contaminated by chemicals such as pesticides. No changes are proposed to the existing limited circumstances where destruction notices can be issued.

Amendments to section 58 will broaden the scope of destruction notices issued under the act to allow discretion for alternatives to destruction such as recycling. The current act limits the scope of a destruction notice and is not consistent with Victoria's policy for waste re-use and recovery. The terminology 'or otherwise dealt with' proposed in the amendments to section 58 will provide a broad scope of options, including re-use, recycling or treatment. For example, if an authorised officer finds a person not trained and authorised to use an agricultural chemical product the best outcome may be to issue a notice requiring them to return the agricultural chemical to the manufacturer for potential re-use rather than destroying the product. The act currently allows for cost recovery from an owner who

has been issued with a destruction order if they do not comply with that order. The amendment clarifies that cost recovery may be achieved via a court and is consistent with other existing acts, such as the Environment Protection Act 2017.

I hope that assists people who have been concerned about the various mixed messages and claims that have been circulating online for some period of time.

Mr QUILTY: Thank you, Minister. That was very comprehensive. Does the bill prevent anyone from slaughtering their own animals or game animals for their own consumption?

Ms TIERNEY: The answer is no.

Mr QUILTY: How about slaughtering their own animals or game animals or feral animals for dog food for their own dogs?

Ms TIERNEY: They would be able to do it.

Dr CUMMING: I guess we can continue on from where we left off just before lunch, Minister. The previous answer that you gave was pretty much very comprehensive for the question that I asked before lunch. But the last question that I did raise, which I would like you to answer—you came and told me, but we should put it on the record—was in relation to the removal of the Department of Health; it is to be rescinded.

Ms TIERNEY: Thank you, Dr Cumming. The repeal of the definition of ‘Secretary to the Department of Health’ is a consequential amendment resulting from the repeal of section 63, which is under the clause heading ‘Confidentiality of commercial information’ and which currently allows disclosure to the Secretary of the Department of Health or nominee.

Dr CUMMING: Thank you, Minister. My next question is in reference to new section 79B, which is titled ‘Production of documents or records’. This is a new section, and the question that I have is: what is the purpose of this invasive, downright breach of privacy?

Ms TIERNEY: Let me just double-check.

Authorised officers can have difficulty in determining compliance with the CALP act in the absence of communication from the owner or occupier of land, such as if they fail to notify the secretary under section 46, ‘Landowner to notify Secretary of compliance with notice’, or section 70D, ‘Land owner to notify Secretary of measures taken under directions notice’. If they choose to attend any inspections, the proposed amendment will provide a direct power to require the production of documents and records to assist authorised officers with tracing of invasive species and limiting the potential biosecurity harm. New section 84AA provides protection against self-incrimination, which I covered off in the second-reading summing up.

Dr CUMMING: Thank you, Minister. Under new section 83EA, ‘Searches of personal property’, is this at all—no, I might leave that one. I might just go to the next one, a continuation of the personal property section, which goes on to talk about how a person is not excused from producing a document or record or answering a question. It is actually saying here that they must. Is this a complete breach of normal legal rights or legal counsel?

Ms TIERNEY: Again, I dealt with this in the summing up. This is the issue of self-incrimination. I think there were matters raised by the Scrutiny of Acts and Regulations Committee and the minister subsequently wrote to the committee. Is new section 84AA, ‘Protection against self-incrimination’, a complete breach of rights to legal counsel? The answer is no. Currently under section 84(2) of the CALP act a person may refuse to answer an authorised officer’s question or produce a document to the officer if the person believes that the answer or information in the document could tend to incriminate the person. The bill inserts new section 84AA(2) to provide that a natural person who receives a request to produce a document or to answer a question under part 9 of the act is not excluded from producing a document or answering a question on the grounds that the production of the record

or the response to the question would tend to incriminate that person. However, if a person, before producing a document or answering a question, claims that it may incriminate them, new provision 84AA(3) says that their refusal to produce documents or answer questions is not admissible as evidence in any criminal or civil proceedings.

Dr CUMMING: My second-last question is around clause 56, ‘Application for authority to cultivate and process low-THC cannabis’. For section 62(1) of the Drugs, Poisons and Controlled Substances Act 1981 it substitutes new provisions around the secretary. My constituent’s concern is that the chief of police will have the power to overrule the secretary while allowing the Chief Commissioner of Police the ability to suppress the decision by way of protected information. Is that the case, Minister?

Ms TIERNEY: The answer is yes, in special circumstances, because if there are criminal proceedings happening, it needs to be protected information.

Dr CUMMING: Just one other question, which is a question from the Australian Federation Party, around clause 56. It is really around, as I brought in earlier, that they feel that this bill allows the Australian Pesticides and Veterinary Medicines Authority (APVMA) the ability to prohibit, suppress or eject organic, biodynamic or hemp industry farmers from agriculture, thus denying organic certification peak bodies the ability to regulate their own legislation. Is that the case, Minister? Is this bill duplicating, confusing or possibly hindering our organic, biodynamic or hemp industry farmers?

Ms TIERNEY: The answer is no.

Dr CUMMING: Minister, I would like to thank you for your fulsome answers before in reference to Mr Quilty’s question around people growing their own food supply, because I think that has been the major misinformation that has been out there. I guess I would love another reassurance from you, which I believe you will be able to easily give, that this government is supportive of people being able to grow their own food in residential capacities and also that you support organic, biodynamic and those kinds of industries. I guess in closing I would like to thank my constituents who actually brought these questions to give to you, and they are Rob from Tarneit and Andrew and the Australian Federation Party. These are the concerns of the constituents that I am raising.

Mr QUILTY: I have one more question, and it will possibly be better addressed when we get to clause 203, but as I do not want to hang around for every single clause necessarily, I thought I would ask it now. In clause 203 we are removing the reference to game animals in section 38(1)(a) of the Meat Industry Act, but section 38(2) of that act says that this clause does not apply to game animals at all. It does not make sense to me. What are we actually doing here?

Ms TIERNEY: So in terms of that, the note following the page I have, which is page 526, dealing with clause 203, says that the amendment addresses inconsistencies across offences in the Meat Industry Act that do not enable the offences to work together coherently.

The DEPUTY PRESIDENT: I call Ms Bath to move her amendment 1, which is a test for amendment 2.

Ms BATH: This is a consequential amendment for my amendment in clause 194. In doing so, I would like to say that this is about public safety by extending the distance from 10 metres out to 30 metres. There is a dynamic situation often out on wetlands. Emotions can run high, and by providing an extra buffer, that actually just provides extra breathing space and a safety level there. I would like to move that consequential amendment, which is a test for clause 194. I move:

1. Clause 1, page 3, lines 30 to 33, omit all words and expressions on these lines and insert—
 - “(j) to amend the **Wildlife Act 1975**—
 - (i) to clarify an exception for the offence against entering or remaining in a specified hunting area during certain times; and
 - (ii) to further provide for the offence against approaching a person who is hunting; and”.

Mr MEDDICK: Just a comment. This is somewhat of a furphy, actually. To move this distance out to 30 metres is wholly and solely—everyone can see through this—to reduce or prevent people from taking photographs or being able to produce evidence where shooters are actually breaking the law and to try and prevent what they see as a nuisance value. At the moment, the current regulations already control the fact that a shooter is not allowed to shoot across the water or onto the water; they must shoot up into the air. Therefore a distance of 10 metres or 30 metres makes no difference if a rifle is aimed or a gun is aimed upwards, which is where the birds are. Consequently, even if you moved it to 30 metres and you had someone with a gun aimed at level, even if that is another 130 metres, they would still hit them. This is just a furphy in order to try and prevent breaking of the law from being witnessed and being provided as evidence. I will not be supporting the amendment.

Ms TIERNEY: This government does respect the fact that many people have very deeply held and divergent views about duck hunting. It is vital that we maintain safety on wetlands. Existing provisions ensure a safe separation between hunters and non-hunters. The distance of 10 metres is to stop close physical contact between hunters and people protesting duck hunting in those areas. This was never intended to be a mechanism to ensure a safe shooting distance between hunters and protesters. It is unclear what safety impact, if any, this amendment will have, and therefore the government does not support the changes to these provisions.

Committee divided on amendment:

Ayes, 15

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

Crozier, Ms
Cumming, Dr
Davis, Mr
Finn, Mr
Grimley, Mr

Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Quilty, Mr
Rich-Phillips, Mr

Noes, 19

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

Melhem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms
Stitt, Ms

Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Watt, Ms

Amendment negatived.

Mr MEDDICK: I move:

1. Clause 1, page 3, lines 30 to 33, omit all words and expressions on these lines and insert—
 - “(j) to amend the **Wildlife Act 1975**—
 - (i) to clarify an exception for the offence against entering or remaining in a specified hunting area during certain times; and
 - (ii) to provide for a further exception to the offence against entering or remaining in a specified hunting area during certain times; and
 - (iii) to provide for a further exception to the offence of approaching a person who is hunting; and”.

I made the arguments for this during my substantive speech.

Ms BATH: The Liberals and The Nationals will be opposing the amendment.

Ms TIERNEY: The government will also be opposing the amendment.

Committee divided on amendment:*Ayes, 8*

Barton, Mr
Cumming, Dr
Grimley, Mr

Hayes, Mr
Maxwell, Ms
Meddick, Mr

Patten, Ms
Ratnam, Dr

Noes, 26

Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Crozier, Ms
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr

Gepp, Mr
Kieu, Dr
Leane, Mr
Lovell, Ms
McArthur, Mrs
Melhem, Mr
Pulford, Ms
Quilty, Mr
Rich-Phillips, Mr

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

Amendment negatived.**Clause agreed to; clauses 2 to 4 agreed to.****Clause 5 (15:09)**

Ms BATH: This is to do with clause 5, ‘Contaminated produce notice’, which inserts the words ‘vehicle, vessel or aircraft’. Can the minister inform me how these words were included in the past, or if they were not included, why have they been included?

Ms TIERNEY: It was considered to be important to reflect how authorised officers get on properties or go over properties. So sometimes it is in cars or vans, sometimes it might be even boats and other times it is in planes.

Clause agreed to; clauses 6 and 7 agreed to.**Clause 8 (15:11)**

Ms BATH: Minister, we spoke about this in some of your relaying of information to dispel some comments in the public eye, but part of this goes to if an authorised officer is unable to locate the landowner, he can serve a notice by putting it on the farm gate. My interest lies in to what extent the landowner is liable if such a notice is left. The farmer may not live there. It may be his property but may be a distance from his home. What is his liability with respect to an unclaimed, we will call it, notice?

Ms TIERNEY: The notification is just to notify that the authorised officer has been there. I am advised that it is expected that there would be several attempts through email or telephone to follow up with the owner.

Ms BATH: So it is not leave it and run—there would be an additional communication or an additional contact?

Ms TIERNEY: Yes.

Ms BATH: That is fine, thank you. And on that notice, what information must be included on the notices by authorised officers? What is responsible in there? If they visited or took something, how would that be described? What does that look like?

Ms TIERNEY: It would be the name, the time, the date. I mentioned it in the summing-up speech.

Ms BATH: Does it relate to the activity or any removal of items, plant material or the like?

Ms TIERNEY: Yes. The activity would be described, except in those situations that I previously mentioned where the authorised officer would be required to provide a warrant.

Clause agreed to; clause 9 agreed to.

Clause 10 (15:14)

Ms BATH: Thank you, Minister. You responded to some of these questions in answering others. The Australian Pesticides and Veterinary Medicines Authority—how does the minister or the ag department receive information from the APVMA? Is it a regular occurrence? Is there is a regular meeting, or is it sporadic, and in what form does that occur? Or is there an email or a report?

Ms TIERNEY: I am advised that it is all of the above.

Ms BATH: What is the obligation of the retailer—this is in relation to agricultural and veterinary chemicals—to ensure that a purchaser has the most up-to-date label in terms of if there is older stock that does not have the most up-to-date information on that label?

Ms TIERNEY: So this is: what is the obligation of a retailer of agriculture veterinary chemicals to ensure a purchaser has the approved label—for example, older stock that does not have the most recent hard copy label? In response to that, the holder of APVMA product registration—for example, the chemical manufacturer and/or the retailer—is responsible for updating product labels. Requirements for updating physical product labels in the supply chain for suspended or cancelled labels are dependent on the risk assessed by APVMA. Regulatory requirements for the possession, supply and use of products with suspended or cancelled labels are published via the *APVMA Gazette*. Where only minor label changes are made the APVMA will generally not mandate that existing stocks in the supply chain are to be relabelled and may provide a phase-out period—for example, 24 months—for stocks with the older approved label to be legally supplied. In cases of major label changes and where there are significant risks with a product—for example, a chemical review completed by the APVMA results in labels being suspended or cancelled—the APVMA may require the existing products in the supply chain to be relabelled or supplied with new directions for use before they can be sold. In these cases the APVMA publicises the new requirements. Service providers such as agronomists and industry bodies and other regulators such as Agriculture Victoria will also communicate the changes to chemical users who may hold stocks of product with old product labels.

Under the national registration scheme for agvet chemicals, labelling requirements for registered chemicals are the responsibility of the commonwealth. These labelling requirements are legislated under the commonwealth Agricultural and Veterinary Chemicals Code Act 1994 and applied as Victorian law under the Agricultural and Veterinary Chemicals (Victoria) Act 1994.

Ms BATH: This goes to clause 10 and new section 54AI. This talks about a ‘reasonable time’:

An authorised officer may at any reasonable time require a person—

(a) to ...

What would constitute a reasonable time?

Ms TIERNEY: I am advised that the expectation is that it would be within normal office hours.

Ms BATH: And again, the last one on this one:

... reasonable steps to provide information.

What is the definition of a reasonable step to be able to provide information?

Ms TIERNEY: It depends on the circumstances, Ms Bath, essentially. You could have situations where things are in a safe and the key just is not there. It depends on the circumstances.

Ms BATH: This goes to new section 54AF, under which an authorised officer can remove a label or document as they see fit. Now, in terms of a label, if that label was removed would the landowner

be liable for chemicals or other products that are then unlabelled, or are they responsible for replacing them themselves? So what is that interaction?

Ms TIERNEY: The difficulty we are having is this is so operational and we are trying to think of all the different scenarios, and there are just so many. But in terms of a label not being there, it would be because it is on a list of products that should not have it there. In terms of products that do not have labels, then clearly people just should not be using those products, because they clearly do not know what is in the containers.

Clause agreed to; clauses 11 to 15 agreed to.

Clause 16 (15:24)

Ms BATH: In relation to the offence laid out in clause 16 and the term ‘obstruct’ an authorised officer from undertaking their duty—a definition of ‘obstruct’, please, Minister.

Ms TIERNEY: Ms Bath, offences for obstruction would be things like threatening and intimidation—mainly threatening and intimidation of AOs.

Ms BATH: And I am assuming physical intimidation as well as verbal.

Ms TIERNEY: Absolutely.

Clause agreed to; clauses 17 to 24 agreed to.

Clause 25 (15:26)

Ms BATH: Minister, I feel like we may have travelled this one before, but I was listening intently when you were reading this out, so you can maybe confirm if it has been covered. This is about the definition of ‘approved label’ and amends the definition of ‘advice note’. What is the obligation on a retailer of agvet chemicals to ensure purchasers in the supply chain have the most up-to-date label advice, and in relation to replacing labels on older stock that are no longer there, what are their obligations?

Ms TIERNEY: We have covered off on some of that, but also chemical users can usually view a copy of the approved label via the APVMA website, and chemical registrants usually also maintain a marketed product label on their website that contains the same content as the APVMA-approved label but may also include certain additions that do not impact compliance responsibilities. There is and will continue to be an increasing expectation by the community and markets, including supermarkets, that farmers will need to ensure that they are up to date on the safe use of chemicals. Does that cover it?

Ms BATH: I think that is fine, yes. Thanks, Minister.

Clause agreed to; clauses 26 to 29 agreed to.

Clause 30 (15:28)

Ms BATH: In relation to clause 30, it references the chief administrator and there is a lot of technical stuff there. But I am interested to know: is the secretary classified as an authorised officer under clause 30?

Ms TIERNEY: The response is technically yes, but as they delegate to the authorised officers it is not used in that sense obviously with the secretary.

Ms BATH: So in effect they have the power but they do not use it because they do not have the specialities or the expertise to be an authorised officer.

Ms TIERNEY: They are not employed as an authorised officer; they are employed as the secretary, who has delegation powers.

Clause agreed to; clauses 31 and 32 agreed to.

Clause 33 (15:30)

Ms BATH: This relates to probably clauses 33 and 34 if I can do them as a bit of a job lot. This is a genuine question in relation to the owner of the land that—we will call—the farmer is using. Ag trucks and spreaders and harvesters certainly travel from interstate intrastate. I am interested to understand: for a farmer who has their freehold and then they also have licensed riverfrontage, is the licensed riverfrontage considered to be part of this bill? I think it is going to be clauses 33 and 34.

Ms TIERNEY: In terms of riverfrontage that is leased, then the farmer, obviously, is responsible for weed control, and if it is licensed as Crown land, the Crown is responsible.

Ms BATH: So in effect you are saying that for the licensed riverfrontage they have a licence over, even though they can run their stock on it and people can potentially camp on it, depending on which river you are on, this bill will not apply to any of that licensed riverfrontage. Is that correct?

Ms TIERNEY: Land that is not leased and is Crown land is the responsibility of the Crown.

Ms BATH: Even though their cattle can graze on it, essentially.

Ms TIERNEY: Yes.

Ms BATH: It probably will matter to some people who have this interface on their land. There are a great deal many kilometres of riverfrontage that have a licence over them. Minister, sometimes the land is contiguous. Sometimes it will have a fence to define the freehold versus the leased, and sometimes it will just run down to the river. And when somebody brings something onto the freehold land, that is the responsibility of the farmer. How is that going to be defined? How is an authorised officer or a farmer or someone bringing fertiliser or a camper going to work out where that starts and where that finishes?

Ms TIERNEY: The authorised officers would know from the documentation that they have got, or research, who owns what property. They would know the boundaries.

Ms BATH: Minister, in relation to clause 34, just for clarification, 480 penalty units by my calculation is \$87 335, and that is for a state-defined noxious weed. If somebody comes on and trips that offence, can they also be fined or penalised under the Livestock Management Amendment (Animal Activism) Act 2022 if they also breach biosecurity laws, with 60 penalty units? Can they occur at the same time, and can the authorised officer pursue the penalties on that?

Ms TIERNEY: The answer is yes, but in terms of the authorised officers, they would be different authorised officers—alluding to a previous answer that I gave you. Biosecurity was the other one.

Clause agreed to; clauses 34 to 46 agreed to.**Clause 47 (15:38)**

Ms BATH: This is to do with land catchment protection and refers to electronic communication. Could you define ‘electronic communication’, Minister?

Ms TIERNEY: Nothing out of the box, Ms Bath. It is phones, laptops, text messages, emails.

Ms BATH: I guess the interesting one with that is: how does the government obtain electronic addresses, and how are they kept secure?

Ms TIERNEY: The addresses are registered. It is limited access. Authorised officers can gain access to them, but they are held very tightly.

Clause agreed to; clauses 48 and 49 agreed to.

Clause 50 (15:40)

Ms BATH: Thank you, Minister. I guess in this world, where people can feel that their personal information can be going in all directions, it is just that we need to have that confirmation that it will be secure. In relation to clause 50, I mentioned this in my second-reading speech and I wanted to in effect clarify that this is more of a harmonisation amendment in terms of the Dairy Food Safety Victoria employees to clarify that they are subject to the values and principles set out in the act. I am seeking assurances that there have not been any issues or incidents that would mean that they have not been behaving in an appropriate manner—that this is a harmonisation.

Ms TIERNEY: This is on the recommendation of the public sector commission that it happens this way. There is nothing else to it really.

Clause agreed to; clauses 51 to 53 agreed to.**Clause 54 (15:41)**

Ms BATH: I am interested to just investigate, or for you to tease out, the term ‘biosecurity incident’ that would lead to this kind of declaration that is actually in clause 54, Minister. What sort of a biosecurity incident would lead to a declaration?

Ms TIERNEY: An example would be some sort of exotic disease outbreak. One that comes to mind is foot-and-mouth disease.

Ms BATH: Is there a list that the department have that is a workable list of biosecurity risks that would lead to a declaration?

Ms TIERNEY: There is a list of exotic diseases, but it is not necessarily exhaustive. There might be something else we have not thought of or has not come to our shores before.

Ms BATH: So there is a list plus—

Ms TIERNEY: Other things that are within that realm.

Ms BATH: Thanks, Minister. That is available on the website, is it?

Ms TIERNEY: Yes, I believe so.

Clause agreed to; clauses 55 and 56 agreed to.**Clause 57 (15:44)**

Ms BATH: This relates to investigations and inquiries of the secretary to carry out receiving an application for an authority. It talks about a ‘fit and proper person’ to hold authority. Would you be able to explain why it is the secretary’s role to define someone as a fit and proper person, and on what basis would the secretary make those determinations?

Ms TIERNEY: It is a delegated responsibility. The secretary is involved obviously, but they are not going through each check on whether someone is a fit and proper person. I am advised that the so-called test is like with everything else: it varies. A fit and proper person test that would apply to a teacher is different to that for, say, someone who is wanting to set up a pharmacy, for example.

Clause agreed to; clauses 58 to 99 agreed to.**Clause 100 (15:46)**

Ms BATH: This is a really important section on farm debt mediation (FDM) in relation to ensuring whatever can be done to keep farmers on their farms and working through any financial difficulties is done. I am interested in understanding why the government has reduced the time frame for the farmer to respond to a creditor, a banker, from 28 days down to 21—noting that, by virtue of their work,

sometimes they may be away or in a heavy, heavy season. I want to understand why the government has contracted that time frame.

Ms TIERNEY: The reduction is for the purposes of harmonisation with the FDM legislation in other jurisdictions. It also removes inconsistencies with other sections of the Farm Debt Mediation Act 2011.

Clause agreed to; clauses 101 to 121 agreed to.

Clause 122 (15:49)

Ms BATH: I think you mentioned it before, but the VFF, the Victorian Farmers Federation, play a really important role as specialists in their various fields. This relates to the Cattle Compensation Advisory Committee, and the same goes for the Sheep and Goat Advisory Committee. Noting that funds are often joint between the state and the federal governments in decisions as well as to where that funding should go—I think it can go nationwide; that is my understanding—they were very adamant in relation to being able to put forward names for positions with that expertise. I am just confirming those assurances, Minister.

Ms TIERNEY: Yes, I covered off on this specifically in the summing up, but beyond that I can advise you that Minister Thomas has also written directly to the VFF confirming those arrangements.

Clause agreed to; clauses 123 to 188 agreed to.

Clause 189 (15:51)

Ms BATH: This relates to the amendment that I think people in the house and various parties are about to move, so I think we have had that discussion. That is to do with the veterinary practitioners board and the removal of the omission, to enable the president and the deputy president to still be those professionals in being veterinarians.

Mr MEDDICK: Yes. This is something I think we are on somewhat of a unity ticket on. I believe that the government is actually moving an amendment, and I thought that was what was going to occur first.

The DEPUTY PRESIDENT: There is actually no amendment. What it is is voting against the clause, because everyone is moving that the clause be omitted. When I ask that the clause stand part of the bill, if you want the clause removed—as the opposition does, the government does and Mr Meddick does—you vote against the clause. So there is no actual amendment to move. Minister, did you want to say anything?

Ms TIERNEY: We have circulated a house amendment in that respect.

The DEPUTY PRESIDENT: Ms Tierney, Ms Bath and Mr Meddick all have these amendments, and these members all seek to omit clause 189, which provides that the president and the deputy president of the Veterinary Practitioners Registration Board of Victoria do not need to be registered vets or practitioners. As I said, I will put the clause, and those who want to remove this clause—so anyone wanting to support Ms Tierney, Ms Bath and Mr Meddick—should vote no, against the clause.

Clause negatived.

Clauses 190 to 195 agreed to.

Clause 196 (15:54)

Mr MEDDICK: I move:

4. Clause 196, after line 24 insert—

“(ca) in the definition of *game*, paragraph (a)(iii) is **repealed**.”.

Just very briefly to cover it off, this does a very simple thing. It removes 'kangaroo' from the definition of 'game meat' in the Meat Industry Act. It does not have any purpose other than that, and it is done to protect the reputation that our iconic marsupial has around the world as an icon of a native species and to alleviate concerns that many out in the community have around them being included in the definitions of game meat.

Ms BATH: I thank Mr Meddick, but The Nationals and the Liberals will be opposing this amendment. I did listen to Mr Meddick when he was making his contribution on Tuesday in relation to totems. Whilst I entirely respect that, I also note that our traditional owners certainly used kangaroos for hunting and as prey. It is a very holistic world that they lived in, and I think that is still consistent with being able to oppose this.

Ms TIERNEY: The government does acknowledge, again, that there are deeply held views by many in the community on this matter. The government believes that the kangaroo harvesting program ensures Victoria's kangaroo population is managed in a sustainable way to reduce impacts on landholders and the community. The government does not support this amendment, which it believes would make the kangaroo harvesting program unviable and prevent the use of kangaroo meat as a sustainable, high-protein food source.

Committee divided on amendment:

Ayes, 3

Hayes, Mr

Meddick, Mr

Ratnam, Dr

Noes, 31

Atkinson, Mr

Gepp, Mr

Quilty, Mr

Bach, Dr

Grimley, Mr

Rich-Phillips, Mr

Barton, Mr

Kieu, Dr

Shing, Ms

Bath, Ms

Leane, Mr

Stitt, Ms

Burnett-Wake, Ms

Lovell, Ms

Symes, Ms

Crozier, Ms

Maxwell, Ms

Tarlamis, Mr

Cumming, Dr

Melhem, Mr

Taylor, Ms

Davis, Mr

Ondarchie, Mr

Terpstra, Ms

Elasmar, Mr

Patten, Ms

Tierney, Ms

Erdogan, Mr

Pulford, Ms

Watt, Ms

Finn, Mr

Amendment negatived.

Clause agreed to; clauses 197 and 198 agreed to.

Clause 199 (16:05)

Mr RICH-PHILLIPS: Minister, clause 199, the explanatory memorandum says, substitutes a new section 34 into the Meat Industry Act 1993 to insert new offences for the sale or disposal of certain meat for human consumption. I would like to ask you specifically about the insertion of 34(4), which provides:

A person must not dispose of game meat for human consumption unless ...

and then it goes into the conditions. What is the purpose of inserting this new provision?

Ms TIERNEY: Mr Rich-Phillips, could you please just repeat the question?

Mr RICH-PHILLIPS: The question, Minister, was basically: what is the purpose of putting this provision in, the new 34(4)?

Sitting suspended 4.08 pm until 4.27 pm.

Ms TIERNEY: Mr Rich-Phillips, I am advised that the current section 34 in the act provides for offences that are incapable of being applied in practice. The new section unpacks the existing offences

in a more pragmatic and legally enforceable way. In relation to subsection (4), this is not a new offence, just a redrafted offence. It has been drafted to remove the current situation where meat from game cannot be sold unless it is slaughtered in a PrimeSafe-licensed meat processing facility. This offence is not capable of being applied in relation to game which is harvested in the field and not slaughtered in a licensed facility.

Mr RICH-PHILLIPS: The government's intent in doing that is what exactly?

Ms TIERNEY: Again, the advice is that we believe that it clarifies the situation and makes it more enforceable.

Mr RICH-PHILLIPS: Thank you, Minister. You referred to game slaughtered in the field, which is obviously where game is slaughtered, so is the intent to create an enforceable offence of supplying game that is not processed at a PrimeSafe facility as you referred to in your introductory comments?

Ms TIERNEY: The advice is that yes, it already exists. It is just a redrafting to make it easier.

Mr RICH-PHILLIPS: Thank you, Minister. So subsection (4) is not in relation to the sale of game, it is in relation to disposal of game for human consumption. I guess the threshold question there is: what does the government mean, what does the bill mean, by disposal of game meat for human consumption? What is the threshold? What are we actually talking about? If you could address that, please.

Ms TIERNEY: Mr Rich-Phillips, I am advised that (3), in referencing 'sell', relies on the definition of 'sale' in the Food Act. That definition is restrictive and does not fully cover all situations where game meat may be used for human consumption. Those latter situations are covered by the term 'dispose of ... for human consumption'.

Mr RICH-PHILLIPS: Thank you, Minister. So the intent of subsection (4) is to capture everything that is not 'sale'?

Ms TIERNEY: That is correct.

Mr RICH-PHILLIPS: The reason I raise this, Minister, is: is that therefore intended to cover circumstances where somebody makes a gift of meat? I use the example of a hunter who harvests some ducks in the field. They are dressed in the field. They go home and give two duck breasts to their neighbour. Is that going to be an offence under this provision?

Ms TIERNEY: If it is for personal use—and personal use is not giving it to someone else—it is fine; otherwise there will be issues.

Mr RICH-PHILLIPS: So giving it to the next-door neighbour is an offence?

Ms TIERNEY: I am advised that, yes, that is the case.

Mr RICH-PHILLIPS: Why?

Ms TIERNEY: I am advised that this is a case of where you draw the line if it goes beyond the actual person who has caught it or dealt with it and it is gifted to someone else. Essentially, meat needs to be inspected so it is safe for consumption.

Mr RICH-PHILLIPS: Thank you, Minister. To give you another practical scenario for this clause, if there are three people hunting together, they harvest a dozen duck, one of them dresses them or two of them dress them and they then split them among the three of them, is that an offence?

Ms TIERNEY: If they harvested it in the field and dressed it in the field, they would be fine.

Mr RICH-PHILLIPS: Thank you, Minister. Even if one of them dressed it and gave it to the other two they had been hunting with? This is a real-life scenario.

Ms TIERNEY: The advice I have received is that if it is an activity that they have done together, even if only one person has dressed the meat, then all three are fine because it is a joint activity.

Mr RICH-PHILLIPS: Thank you, Minister. That is a helpful clarification. To take, again, a practical example: for a person who hunts meat and consumes it with their family, who may not have been hunting with them, I assume the intention is not that that would be an offence. Can you clarify that that would not be an offence?

Ms TIERNEY: That is correct. It would be considered personal use.

Mr RICH-PHILLIPS: Thank you, Minister. So personal use in that context would be consuming it—the person who has harvested it is involved in the consumption of it—with other people as opposed to supplying to third parties or gifting to third parties. Are there constraints around that personal consumption and what is included in personal consumption?

Ms TIERNEY: The constituent unit would be the household, and the person who has harvested the meat essentially needs to be consuming that product with the household or parts of the household.

Mr RICH-PHILLIPS: Thank you, Minister. For the avoidance of doubt, would that include guests of the household if people came over for a dinner party, that sort of scenario? Again, this is potentially a minefield you are opening up with this clause, and these are very real, practical scenarios.

Ms TIERNEY: The advice is that if people did come over for dinner, yes, they could partake in the product. But they would not be able to take it from the residence.

Mr RICH-PHILLIPS: Thank you, Minister. There are obviously numerous scenarios we could explore of that nature. How is it intended that this provision will be used—subsection (4)?

Ms TIERNEY: The objective in all of this is to try and minimise health risks for obvious reasons. So the objective, essentially, is that, for example, if someone has food poisoning, there is a way of tracing it back to exactly how it happened and when it happened. That is why there is a fairly tight number of people that would be able to consume the meat that is harvested in this way.

Mr RICH-PHILLIPS: Thank you, Minister. You indicated this is a restructuring of an existing provision where there was concern that it was incapable of being applied. Is there any case history where there were efforts to apply the previous provisions or scenarios where it was previously sought to be applied, the disposal of game meat provision?

Ms TIERNEY: We would like to take that on notice to double-check a number of things.

Mr RICH-PHILLIPS: Thank you, Minister. Obviously this is I think pretty much the end of the committee stage. Could the minister perhaps give an undertaking as to when and how that material would be presented to us?

Ms TIERNEY: Mr Rich-Phillips, I am advised that that should be available—will be available—within the week.

Mr RICH-PHILLIPS: And you will bring it back to the house?

Ms TIERNEY: I am happy to furnish you with it. We are happy to make it available to members of the chamber.

Clause agreed to; clauses 200 to 207 agreed to.

Reported to house with amendment.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (16:47): 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) (16:47): 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 question:

Ayes, 30

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
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
Melhem, Mr
Ondarchie, 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

Meddick, 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 agreed to the same with amendment.

VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022

Second reading

Debate resumed on motion of Ms PULFORD:

That the bill be now read a second time.

Dr BACH (Eastern Metropolitan) (16:54): I am very pleased to make a contribution on another justice bill, a justice bill that those of us on this side of the house will be supporting. It is a good bill. It is not controversial. It builds upon some important reforms that have been made recently to make things simpler for victims of crime. The chief elements of the bill are drawn from a Victorian Law Reform Commission report and its recommendations.

It puts in place a compensation amount, and the statute of limitations on applications for assistance has increased, as have the compensation amounts. These are positive things. They are supported by the Liberal and National parties. The victims of crime commissioner will have independent oversight of this updated scheme. It was back in 2018 that the Victorian Law Reform Commission reported on

its review of the Victims of Crime Assistance Tribunal and also its governing legislation, which is the Victims of Crime Assistance Act 1996. The VLRC made 100 recommendations in all, including the creation of a new administrative scheme to assist victims in their recovery from acts of violence, and so this bill provides for that new administrative scheme to deliver financial assistance for victims of crime in Victoria. This was pledged, I believe, by the government at the last election.

There were some good contributions in the other place across the house, noting that all of us—and, I do not doubt, all of us in this place—want to have the deepest regard, as we make policy, for the sensibilities and the needs of victims of crime. I was pleased to join the minister and various other members and previous members—actually it was good to see Mr Haermeyer there—at an event just last night for Crime Stoppers. There were numerous notable people who had been victims of crime who were there at that event, where the minister talked about the government's intention to continue to make reforms in order to ensure that as far as possible the needs of victims of crime are met.

Since I have come into a range of different portfolios, including youth justice and child protection presently and previously that of Shadow Attorney-General, it has been my great privilege to regularly meet with victims of crime. I found it a very hard thing to regularly meet with people whose family members have been killed or who have been victims of other egregious crimes of violence. They often report to me, as I know they report to members opposite as well, that they so often find the justice system cumbersome. If we are committed to the rule of law, and we are, and if we are committed to proper processes, and we are, then unfortunately I think it is a foregone conclusion that victims will often find the justice system a frustration. But to seek to ensure that together, across this house and with colleagues in the other place, we make changes incrementally, based upon the best advice, informed always by victims themselves, is an important thing to do. So I welcome this legislation.

Mr Battin, the relevant shadow minister, led the debate in the other place. He was at pains to stress that he does not doubt that members opposite share the convictions of those of us in the Liberal and National parties and those of us on the crossbench who care so deeply for victims of crime. Mr Battin used to be a copper, and in fact he noted that the member for Bayswater, who I think was in the other place when Mr Battin was making his contribution, is another former copper, who has had some really fantastic things to say about how we can do better to seek to support victims of crime.

I think on questions like this, wherever we can, to reach out across the aisle and to find common ground is a really important thing. So I did think it was odd actually that at the function that I went to last night for Crime Stoppers the minister remarked to all those present that she was not sure if this bill would pass this chamber, given that Mr Battin had already said in the other place and other coalition members had said in the other place that we wholeheartedly supported it. Now, the numbers have changed in this place recently—I understand that—with some notable changes across all parties, but nonetheless if you added the number of government members to the number of opposition members, it was very clear that of course this bill had majority support. I am sure some members have read Mr Battin's comments. Again, they are laudable in their bipartisanship, as are other contributions from members of the ALP. So I was disappointed, actually—deeply disappointed—that the minister yesterday sought to make a partisan point here, because other members of the Labor Party had not done that and certainly members of the coalition had not done that either.

The main provisions of this bill are to provide a new scheme to assist victims of crime in their recovery from acts of violence; amend the Victims of Crime Assistance Act 1996 in relation to the scheme set out in that act; and also amend the Victims of Crime Commissioner Act 2015 in relation to victims of crime, the functions of the commissioner and reporting requirements. It makes consequential amendments to other acts as well.

Given the fact that I think on the whole this is a really good bill—and I commend it to the house and I hope it has a speedy passage through this place—we do have one or two key concerns that I presume will be able to be allayed through some further information from the Attorney-General. It has previously been the practice of the Attorney-General—the very constructive practice of the Attorney-

General, may I say—to respond at the conclusion of debates on justice bills by addressing, in every instance that I can recall fulsomely, the specific concerns that I have raised and other opposition members have raised, which has often meant that those of us on this side of the house have not felt the need to move to committee. I will just very briefly reiterate the points that have been made by Mr Battin in the other place for the Attorney’s excellent staff, and hopefully—I would not wish or deign to seek to instruct the Attorney—if she wishes to continue her very constructive practice, we will see if we can expedite this matter.

We have a concern, which I dare say may well be able to be allayed, regarding clause 31—grounds where an application for assistance can be refused. There is no definition in that clause of what constitutes ‘reasonable time’. I am sure that the government’s intention is to ensure that these matters can be dealt with in an appropriately speedy way; nonetheless, I would appreciate some further information from the Attorney about how that will be able to be managed, given that we feel that that wording could be tighter and there could be some definition of what ‘reasonable time’ entails.

Our second concern is regarding clause 41, ‘Victim recognition meetings’. This clause entitles victims who have been granted an application for assistance to request that the scheme decision-maker meet with the victim on behalf of the state. The concern that was expressed in the other place—and for the benefit of my friends on the other side, I will just briefly restate it here—was to know what factors are to be considered when deciding if a meeting would be held and whether victim representatives would be involved. I would welcome any further information on that point.

Finally, at clause 42, regarding the recovery of compensation, subclause (1) allows a person to whom, or for whose benefit, assistance is paid, on or after being notified of the decision to pay the assistance, to assign to the state their right to recover from any other person by civil proceedings, damages or compensation in respect of the injury or death to which the assistance relates. So my two queries are these: does this all mean that the scheme could be capped, and also does it mean that the agency could consider the scheme to be too costly due to take-up and therefore close it? Again, I raise these concerns in good faith, and on every occasion that I have raised similar concerns in the past the Attorney has been good enough to take it that way and provide me with very fulsome information.

I note that some amendments will be moved. Certainly the amendments of Ms Maxwell and her colleague seem to me, and to us on this side of the house, to be very sound, to be carefully crafted and to be put together in a way that is feasible, that is not too broad and that would deliver—although not in any expansive way—in a sensible way some better outcomes for victims of crime.

So again I want to flag, for the benefit of the house, that they will have the support of the opposition parties. That being said, notwithstanding our support for those amendments, we will certainly support the bill as it currently stands, and I wish it a speedy passage.

Ms WATT (Northern Metropolitan) (17:05): I am really delighted to follow Dr Bach’s contribution. Thank you so much for putting so much into your remarks. There is of course a point I would like to begin with, which is acknowledging the tireless advocacy and determination of victim-survivors in speaking on this, the Victims of Crime (Financial Assistance Scheme) Bill 2022. The strength of victim-survivors is what makes bills like this before us today possible. It is important to all of us in this place that we listen to you and that your powerful voices are given a platform to be heard. Having heard of the support of the Liberal-Nationals coalition as well as ours, which we should enjoy today, I hope that you are feeling supported and encouraged by what is about to happen in the passage of this bill. I myself have previously spoken on many occasions on victim support in this place, and I will always advocate for victims of crime to be supported in a safe and trauma-informed manner. Their recovery needs to contain access to financial assistance, and this bill delivers exactly that. This bill is an opportunity to provide victims with a better road to recovery from the impacts of crime. Victims have waited far too long to get the help they need, and the government with this bill is fixing that. I am proud to be part of the Andrews Labor government in delivering key reforms for victims of crime right across our state—and it is really an important note that it is right across the state.

The bill delivers on the 2018 commitment to significant progress in the recommendations of the Victorian Law Reform Commission's review of the operation and effectiveness of the Victims of Crime Assistance Act 1996, or the VOCA act, and the Victims of Crime Assistance Tribunal, VOCAT. The VLRC review found that victims faced excessive delays in accessing critical help and that VOCAT processes further exacerbated the trauma victims experienced.

Through this bill the financial assistance scheme will replace VOCAT with a timely, trauma-informed, culturally safe and accessible system of financial support for victims of crime. The road to this bill has been led by the advocacy and determination of victim-survivors. It will indeed deliver a trauma-informed and safe administrative scheme that is supported by guiding principles. The bill implements or partially implements 84 of the 100 recommendations from the Victorian Law Reform Commission's report into VOCAT. Significantly the Royal Commission into Family Violence also received several submissions that detail the traumatic experiences of family violence victim-survivors with VOCAT.

The harm experienced by victims of crime is often life long and deeply traumatic. This will provide a forum for the state of Victoria to acknowledge and recognise the harm victims have experienced to better support their safety and recovery. This bill enhances accessibility to financial assistance for many victims of crime by better recognising LGBTI chosen families, Aboriginal kinship families, families who are exposed to violence and victims of image-based sexual offences. Upholding and protecting the rights of victims of crime is a significant responsibility, and this bill ensures victims can access services and support and tell their stories with their rights and their privacy protected.

There is more to speak of in this bill, but I am just going to take a moment to discuss the bill with respect to Aboriginal and Torres Strait Islander communities. For those of you that know of my advocacy in this space this will be well familiar. The financial assistance scheme will be a trauma-informed and safer place for victim-survivors, with no place for alleged offenders.

There is a key principle under this bill—I am just going to take a moment to discuss this—to promote cultural safety for Aboriginal and Torres Strait Islander victims. This guiding principle has been written by the Aboriginal justice agreement, phase 4, women, families and victims collaborative working group. And can I take a moment to acknowledge their incredible work in bringing this before us today. The guiding principle of cultural safety states:

acknowledging Aboriginal and Torres Strait Islander people as descendants of Australia's first people; and
... Aboriginal and Torres Strait Islander people have been disproportionately affected by the criminal justice system in a way that has contributed to criminalisation, disconnection, intergenerational trauma and entrenched social disadvantage; and
... victims of Aboriginal or Torres Strait Islander descent have cultural rights and familial and Aboriginal community connections relevant to assistance under this Act.

This guiding principle helps to ensure that the great progress made by the Koori list at VOCAT is embedded in the foundations of the scheme. Additionally, Aboriginal kinship relationships are better represented under the bill through the definition of 'close family member'. And on this National Sorry Day it is really good to see that we are in fact debating justice legislation that will benefit Aboriginal and Torres Strait Islander people who have been victims of crime—and none more so than the members of the stolen generation and their descendants, who are disproportionately affected by crime.

The government understands that there is more work to do to increase access to victim support services for Aboriginal Victorians, and the work continues. At the heart of the reform contained in this bill, we are listening to what victims say and implementing the recommendations of the VLRC's report on replacing VOCAT with a safer and fairer financial assistance scheme for victims of crime. This is the most significant reform to financial assistance for victims of crime in 50 years, and it will make a fundamental difference to the lives of victims accessing support. I commend this bill to the chamber.

Ms MAXWELL (Northern Victoria) (17:12): I am pleased to rise to speak on the Victims of Crime (Financial Assistance Scheme) Bill 2022. The bill provides the foundation for a new scheme to support victims of crime and removes some of the frustration, trauma and limitations of the 25-year-old Victims of Crime Assistance Act 1996 (VOCA act). As the Minister for Victim Support said in her second-reading speech, victims of crime have high expectations for reform of the scheme, and they should have.

The Victorian Law Reform Commission's (VLRC) review of the VOCA act made 100 recommendations for the reform of victim financial assistance. The 612-page report confirmed that the current model is not victim centred or beneficial in its approach because it prioritises procedure and evidentiary processes over the recovery needs of victims. Many of the 100 recommendations are addressed either fully or partially in this bill, and I commend the government on its very thorough work to reform the scheme. I also thank Minister Hutchins, her staff and the department for providing me with a number of lengthy briefings on this bill and discussions about what is needed to support victims, what is possible now and our aspirations for the future—and the aspirations of victims.

I will say, though, I still have some concerns around the operation of the new scheme. There are some limited but very important amendments I will propose in this debate and other questions I hope to ask in the committee stage to give further understanding or assurances about how the scheme will be designed, delivered and reviewed.

We absolutely welcome the shift from a tribunal system to an administrative one. We hope that the requirement within this bill to be expeditious in processing applications will see the end of the constant delays that victims endure. Despite a recommendation from the VLRC to remove the existing hierarchy of victims and replace it with a single and comprehensive definition, the structure of primary and secondary victims remains in place, although I recognise it is expanded and improved. A primary victim will now include someone who has tried to prevent an act of violence, and children will be better recognised as victims in their own right, as they should be. Importantly the time limits for making applications for assistance and variations have been increased, and this is appropriate.

I note there is some scope to do this further through regulation. The VLRC recommended that victims within the scheme be notified as they are nearing the end of this period so they can make a final application for variation if necessary, and we propose an amendment to include this in the bill. I am wondering if it might be an appropriate time to circulate those amendments.

Derryn Hinch's Justice Party amendments circulated by Ms MAXWELL pursuant to standing orders.

Ms MAXWELL: Victims will be entitled to some legal support in making their application under this scheme. My colleague Stuart Grimley, or Mr Grimley, formally proposed the victims legal service to this government in January 2021. The government saw its value and partly funded the establishment of a service in the 2021–22 budget. Our party view is that this scheme needs to be expanded, particularly for families of deceased victims who need independent legal support to navigate the broader justice system—from police to the Office of Public Prosecutions—and to understand court and corrections procedures such as adjournments, sentencing, parole and particularly the plea-bargaining process that can often leave families confused and/or devastated.

The caps on financial assistance have been raised, and for related victims the assistance will not come from one singular pool, which solves an issue that I have previously put to the government and I am sure has been raised by others. I hold here today a refusal to vary an award of assistance for a mother whose 11-year-old daughter was murdered. She had access to 22 months of counselling—22 months for the loss of a child—not appropriate and not enough. This mother will require counselling for the rest of her life.

What is of continued concern for our party also, having spoken with many victims over many years about their experiences and advocating for change, is that counselling provisions, while better than the

former scheme, will still remain limited by financial caps, hence why I bring forward that example of the resistance and the exhausting of funding for that particular mother. The Centre for Innovative Justice conducted a review of victim services and recognised the path of recovery is not a straight and continuous line. A guiding principle of this bill states that ‘the needs of victims may vary’. Without the right support at the right time, victims’ recovery can be compromised. I recognise that the scheme needs to be sustainable, but the preventative investment of counselling can avoid other burdens on our health and justice system down the track.

Victim-survivor Nina Funnell tweeted just yesterday that 25 May marks the anniversary of her assault. She said:

Assault anniversaries are strange things. They mark both the growth & distance we have achieved, while also plunging us right back in time

Michelle Skewes posted this week about her anniversary of the date she was cross-examined in the courts to bring her abuser to justice. Michelle has given me special permission to use her words today in my speech. She wrote:

The feeling of shatteredness that enveloped me that night, is indescribable.

Every person who goes through trying hold their abuser to account, my hat is off to you. To every person who hasn’t yet, I get it.

Victims do not want these anniversaries, they do not want these triggers, so when these anniversaries occur, when the triggers present—and it is different for everyone—if they need support, it should be available.

It was heartbreaking to bring to this Parliament an issue experienced by an applicant under the existing system, and I have referred to this mother just previously in my speech. That problem has not been resolved in this bill. I have suggested amendments for the Legislative Assembly to consider removing the caps on counselling for this very reason. This is not something a victim will seek to exploit but needs to be an ongoing provision to help their recovery.

I know that if these amendments pass, it will require the bill to go back to the Assembly, but it is important to get this right. There are still limitations within the scheme that will protect its viability, and this should not wait for the two-year review. If the government has concerns about expenditure, there are certainly other places that savings could be sought rather than limiting the counselling awards for victims of crime. I feel that anyone not supporting these amendments is slapping a victim in the face.

Stakeholders raised with us a concern that the scheme decision-maker may refuse an application if they are satisfied that the act of violence was not reported to police within a reasonable time. ‘Reasonable time’ is not defined, and the government has said that this was deliberate to give more flexibility to decision-making. I think this will be an important area of focus when the act is reviewed to make sure that the scheme is operating as intended in this regard.

Another concern raised by the sector is provision for the scheme decision-maker to grant or refuse an application based on the character, behaviour or attitude of a victim at any time. The government has indicated that it is not their intention that character or prior convictions will be considered outside of what may be directly relevant to an application. For example, we know that trauma can lead to such things as problematic drug use, and it will be disappointing if a victim is denied further access to support because their behaviour does not fit the mould of a gracious victim. On the other side of that coin, we recognise that there may be occasions where the character or history of an applicant may raise serious concerns about granting further support.

Clause 37 of the bill can require an applicant to repay an amount of interim assistance and recover it as a debt if the final application is refused. This is in contrast to the VLRC review recommendation 34. It is my understanding from discussions with the government that in recent times the Victims of Crime

Assistance Tribunal has not forced applicants to repay an interim award after having their final application refused. I think this should be done in very limited and exceptional circumstances.

Victims will always welcome the opportunity to give an oral statement as part of victim recognition meetings. Victims can feel short-changed in court when their victim impact statement is redacted, and while this bill does not fix that particular issue, if victim recognition meetings are done in a genuine and compassionate manner, they should help the healing process.

The final point I want to make, and to be honest I could talk endlessly on this bill because of its importance to me and to Derryn Hinch's Justice Party, is about the importance of case management in the operation of the new financial assistance scheme. The VLRC review recommended that case management be an essential component of this new scheme, and while the government has confirmed this will be part of the scheme's design, it is not explicit in the bill. The VLRC report noted that case management is a key feature of schemes in other jurisdictions, including Queensland, the ACT and New South Wales, contributes positively to the recovery process and reduces reliance on legal assistance to more complex matters. We think that case management should be explicit in this bill to protect the integrity of the scheme as well as to ensure that future governments cannot tinker with and remove this key component.

In closing, I would like to acknowledge the supportive comments from around this chamber in the past for victims of crime, including in response to the last motion I brought for debate. Ms Shing said about the enduring pain of victims:

... that that in and of itself represents a tragedy that gives rise to our responsibility and our obligation as a Parliament and as a community more broadly ...

She agreed that victims of crime need access to varying levels of support at different stages of their trauma and recovery. Dr Bach said that in the meetings and discussions he has had with victims of crime that it was apparent that they understand that:

... the government has no magic wand, no silver bullet, to deal with their travails, but nonetheless they want a fair system, a system that is flexible, a system that as far as possible meets their changing needs.

Ms Patten has previously said that:

... anything ... we can do to address ... system limitations and better meet victims' needs for assistance is absolutely a good thing.

Ms Taylor was absolutely correct when she said she could appreciate that:

... it can take many, many ... years, if not a lifetime, to have any hope of recovery and healing from something that is inherently traumatic.

I could go on and on, but I do not want to speak for them. This is to acknowledge the broad support for victims of crime in this chamber, and it is those victims of crime that I acknowledge most of all. All of them—their pain, their courage, their journey and those who have found it possible in the midst of their own very personal recovery to share their lived experience and contribute to policy debate and reform. Mr Grimley and I are both very grateful for the close collaboration you have with us, but we know you also make valuable contributions to committees, such as the recent Legal and Social Issues Committee review of the criminal justice system, to the Victorian Law Reform Commission, to the victims of crime commissioner, to advocacy groups and more generally in the public space. Supporting you underpins the work of Derryn Hinch's Justice Party, and I hope this new scheme delivers what is intended, stays true to the principles that are in this bill and delivers the support that is much needed for victims to recover.

Mr TARLAMIS (South Eastern Metropolitan) (17:26): I am also pleased to speak on the Victims of Crime (Financial Assistance Scheme) Bill 2022. Can I start by welcoming the support from other speakers and parties in this chamber today. It is always great when we can come together on important

bills like these and important reforms to support them. It is great to see the chamber working together on these sorts of reforms.

The harm experienced by victims of crime is often deeply distressing and can have residual, even lifelong effects. That is why we have made it our priority to improve how we assist victims of crime here in Victoria. It became clear to us that we needed to do more to ensure that we protect the community in the times when they are most vulnerable, after they experience crime and harm. The Andrews Labor government's road to improving our victims assistance framework began in 2015 with the Royal Commission into Family Violence, the first of its kind. The royal commission was sparked after the tragic increase in violence-related deaths in Victoria. What was revealed by the royal commission was damning, but necessary, as it produced 227 recommendations on how we should improve our response to family violence here in Victoria. It was found that the programs existing at the time were not able to reduce the frequency and impact of family violence, support victim-survivors or hold perpetrators to account for their actions.

The royal commission sparked the 2018 Victorian Law Reform Commission's report and review of the Victims of Crime Assistance Tribunal and the Victims of Crime Assistance Act 1996. This was a necessary and holistic review of how we help victims of crime here in Victoria through both our primary tribunal and the legislative framework. The review was comprehensive and essential, as the Victims of Crime Assistance Act 1996 had not been reviewed in the 20 years it had been in operation. It closely examined the legislative, policy, operational and administrative barriers to the Victims of Crime Assistance Tribunal operating efficiently. It also examined how reform could be made across legislation and all other relevant areas. After the Andrews Labor government received the Victorian Law Reform Commission's final report, we made a commitment to review and implement the recommendations made in it. In total the Victorian Law Reform Commission made 100 recommendations, and this bill before us today will implement or partially implement 84 of these recommendations. The bill enshrines many necessary changes in the way we will be able to support victims of crime within our community, particularly with regard to the financial assistance we offer them.

The main goal of the bill is to establish a new administrative financial scheme for victims of crime to aid with recovery from acts of violence. This comes after it was found that the Victims of Crime Assistance Tribunal had not been able to keep up with the needs and expectations of the community. This new scheme is entitled the 'financial assistance scheme' and will provide the money required for victims of violent crimes to cover medical expenses, loss of earnings, counselling expenses and funeral expenses.

Whilst it has a significant focus on offering more efficient and effective financial assistance to victims of crime, the bill also has a broader set of objectives, which include enshrining guiding principles to uphold victims' dignity and wellbeing, providing a modern and efficient legislative framework to process financial assistance, expanding accessibility to financial assistance, extending time limits, prioritising victims' safety, increasing special financial assistance to victims of crime, better supporting bereaved families of homicide, recognising and acknowledging the harm experienced by victims of crime, promoting cultural safety for Aboriginal Victorians, enabling access to legal representation, upholding and protecting victims' rights and allowing flexibility through regulations and guidelines.

Noting the time, I will not speak to all of those objectives, but I will highlight some elements. The objective to provide a modern and efficient legislative framework to process financial assistance is particularly important. It will see the judicial Victims of Crime Assistance Tribunal model replaced with an administrative scheme that will be located within the Department of Justice and Community Safety. There will be added levels of integrity to ensure the best outcomes possible for victims. This is implemented within the bill, whereby it clearly outlines that the victims of crime commissioner will provide independent oversight of the scheme. Further, the bill allows victims to make direct complaints to the victims of crime commissioner to ensure a high level of compliance with the victims

charter. Another important goal of the bill is to expand accessibility to financial assistance. The bill will do this by making the necessary changes to increase access for victims to the financial assistance scheme.

The bill will add offences that are not currently in existing laws, such as upskirting, grooming and image-based offences as well as allowing for more offences to be captured within the legislation in the future. It will expand and diversify the definitions of 'primary victim' and 'close family member' to recognise close personal relationships, including rainbow, lesbian, gay, bisexual, transgender, intersex and queer families, as well as kinship relations, grandparents and Aboriginal kinship relations. Further, the bill will allow for the financial assistance scheme to recognise children exposed to family violence as victims in their own right. This means their applications will be processed as primary victims. Finally, the bill will expand accessibility to the financial assistance scheme by simplifying the application process. This will be done by eliminating courtrooms and hearings. The application will be an easy process and less legalistic.

One of the most important parts of the bill is it prioritises the safety of victims, as I said earlier. It will discontinue the need for a courtroom. There will not be magistrates or hearings, so the alleged offender will not be notified to attend. There will be added safeguards around the use of victims' application documents in other legal proceedings to protect their personal details from possible misuse. Victims also will now no longer be cross-examined about the content of documents connected to the financial assistance scheme. This is in the hope that victims will not be deterred from applying for the scheme out of fear of it being used against them in other legal proceedings.

Overall, the changes made in this bill will create meaningful changes for victims who require access to financial support. By breaking down the barriers and increasing accessibility, the bill aims to improve overall experiences of victims trying to gain support through our system and provide them with better outcomes. Victims of crime here in Victoria deserve nothing more than to be supported by their government. That is why we have put the financial and emotional wellbeing of victims at the forefront of the bill. Providing adequate financial assistance to victims during vulnerable and traumatic times is integral to their recovery, and this bill makes the changes necessary for us to do this.

I am proud to support this bill, which encapsulates and enshrines meaningful and efficient reforms to the legislative framework regarding how we assist victims of crime, and I am proud that the Andrews Labor government are meeting the responsibility we have to care for and assist victims of crime in the most effective and supportive ways possible. I commend the bill to the house and wish it a speedy passage.

Mr BARTON (Eastern Metropolitan) (17:33): I rise to speak on the Victims of Crime (Financial Assistance Scheme) Bill 2022. This bill makes some really important reforms to the victims of crime financial assistance scheme, and I am sure it will have a real impact on many people's lives. Some of these important changes have already been mentioned by my colleagues. However, I will run through them briefly. Victims will be given the opportunity to request a recognition meeting with government representatives to discuss the harm caused to them. The meeting will include a personal apology on behalf of the state government. This has not been legislated anywhere else in Australia. Victims appreciate having their experience acknowledged, and this change is a critical part of that.

The bill will remove the current practice of pooling the financial assistance of bereaved families. I know that prior to this change we had close family members being short-changed as others made claims that decreased the pool available. We never should have been inflicting this type of conflict and trauma on families already experiencing so much.

There has also been an increase in the time limit in which victim-survivors of sexual assault or family violence can make a claim, from two years to 10 years. This time extension will be incredibly important for many, as the trauma of being subject to a crime can render them unable to apply so soon after it.

The new scheme itself is also a significant improvement on the existing system, and it is the product of many years of advocacy from survivors, victim support and some of my crossbench colleagues. These reforms are a response to the review by the Victorian Law Reform Commission, the VLRC, which addressed a recommendation of the 2014 Royal Commission into Family Violence. That is why, despite the improvements made, it is also disappointing to see that the bill failed to deliver on a number of recommendations from the VLRC. I have been informed that these holes in the legislation, pointed out by community law advocates and victims, will be addressed in regulations. That is not good enough. Currently the bill has mandatory grounds for refusal of financial assistance based on character and past criminal activity. This provides far too much discretion, and we know that such broad grounds for refusal will not always be applied consistently. We know that a relationship exists between criminalisation and victimisation. We see that in the high rates of women in prison who have experienced family violence. I understand this was intended to ensure that the scheme decision-maker has sufficient discretion to refuse to grant assistance to a person involved in an act of violence. So why doesn't the legislation just say that? The VLRC recommended that when determining the recovery payment or amount the decision-maker should have no regard to criminal activity related to drug and alcohol consumption. This recommendation is fair and empathetic, yet absent from this bill.

There is also concern about repaying any interim assistance provided when the financial application is refused. This is a slippery slope. We know that the interim assistance is likely to be spent immediately on counselling or other support services. This means being forced to repay the assistance is likely to put failed applicants in a cycle of unsustainable debt. This repayment should only be required for those who have been fraudulent in their application. It should not be used to disadvantage those who are already vulnerable.

There is also a matter of mandatory police reporting, where victims can be refused assistance because they did not report an act of violence to police within a reasonable time or provide assistance with an investigation, arrest or prosecution. It is incredible that this provision exists given what we know about victims of sexual violence: the bulk of victims do not report sexual violence to police. There are many ways in which a person can prove an act of violence has occurred. This police reporting requirement is not needed.

I understand there are provisions for special circumstances. Speaking to those on the ground at our community legal centres, the term 'special circumstances' has been very subjectively applied. I have been informed of a teenager who was sexually assaulted by a much older man, and the victim, who is a child, did not report this crime to police. The Victims of Crime Assistance Tribunal found that this circumstance was still not special enough, and the victim was refused financial assistance. Why has this not been addressed in the bill? We know how under-reported sexual violence is. Why is the government forcing victims to jump through these hoops?

I note that this bill also requires victims to show exceptional circumstances if they want to attain recovery-related expenses. The entire objective of this bill is meant to assist victim-survivors to recover. It should be trauma-informed and victim-centred, so why must they declare exceptional circumstances to get recovery support? This will absolutely lead to inconsistent determinations. I have even been informed that some scheme decision-makers have refused recovery assistance on the grounds that the family violence is too common to be considered exceptional circumstances.

This bill is an improvement on the system we have currently. That is why I will support it today. However, I am disappointed by the notable lack of empathy and understanding shown in certain provisions of the bill. It significantly limits the access to fair financial assistance, but I will commend this bill to the house.

Dr CUMMING (Western Metropolitan) (17:40): I rise to speak on the Victims of Crime (Financial Assistance Scheme) Bill 2022. This bill establishes a new administrative financial assistance scheme for victims of crime, to assist in their recovery and to allow finalisation of all pending matters. We should be doing everything we can to support victims of crime. I am pleased to see a number of

measures introduced in this bill. Expanding the eligibility, increasing the time limit to make an application and doubling the financial assistance caps are all welcome, as is improving the protection of victims' information.

In Victoria more than 200 000 victim reports are registered every year. Over a third of these are crimes committed against a person, crimes such as murder, sexual assault, assault, abduction, blackmail and stalking. When it comes to these crimes, I am concerned that perhaps the bill does not go far enough. How can you set a cap on counselling available to the victims of some crimes? Can you really set a cap for counselling for someone who has been abducted, for a mother who has lost her child or for someone who has seen their loved one killed?

Now, I understand the government may have concerns over at the cost of such a scheme if it were uncapped, but we are talking about victims. We are talking about people who have been traumatised by crime. We should be doing everything to support them, and if the government have concerns over cost, well, they should get their priorities right. They should learn how to properly manage their infrastructure projects and not blow out the costs—not by thousands of dollars, by billions. That money should be used to help those that need it the most. It should be used to help victims of crime. It needs to be acknowledged that a one-size-fits-all approach cannot be adopted here. The experience of every victim of crime will be different, and the recovery of every victim of crime will be different.

This bill is based on recommendations of the review of the Victorian Law Reform Commission. However, one of the recommendations has unfortunately been overlooked by this bill, and that is the appointment of case managers. As I said earlier, I welcome the reforms in this bill, but it is our job in this chamber to make legislation that is the best that it can be. I look forward to the amendments.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:43): This is the most significant reform to financial assistance for victims of crime in over 50 years. I will detail responses to many of the matters that have been raised; however, it is important to note that the government will work with victim-survivors and stakeholders in the development of regulations and guidelines which can address many of the matters that have been raised today.

As with implementing any legislation, there is work that will continue to occur between now and the second half of next year, when the financial assistance scheme becomes operational. The bill also provides for an independent two-year review, in clause 71. The government's commitment to this reform does not end with the passing of this legislation. We are the first government to appoint a dedicated Minister for Victim Support, who will continue to prioritise this important reform.

The opposition raised questions regarding the bill in the Legislative Assembly. On clause 31, reasonable time for reporting to police was raised. The government has consulted widely on the development of this bill and the financial assistance, and from this we know that trauma-informed practice is important. What is considered a reasonable time to report an act of violence will be different depending on the circumstance for each victim, the nature of the act of violence and the explanation for the delay. For example, what is reasonable for a victim-survivor of a sexual offence may differ markedly from someone who witnessed an act of violence. People with lived experience, the Victorian Law Reform Commission (VLRC) and stakeholders have told us that not every victim's experience is the same. That is why the bill provides the scheme decision-maker with discretion and flexibility to determine what is reasonable time on a case-by-case basis. VCAT has previously found that a significant reporting delay in child sexual abuse cases was not unreasonable. It is not appropriate to specify a set time limit in which the victim must report the act of violence to police, as to do so would remove the flexibility to consider the individual circumstances of the victim and the impact of the act of violence upon them, which is not an approach that is trauma informed.

In respect of clause 41, victim recognition meetings, victim recognition meetings represent an Australian first in responding to the needs of victims by building a forum for the state to meet with

victims and acknowledge the act of violence and its impact on them. The use of ‘may’ provides the scheme with the flexibility to hold victim recognition meetings where it is appropriate and allows the scheme to consider victims’ needs. If the scheme decision-maker believes conducting the victim recognition meeting may be more appropriate at a different time, they require the flexibility to decide to decline holding a meeting at this time. This decision must take into account the views of the victim. The needs and the preferences of victims will underpin all decisions made by the scheme under the bill. Every decision made by the scheme, including whether to hold a victim recognition meeting, must be made through the lens of guiding principles at clause 6. At the forefront of these guiding principles is that the needs of victims, including their safety and wellbeing, are of paramount importance. The scheme will publish guidelines providing further information on when the scheme would hold victim recognition meetings. In developing these guidelines we will consult with relevant stakeholders, including victims with lived experience.

In respect to clause 42, right to recover damages, to be clear, successful awards provided to applicants under the bill are paid out of the Consolidated Fund at clause 68 of the bill. This means that the financial assistance scheme as a whole is not capped. There is no limit to the number of applications it can receive or awards it will pay as long as they are within the requirements outlined in the bill. This is the same arrangement as at the Victims of Crime Assistance Tribunal (VOCAT). The bill provides that financial assistance must be paid to the applicant once the decision has been made. Clause 42 goes to a victim who has received assistance from the scheme being able to choose to assign to the state their right to recover damages or compensation relating to the act of violence from any other person. This is the same as section 51 of the Victims of Crime Assistance Act 1996. The VLRC recommended retaining this offender provision to support scheme sustainability. This allows a victim to assign their right to recover any other damages or compensation by civil proceedings to the state. In other words, if a victim chooses to assign their right, it would enable the state to stand in the shoes of a victim and commence enforcement proceedings for compensation or damages on their behalf. Enforcement proceedings are often complex and lengthy processes which can be retraumatising for victims.

In response to a number of matters that Ms Maxwell has raised—and before I move on to that can I thank her for her continued advocacy for victims of crime—while the government will not be supporting Ms Maxwell’s amendments, it will seek to address many of them through operations, regulations and guidelines and the independent two-year review of the scheme. Clauses 10, 14 and 16 deal with counselling. The amendment to expand counselling provisions in the bill is not supported by the government. However, to provide maximum flexibility and to allow the scheme to evolve with time the bill provides for reasonable counselling sessions, with guidelines to inform what is the reasonable cost or reasonable number of counselling sessions.

Victims have up to 10 years following the original award to apply for additional counselling if required. Victims can use up to their maximum award cap of \$50 000 or \$60 000 for counselling based on the VLRC finding that most victims are unlikely to exceed 20 counselling sessions and that the average Victims of Crime Assistance Tribunal award is \$8291. Most victims are highly unlikely to exceed the existing award caps and need access to unlimited funds for counselling. Further improvements to increasing award caps can be explored through the regulations. The government is also committed to exploring how counselling provisions are working in the independent two-year review period.

Clause 54 is about making case management explicit. While the amendment on making case management explicit in the bill is not supported by the government, case managers and other support staff will be part of the financial assistance scheme operation. Decision-makers and deputy decision-makers are included in the bill, as they have legal powers to make decisions regarding the applications made to the scheme. Case managers will be an important part of the scheme, and their roles will be integral to supporting victims; however, this is an operational matter and will be addressed in the scheme’s design.

In respect of clause 48, providing notification to applicants of time limits, while the amendment on providing notification to applicants on time limits is not supported by the government, communication with victims will be considered in operational design and can be reviewed in the independent review. It is important that victims understand their rights, and the bill embeds this with its guiding principles. That is why it is important we consider that notifying a person some nine years after their financial assistance scheme application that a time limit is coming up may trigger and retraumatise the victim, who may be well on the road to recovery and may not wish to be reminded of the crime and the harm that it caused them. The communication between the scheme and the applicants is a matter of operations and something the government is continuing to consult with victim-survivors on. It would be inappropriate to legislate now but could be considered in the two-year independent review.

In respect to clause 74, removing the limit on substantive variations during the transition phase, the amendment proposed, to remove the limit on how many times a substantive variation can be made to a VOCAT award, is not supported by the government. Victims seeking minor variations—that is, a variation that gives a full effect to the original VOCAT award—can make multiple variation applications. While victims seeking a substantive variation may only make one further application, nothing in the bill limits victims from combining multiple requests for assistance in the course of a standard variation. For example, this means a victim could seek additional assistance for both dental and medical costs in their variation application if that is what is required. The scheme will provide assistance to victims to help them understand the substantive variation limits, to ensure victims are given every opportunity to apply for the assistance they need in their one substantive variation application. The victims legal service will also be an available service for eligible victims to receive support in their application.

The government has been working with important stakeholders, including victim-survivors, community and legal organisations that support them, throughout the development of the bill and the financial assistance scheme. Importantly, the government does this formally with the Victims of Crime Consultative Committee and the victim-survivor advisory group, which included powerful and dedicated victim-survivors who have shaped many of the important reforms of this bill that will fundamentally change the lives of victim-survivors. Community legal centres provide vital services to victim-survivors, and the government notes their advocacy on a range of matters in this bill—including the Federation of Community Legal Centres.

The role of community legal centres will continue to be vital to access the justice system with the establishment of Victoria's first victims legal service but also as we implement this legislation and operationalise the financial assistance scheme. As we turn to this work in creating the guidelines and regulations for the scheme, we note that many of the matters raised by stakeholders relate to the guidelines and regulations. Therefore in continuing our consultative approach to this reform and in the event that this bill is passed, the government will establish an implementation forum with stakeholders to provide input on the regulations and guidelines needed to operationalise these laws. We look forward to continuing to work with community organisations, legal stakeholders and victim-survivors on these very, very important matters.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:57)

The DEPUTY PRESIDENT: Ms Maxwell, I would invite you to move your amendment 1, which is a consequential amendment to your substantive amendment 12, and it tests your amendment 12.

Ms MAXWELL: If I just may speak very briefly to that amendment, this amendment makes case management explicit within the operation of the scheme. The Victorian Law Reform Commission (VLRC) recognises that case management is integral to support for victims, as did the Centre for Innovative Justice when it reviewed the system design, and the bill we believe should reflect this. This is an important connection to the principles of the bill and protects the scheme from being compromised in the future. If the government's position is that case managers will be included as necessary for the effective operation of this act, then it should have no hesitation in saying so in this bill and agreeing to this amendment.

The DEPUTY PRESIDENT: Sorry, if we can stop for just a second, there is a mistake on the running sheet, so the amendment is not in clause 1, it is in clause 3. We might just move clauses 1 and 2 first, and then we will come back to you to do that in clause 3.

Clause agreed to; clause 2 agreed to.

Clause 3 (17:59)

Ms MAXWELL: I move:

1. Clause 3, page 6, line 6, after "54(a)" insert ", (ab)".

As I said, clause 3 relates to case management. I will not go through that blurb again, but I will just reiterate that if this is going to be included in principle then we would like to see it actually included in the act and therefore in the bill.

Ms TIERNEY: I covered off on this when I spoke about clause 54 in my summing-up.

Mr ONDARCHIE: The Liberals and Nationals will be supporting this amendment.

Committee divided on amendment:

Ayes, 18

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

Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Lovell, Ms
Maxwell, Ms

McArthur, Mrs
Ondarchie, Mr
Patten, Ms
Quilty, Mr
Rich-Phillips, Mr
Somyurek, Mr

Noes, 18

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

Melhem, Mr
Pulford, Ms
Ratnam, Dr
Shing, Ms
Stitt, Ms
Symes, Ms

Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendment negatived.

Clause agreed to; clauses 4 to 9 agreed to.

Clause 10 (18:07)

Ms MAXWELL: I move:

2. **Suggested amendment to the Legislative Assembly—**
Clause 10, line 13, after "plus" insert "any assistance paid for counselling services under subsection (5) and".
3. **Suggested amendment to the Legislative Assembly—**
Clause 10, lines 21 to 23, omit paragraph (a).

4. **Suggested amendment to the Legislative Assembly—**

Clause 10, page 15, after line 20 insert—

“(5) In addition to any assistance paid under subsection (2) or (3), a primary victim is eligible for an amount of assistance for expenses actually incurred, or reasonably likely to be incurred, by the primary victim for reasonable counselling services.”.

These amendments give the decision-makers scope to provide a victim with ongoing counselling assistance without it being denied because a victim has reached their cap. We know the path of recovery is not a straight and continuous line, as I previously said, and counselling is a basic and vital component of support. I have raised this issue numerous times since being elected to this Parliament, and without these amendments victims of serious violent crime could continue to be denied basic counselling. It happens now, and we know it costs the health and justice systems downstream. Victims do not want to need counselling; they do not want their trauma. And if this scheme cannot provide scope for ongoing counselling to someone whose daughter has been murdered, it is an indictment on the very principles this bill is based on.

Principle (b) says ‘victims should be protected from further trauma, intimidation or distress’. Principle (d) says ‘the needs of victims may vary’. Principle (e) says that the scheme should be ‘flexible in providing assistance’ and the viability of the scheme is still protected by time limits and by caps on other provisions. To be honest, we see billions of dollars spent on all manner of projects without apology for cost overruns. The minister said herself that this is a once-in-50-year reform, so if we do not get it right now, victims will pay for it for decades. We should not rely on maybe looking at this as part of a two-year review, which might actually be five years from now, because we know this is a problem now and we should fix it now. Victims say they need it, and this will likely only apply to relatively few numbers of victims. On 18 February 2020 the Premier said:

Victims should always be supported—no matter what.

No matter what.

Mr ONDARCHIE: The Liberals-Nationals will be supporting these amendments.

Ms TIERNEY: I dealt with this in my summing-up speech when I made references to clauses 10, 14 and 16.

The DEPUTY PRESIDENT: Before I put this, I just remind members that under sections 62 and 64 of the Constitution Act 1975, the Council does not have the power to make amendments that impose a tax or make appropriation from the Consolidated Fund. No question will be put on these clauses where such amendments are agreed to, and any proposed amendments must be in the form of a suggested amendment to the Assembly. Standing order 14.15 sets out the procedure for dealing with suggested amendments.

Committee divided on suggested amendments:

Ayes, 17

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

Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Lovell, Ms
Maxwell, Ms

McArthur, Mrs
Ondarchie, Mr
Quilty, Mr
Rich-Phillips, Mr
Somyurek, Mr

Noes, 19

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

Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms
Stitt, Ms
Symes, Ms

Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Suggested amendments negated.

No question put pursuant to standing order 14.15(2).

Clauses 11 to 13 agreed to.

Clause 14—no question put pursuant to standing order 14.15(2).

Clause 15 agreed to.

Clause 16—no question put pursuant to standing order 14.15(2).

Clauses 17 to 47 agreed to.

Clause 48 (18:19)

The DEPUTY PRESIDENT: Ms Maxwell, I invite you to move your amendment 11, which tests your amendment 13.

Ms MAXWELL: I move:

11. Clause 48, page 44, after line 15 insert—

“(2A) At least one year before the expiry of the period in which a person may apply for variation, the scheme decision maker must make all reasonable efforts to give written notice to the person of the expiry date.”.

Clause 48 covers the time frames that a victim has to apply for a variation of assistance. For most this will be limited to 10 years, or longer time periods may be prescribed by regulation. This flexibility is good, but victims should be advised when they are nearing the expiration date. The VLRC review recommendation 52 says that victims should be notified in writing a year before the expiration date, and this amendment delivers on that recommendation. My amendment requires the attempt to contact a victim to be reasonably made or the contact to be reasonably made, understanding that victims may be difficult to contact at times. The government may suggest that contacting a victim who is at a good place in terms of their recovery and who does not need support to tell them that their access to the scheme will expire in the next year may retraumatise them. Ultimately, if the government are worried about retraumatising victims in this way, they could make the time frames much longer. So on balance it is our view that not knowing could deliver more trauma, not less, and that the amendment gives the victim the important opportunity of and control over making a personal and informed decision about any further application they may make and is consistent with other victim reforms.

Mr ONDARCHIE: The Liberal-Nationals, and I suspect many on this side of the chamber, will be supporting this amendment.

Ms TIERNEY: I dealt with this matter when I was referring to clause 48 in my summing-up. The government will not be supporting this amendment.

The DEPUTY PRESIDENT: The question is that Ms Maxwell’s amendment 11, which is a test for her amendment 13, be agreed to. Those of that opinion say aye, to the contrary no. I think the ayes have it. Is a division required? Ring the bells.

Bells rung.

Ms Maxwell: On a point of order, Deputy President, if I may—if you could indulge me for a moment—it is my understanding that when the question was put there was actually no opposition from anyone. So I do ask: why did we end up having a division?

The DEPUTY PRESIDENT: The minister did not say no, but I think the Government Whip said that within a reasonable time frame. She picked up what was happening.

Mr Finn: On the point of order, Deputy President, as you quite correctly point out, the minister had absolutely no intention of saying no. In fact nobody said no until quite some considerable time after the question was put. As I recall, you said, ‘The ayes have it’. Now, once you have said the ayes have it, I think the ayes indeed do have it.

The DEPUTY PRESIDENT: Sorry, they did say no when the division was called. I said, ‘The ayes have it’, and the minister did not then call for a division but the whip called for it. The whip picked up that the minister had not called for a division, and the whip pointed it out.

Ms Maxwell: Thank you for indulging me in that process. You definitely heard the whip say that?

The DEPUTY PRESIDENT: Yes. The whip definitely picked up quite quickly that something was going wrong for the government and said, ‘Hang on a minute, what’s going on here?’.

Ms Shing: On a point of order, Deputy President, I actually very clearly heard the whip say no. It is not correct to say that the whip had picked up that something had gone wrong from the government benches. It was the whip’s call. The whip made the call and sought a division, and that is in fact what occurred in terms of what I heard. So I would just ask you to take that into consideration in perhaps casting an aspersion that the minister had not actually addressed the issue and that the whip realised that something had gone wrong—not the case.

The DEPUTY PRESIDENT: Ms Shing, what we are talking about here is not when we said yes or no to the voting; it was about calling a division. I am actually defending the government here and allowing you to call the division. The other side are saying that you should not have a division. I have allowed the division because I clearly heard the whip. There was nothing from the minister, but I clearly heard the whip say, ‘Hang on a minute, what’s going on here?’ . It was actually what she said. Then she said, ‘The noes have it’.

Mr Ondarchie: On the point of order, Deputy President, I draw your attention to standing order 7.01(3) and (4). In fact the question had been put, and there were no opposing voices at the time the question had been put. So the question I have—

Members interjecting.

Mr Ondarchie: I have not finished my point of order, Deputy President. I put to you that in fact there were no opposing voices when you had completed the question, so the requirement for a division had come post that.

The DEPUTY PRESIDENT: I have ruled there were voices that said no to the vote. When I called, ‘The ayes have it’, there was silence from the minister on calling a division. That is what we are talking about. We are not talking about the vote; we are talking about whether a division was called. The whip called a division, and we are having a division, which we are in the middle of.

Ms Shing: Further to the point of order—

The DEPUTY PRESIDENT: Ms Shing, I think we are finished with this now. We are in the middle of a division, and we are going on with the division.

Ms Shing: No, I am entitled to respond to the point of order.

The DEPUTY PRESIDENT: Ms Shing, the clerks have just advised me that, even if the whip had not drawn attention to it, it is open to the Chair to call a division to prevent a decision by

misadventure, so that is what we are doing. We are having the division now, and we are in the middle of the division, so we are moving on with the division.

Mr Finn: On the point of order, Deputy President—

The DEPUTY PRESIDENT: No, Mr Finn, I am sorry. Let us be finished with this. I have made my ruling. The whip drew my attention to it. She wanted to call a division, and we have called the division. The whip called the division.

Committee divided on amendment:

Ayes, 17

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

Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Lovell, Ms
Maxwell, Ms

McArthur, Mrs
Ondarchie, Mr
Quilty, Mr
Rich-Phillips, Mr
Somyurek, Mr

Noes, 18

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

Melhem, Mr
Pulford, Ms
Ratnam, Dr
Shing, Ms
Stitt, Ms
Symes, Ms

Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendment negatived.

Clause agreed to; clauses 49 to 67 agreed to.

Business interrupted pursuant to sessional orders.

Ms TAYLOR: I move:

That the dinner break scheduled for 6.30 pm be suspended.

Motion agreed to.

Clause 68—no question put pursuant to standing order 14.15(2).

Clauses 69 to 91 agreed to.

Reported to house without amendment.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (18:36): 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) (18:36): 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 bill without amendment.

Committees

PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Membership

The PRESIDENT (18:37): I advise the house that I have received a letter from Mr Bourman resigning from the Pandemic Declaration Accountability and Oversight Committee effective today.

Rulings by the Chair

CONSTITUENCY QUESTIONS

The PRESIDENT (18:38): I have considered Mr Gepp's constituency question from earlier today. Our standing orders do not give much guidance about what is an acceptable constituency question, other than it must be about a member's electorate. There are rulings, including rulings I have given, that a constituency question must not be about a statewide matter unless the member can draw a link between the statewide matter and a matter in their own electorate. In this case I believe Mr Gepp has drawn that link and the question is in order, although it does sail close to the wind. But I also want to warn members that constituency questions are not to be used as an opportunity to attack or cast aspersions on other members. I would not like to see that become common practice. The purpose of a constituency question is to bring a genuine local matter to the attention of a minister. I ask all members to bear this in mind.

Bills

APPROPRIATION (2022–2023) BILL 2022

Introduction and first reading

The PRESIDENT (18:39): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2022/2023 and for other purposes'.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:40): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:40): 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* (Vic) (**Charter Act**), I make this statement of compatibility with respect to the Appropriation (2022–2023) Bill 2022.

In my opinion, the Appropriation (2022–2023) Bill 2022, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter Act. I base my opinion on the reasons outlined in this statement.

Overview of Bill

The Appropriation (2022–2023) Bill 2022 will provide appropriation authority for payments from the Consolidated Fund for the ordinary annual services of Government for the 2022–2023 financial year.

The amounts contained in Schedule 1 to the Appropriation (2022–2023) Bill 2022 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedule 2 of the Appropriation (2022–2023) Bill 2022 contains details concerning payments from the Advance to Treasurer in the 2020–2021 financial year.

Human Rights Issues

1. Human rights protected by the Charter Act that are relevant to the Bill

The Appropriation (2022–2023) Bill 2022 does not raise any human rights issues.

2. Consideration of reasonable limitations—section 7(2)

As the Appropriation (2022–2023) Bill 2022 does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter Act.

Conclusion

I consider that the Appropriation (2022–2023) Bill 2022 is compatible with the Charter Act because it does not raise any human rights issues.

JACLYN SYMES MLC

Attorney-General

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:40): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past, present and emerging, and the Aboriginal Elders of other communities who may be here today.

Speaker, today I deliver the *Victorian Budget 2022–23*.

I'd like to start by expressing my appreciation to all the health workers with us today.

To those sitting in the gallery, but also to those working in hospitals and clinics all over the state right now.

There's a saying that the best way to change the world is by example.

Our state's nurses and doctors, paramedics and healthcare workers, set a powerful example of compassion and selflessness right throughout the pandemic.

They delivered more than 15 million doses of vaccine, as Victorians stepped up to build immunity.

They administered more than 20 million PCR tests.

They treated thousands of COVID patients.

They fought a threat from which they were not immune, facing exposure and isolation, and taking on extra work when colleagues were furloughed.

Today we say thank you.

Today I hand down a Budget that gives our healthcare workers the extra pair of helping hands they need—so they can give Victorians the very best care.

Back in 2014 when this Government won office, nobody could have predicted the pandemic.

But what this Government has always understood, is that every day in office is an opportunity to make life better for Victorians.

Since 2014, we haven't wasted a minute.

From the outset, we have planned and built for the future.

Not just for tomorrow, but for the many years ahead.

Together with the Victorian community, we've built schools and hospitals, roads and railways.

We've overseen the biggest infrastructure program in the nation.

We've delivered projects that hundreds of thousands of Victorian workers can look at with pride and say: I helped build that.

We've led social change to make this community fairer and more compassionate—through Free TAFE, three-year-old kinder, and reforms to address family violence and mental health.

Together with our community we've nurtured an enviable lifestyle, a world-famous major events calendar and we've attracted investors from around the globe.

We've created 560 000 jobs—of which more than 400 000 are full time.

The tireless efforts of Victorians—their innovation, enthusiasm and hard work—have paid dividends.

Speaker, if your State must face a global crisis, it helps to have the most robust economy in the nation.

When the pandemic hit, we moved quickly to protect Victorians while vaccines and treatments were being ordered by the Commonwealth.

We used our balance sheet to support businesses and household budgets.

We put tutors in schools, provided grants and hardship relief—we delivered more than \$44 billion to protect health, save jobs, and respond to the pandemic.

Throughout it all, we never lost our focus on what we were elected to deliver for Victorians:

Health. Education. Infrastructure. Jobs.

We dealt with the crisis, while keeping our eyes on the long-term goal: making this state a prosperous and fair place to live.

A state with world-class education and healthcare, one that encourages success and opportunity but that also cares for those in need.

Speaker, we know the pandemic caused pain. We know it hasn't been easy.

Victorians pulled together to get their community through.

And we know that the best way to honour that is to rebuild our health system and our community so that we are stronger, together.

Speaker, the Victorian economy suffered an extraordinary shock due to the pandemic, as did jurisdictions right across the globe.

And the *Jobs Plan*, announced in the *2020–21 Budget*, was our strategy to protect the economy and protect jobs.

Today, with one of the world's highest rates of vaccination, we are open and rebuilding.

We were confident of a quick bounce-back, but I'm pleased to say it's been even faster than predicted.

At 4 per cent, the state-wide unemployment rate is at its lowest since current records began.

The regional unemployment rate is even lower—at 3.2 per cent.

Employment in regional Victoria has increased by over 80 000 people since November 2014.

State final demand is now back above pre-pandemic levels, and the economy is forecast to grow by three and a quarter per cent in the coming financial year.

Industries are roaring to life.

Victorians are crowding back to jobs, restaurants, theatres and stadiums.

Business conditions are well above their long-term average.

Leading employment indicators are strong.

Female and youth employment are now above pre-pandemic levels.

Since the trough in employment in September 2020, an amazing 280 000 jobs have been created across the state—smashing our target to create 200 000 jobs by late 2022.

Workforce participation is now near an all-time high.

I'm proud to say that this Government's *Jobs Plan* has well and truly delivered.

Speaker, Victorians have achieved this extraordinary economic recovery despite the Commonwealth Government short-changing them by billions of dollars.

The recent Federal Budget revealed Victoria's share of new infrastructure spending would be mere scraps—less than 6 per cent of new funding, despite us having 26 per cent of the nation's population.

Their \$7 billion regional development plan allocated Victoria a grand total of exactly ... nothing.

Under the Commonwealth Government's distorted GST carve-up, Victoria could lose over \$1 billion a year if the no-worse-off guarantee is allowed to expire in 2027.

Federal funding for COVID-related health costs will be cut this year, as the Commonwealth fades ever further from view and increases the burden on Victoria.

We've had to do more to vaccinate Victorians, help business and support workers—because the Commonwealth simply didn't do its job.

This all means less for our hospitals and schools, for roads and rail.

The Commonwealth Government, whoever they are, *must* stop short-changing hard-working Victorians and give us our fair share.

As the Premier has said, funding Victoria fairly is not foreign aid—this is simply what Victorians are entitled to, as Australians.

Our Federation won't function effectively if the Commonwealth disappears in our hour of need and treats Victorians as second-class citizens.

Speaker, health was a top priority of the Andrews Labor Government long before the pandemic.

We have always believed in putting patients first.

Since our first Budget we've dramatically increased health funding—by \$9.2 billion a year—and we've employed 29 000 extra healthcare workers.

But the deadly global pandemic has pummelled health systems around the world.

Our incredible nurses, doctors, paramedics, allied health practitioners, cooks and cleaners—indeed all our health workers, deployed all their training, experience and grit to face this once-in-a-lifetime health crisis.

They cancelled leave, they worked through exhaustion, they took on new duties, and they risked their own health.

They provided exceptional clinical care—and so much more.

They held patients' hands, they comforted families, and their kindness brought humanity into COVID wards.

We owe them a great debt.

They are our frontline.

They are the best of us.

Their example, and their sacrifice, brought out our better selves.

Their discipline, determination and compassion gave us the courage to keep trying, to persevere and to prevail.

That's why in this Budget, I'm proud to announce a Pandemic Repair Plan for more staff, better hospitals and first-class care.

The pandemic meant elective surgery was put on hold for many Victorians.

It's now time to start catching up.

We'll ramp up elective surgery to record levels as part of a \$1.5 billion COVID Catch-Up Plan.

We'll set up extended hours for hospital operating clinics to perform more surgeries each day.

We'll convert Frankston Private Hospital into a public surgery centre with capacity to perform up to 9 000 surgeries a year once fully operational.

Our goal is to carry out 240 000 surgeries annually by 2024.

We'll invest in the care patients need.

We are training and hiring up to 7 000 new healthcare workers, of which 5 000 are nurses.

We'll recruit up to 2 000 of these through a global recruiting drive to bring more ex-pats home.

We'll deliver an extra 400 perioperative nurses, upskill 1 000 nurses and technicians and we'll create more than 1 200 new nursing and midwifery training places.

We'll nurture the mental health of our workforce by extending our program of one-on-one psychological support.

And we'll back more traineeships for Aboriginal healthcare workers, so our First Nations people have more culturally sensitive care.

The pandemic has tested our emergency responses, and every Victorian deserves to know that when they need it, help will come.

So, we'll put more paramedics on the road with an extra \$124 million, while we're freeing up emergency departments.

We're investing \$333 million to add nearly 400 new staff so we can increase Triple Zero call-taking and dispatch capacity, including for ambulances.

And we're training more operators to allocate calls across the state.

We'll set up a second mobile stroke unit in Melbourne's south-east, so that stroke patients can get the fast care that saves lives.

I'm very proud to announce that we are building a 24-7 hospital for the growing communities in Melbourne's west, with more than \$900 million in this Budget for the new Melton Hospital.

We'll also deliver the Barwon Women's and Children's Hospital, for Geelong's rapidly growing population, with an investment of over half a billion dollars.

We'll expand emergency departments at Werribee Mercy Hospital and Casey Hospital, with \$236 million.

And more people will get the care they need in the comfort of their own home, as we expand the Better at Home program.

Victorians in every corner of our state deserve access to high-quality care.

This Budget boosts the Regional Health Infrastructure Fund by \$300 million so our regional and rural health services can be upgraded with operating theatres and medical equipment.

Since this Fund began in 2016, we have financed over 480 projects and, with today's funding boost, our investment will total \$790 million.

Speaker, we'll keep fighting the fight against COVID-19.

We'll support our hospitals with an extra half a billion dollars to keep combatting the virus.

And we'll invest to extend our respiratory clinics, which are so critical for treating severe cases.

We are distributing 200 million free rapid antigen tests to our hospitals, critical workers, schools and childcare centres, and to every Victorian who attends a testing site.

We've invested in a new mRNA manufacturing facility, in partnership with the Commonwealth, to make the latest vaccines right here in Victoria.

Speaker, this is a Budget that puts more than \$12 billion into the hospitals and healthcare our state needs and the Victorian workers who will deliver it.

This Pandemic Repair Plan means more staff, better hospitals and first-class care.

This Budget is putting patients first.

Speaker, the Royal Commission into Victoria's Mental Health System provided a plan for a world-class network of services.

This massive social reform is one of the biggest in our state's history, the sort of generational change that only Labor governments make.

It will not just improve *quality* of life for thousands of people—it will *save* lives.

For the truckie pulling over in the dead of night to weep, for the new mother stricken by panic attacks, for the young person feeling like nobody has ever felt so alone ...

... for these people, their families, and many more, our mental health reform might be the most important thing this Government ever does.

Last year, we delivered \$3.8 billion to accelerate this change, and to build a system which gets people the care and help they need and deserve.

Our record spend in this critical area continues in this Budget, which invests in mental health with a further \$1.3 billion.

Mental health care is about so much more than buildings or equipment—it's about people caring for patients with compassion.

That's why we're ramping up our mental health workforce, to deliver on the Commission's reforms with \$372 million to help train 1 500 workers—including 400 mental health nurses.

We'll open 82 new mental health beds across the state, making a total of 274 new beds that have received funding since the *2019–20 Budget*.

We'll build a bigger mental health facility at Goulburn Valley Health in Shepparton.

So that older Victorians receive the high-quality care and comfort they deserve, we'll invest more than \$140 million to build three new public sector residential aged care facilities in Camperdown, Mansfield and Orbost.

We'll also be helping Victorians living with a disability who have not been eligible for the NDIS, with more than \$130 million for tailored support.

Speaker, preventing a problem from getting worse has far more impact than only acting once it becomes an emergency.

That's why we're funding an early intervention package, with half a billion dollars to address issues sooner for students in crisis, those exiting the justice system and those at risk of homelessness.

These investments focus on helping Victorians early—improving their lives and reducing their need for more intensive services later.

Speaker, the Andrews Labor Government knows that a fantastic education gives every child the chance to reach their potential.

Because the unfortunate truth is that the playing field is not always even. Some kids leave for school with a hug and a packed lunch while others walk out the door with an empty stomach and a heart full of worry.

No matter their background or their postcode, we want every child to have world-class schooling that will give them the key to unlock their best life.

Since 2014, this Government has employed nearly 10 000 new teachers.

This Budget continues that commitment to a culture of learning and growth, with funding to expand schools, grow our teaching workforce and help our kids.

We promised in 2018 to open 100 new schools across our state by 2026, a pledge we are ahead of schedule to deliver.

Today, we're funding an additional 13 new schools for Victorian students—taking us to 75 of the 100 schools we promised.

We're also going to upgrade a further 65 schools, including 36 special schools, meaning this Government will have upgraded every single special school in the state.

This Budget invests an extra \$1.8 billion to build new schools and improve existing ones—bringing this Government's total investment to more than \$12.8 billion for new schools and upgrades.

We'll fund extra literacy and numeracy support for students who need it most, with new funding of more than \$130 million.

Speaker, any parent raising a teenager knows there's no 'one size fits all' for young people finishing secondary school. If you pigeonhole a kid this can impact their entire life.

Next year, 2023, will see the start of the biggest reform of the VCE since it began.

We'll introduce a new vocational pathway, to give every student more choice in VCE, with a commitment of nearly \$280 million.

That will expand the Head Start school-based apprenticeship model to every government secondary school in the state.

Speaker, in 2022 we reached a milestone—every Victorian child can now get at least five hours of funded three-year-old kindergarten each week, getting them off to a better start in life.

In this Budget we're giving every child starting three-year-old kinder a Kinder Kit, with educational items like books and games.

School teachers have gone above and beyond through the pandemic, working hard to keep kids engaged.

This Budget invests \$779 million to recruit around 1 900 more teachers.

That means more time for each teacher to prepare and focus on each student, to get to know them better and to meet their individual learning needs.

Speaker, we're creating decent, secure jobs by investing in Victorian industry.

Because when we back homegrown innovation, every Victorian benefits.

That's why we're announcing a new Victorian Industry Investment Fund, with \$40 million in grants to support growing businesses.

We'll open a new trade and investment office in Paris and commit another \$40 million to attract more business to Victoria, from companies around the world.

We'll deliver programs to encourage investment and jobs in renewable energy, digital manufacturing and defence research.

We are investing more than \$100 million in the skills and training Victorians need, with more support for TAFEs and an expanded Apprenticeship Support Officers program.

Speaker, in any humane and fair society, jobs should be secure and safe.

That's why the Government is piloting Australia's first *Sick Pay Guarantee*—providing insecure workers up to five days' sick pay every year.

This means they will no longer be forced to choose between a day's pay and looking after their health, or a loved one who needs them.

We're also fighting wage theft, by arming the Victorian Wage Inspectorate with the resources it needs to take on this injustice.

We'll help community service organisations and their workers by covering cost increases, with an extra \$90 million.

Victorian workers have driven our remarkable economic recovery—and unlike the Commonwealth, the Andrews Labor Government will continue to stand with workers and fight for better and more secure jobs.

Speaker, every Victorian deserves a roof over their head.

People with secure housing have more chance of finding a job, staying healthy, caring for their families and reaching their potential.

Our Big Housing Build invested a record \$5.3 billion for more than 12 000 new social housing homes.

In this Budget, we will work with the community housing sector to make available a further \$1 billion in low interest loans and government guarantees to create up to 6 000 more homes.

We're also working to support after-hours homeless services with an \$85 million package, taking total support for homelessness in this term of office to over \$700 million.

Speaker, Victorians know that our regions are—quite simply—spectacular.

We all treasure our opportunities to experience regional Victoria's natural beauty, local ingenuity and heartfelt hospitality—whether for a long weekend or a lifetime.

Soon, we'll get to share all of that with the world.

I'm tremendously proud that Victoria will host the Commonwealth Games in 2026.

Known as the Regional Victoria Games, they will feature hubs in Ballarat, Bendigo, Geelong and Gippsland. Shepparton will also hold events and other regional towns and cities will be added to the program.

This Budget provides \$2.6 billion in funding for this historic event, which will provide a massive economic boost through event infrastructure, new housing and promotion of our great state.

Our Games funding is part of more than \$5.7 billion in initiatives for regional Victoria in this Budget.

An unprecedented \$36 billion has now been invested in regional Victoria since this Government came to office.

Speaker, this Government knows that to be a world-class state, you need world-class transport.

Our flagship transport projects—the Metro Tunnel, Level Crossing Removals, the West Gate Tunnel, the Suburban Rail Loop, the North East Link and the Melbourne Airport Rail—are shaping our state's future.

The Regional Rail Revival and our regional road upgrades are making it easier and faster for Victorians to travel throughout the state.

Our infrastructure investment will average \$21.3 billion a year over the budget and forward estimates—more than four times the average before we came to government.

All up, our capital works program has supported more than 190 000 jobs since 2014.

Victoria's strong recovery owes a lot to our Big Build.

It is the economic and jobs powerhouse which is fast turning our big dreams into reality.

This Budget invests in preparing for day one of the Metro Tunnel, from the first driver trained, to signage for the first passengers.

Work on the Suburban Rail Loop continues, with planning and procurement for the eastern section well underway.

By 2025, we will have removed 85 dangerous level crossings, clearing away boom gates and freeing up new community spaces.

Today, we're committing \$250 million to buy 12 more VLocity trains for regional Victoria.

These will be built and maintained in Victoria for Victorians, supporting hundreds of jobs in Victorian manufacturing.

And \$213 million will deliver the Mickleham Road upgrade creating a safer journey for the thousands of drivers who use the road every day.

Speaker, families work hard to hold it all together.

The Andrews Labor Government understands that living costs are rising, and we want to help make things easier.

That's why this Budget invests a quarter-of-a-billion dollars so that Victorian households can access a one-off \$250 Power Saving Bonus—that's direct support while we also help them find the best deal on their power bills.

We have always supported families with their household budgets—we've expanded free and subsidised kinder, launched the Victorian Homebuyer Fund and introduced Free TAFE.

We helped households through the pandemic with free RATs, the Test Isolation Payment, and rental assistance grants.

And our dining, entertainment and travel vouchers not only helped the economy, they made it cheaper for Victorians to get back out there and eat, play and stay.

Speaker, this Budget invests in equal opportunity for all Victorians, because everyone deserves to live their best life and to be their whole selves.

We are very proud to be the first state to introduce Gender Responsive Budgeting, ensuring we consider the impact on gender of *all* public policy and investment.

In this Budget we are committing around \$940 million in initiatives designed to improve outcomes for women.

Speaker, every woman and child deserves to be safe, and this Government has already invested over \$3.5 billion to protect Victorians from family violence.

In this Budget there's a further \$241 million to support victim survivors, including two new family violence refuges and six new crisis accommodation properties.

We'll support our LGBTIQ+ Victorians with almost \$15 million in funding for legal services, specialist health programs and pride events.

This Government values our transgender and gender diverse communities, their achievements, their views, their contributions, their voices.

For our First Nations' Peoples, the Andrews Labor Government is enormously proud to be supporting the ground-breaking process of Treaty.

This Budget invests more than \$150 million to progress treaty negotiations and self-determination.

Since we took office in 2014, we've announced a total of \$1.6 billion in new funding benefiting Victorian Aboriginal communities—including \$400 million in this Budget.

Speaker, unlike some others, this Government is united behind a target of net zero emissions by 2050.

We have had the greatest annual increase in renewable energy output of any state in history—cementing Victoria's status as the clean energy capital of Australia and creating thousands of jobs.

And now we're delivering the nation's first offshore wind targets, aiming to generate nine gigawatts of power by 2040, as we harness the wild winds off our coast.

Some said our strategies would increase power prices! How wrong they were.

We now have the lowest power prices in five years.

We're making sure Victoria is part of the solution to climate change, and this Budget invests \$215 million towards an environmentally sustainable future.

Speaker, Victoria is renowned as the creative state, with Melbourne the cultural and events capital of the nation.

Our creatives—the artists, writers, musos and performers—are our heart and soul, reminding us to stop and think, to laugh and cry, and to dream.

When the visitors stopped and the stage lights went out, our arts industry took a real hit.

So we're investing \$245 million to help our creative industries bounce back, with affordable creative spaces for artists, and the Go West Festivals Fund to take the arts in Melbourne's west to a whole new level.

We're backing our arts organisations and we'll fund new blockbuster exhibitions at the NGV.

We are building NGV Contemporary, Australia's new home for contemporary art, which will transform the Melbourne Arts Precinct, create jobs and attract visitors to Victoria.

Speaker, the brave men and women of Victoria Police work every day to keep our community safe, often dealing with volatile situations.

They step up with courage and strength, determined to protect the vulnerable.

This Budget delivers more than 500 new police officers and 50 protective services officers to meet the growing needs of our state.

And we'll invest in our emergency response with more than \$35 million going to the VICSES and the CFA, to back up the great work that they and their volunteers do.

Speaker, before the pandemic, this Government maintained strong surpluses while at the same time delivering improved services and new infrastructure.

Our priority through the pandemic was to protect lives and to save jobs.

We borrowed to do this, but we had a clear four-step fiscal strategy to recover.

A strategy we unveiled in the *2020–21 Budget*, one which we've applied, and one which is succeeding.

The first step was to create jobs and restore economic growth.

The second step was to reach an operating cash surplus, which we delivered a path to in last year's budget, and which we'll deliver in full this coming financial year.

The third step was to reach an operating surplus.

I'm pleased to say that with this Budget we are delivering on step three, with an operating surplus of over \$650 million forecast in 2025–26.

Our Budget will recover by over \$18 billion in just four years.

We are delivering a path back to surplus without jeopardising our economic recovery or cutting the services on which Victorians rely.

By contrast—the Federal Government will stay in deficit for more than a decade.

In this Budget, we're also making progress on Step 4 in our fiscal strategy to stabilise debt levels.

Debt will be \$7.8 billion lower than forecast in last year's *Budget Update*.

In this Budget, we are establishing the Victorian Future Fund to reduce the pandemic debt burden on future generations.

The Fund will initially be set up using proceeds from the VicRoads Modernisation Joint Venture.

The new Victorian Future Fund is projected to have a balance of around \$10 billion in the medium term.

It will be supplemented by investment returns, land sales, and a proportion of future surpluses once net debt stabilises.

The Fund will ultimately be used to repay COVID-19 borrowings at the appropriate time to support our fiscal strategy.

With this Budget, Victoria takes another step towards an exciting and prosperous future.

Speaker, let's jump ahead to the end of the forward estimates period.

The year is 2026.

The Commonwealth Games is on, with excited tourists on our streets and a buzz throughout the state.

We're catching trains through the Metro Tunnel, marvelling at its five new underground stations before we emerge into a bustling, lively city.

The State Budget is back in surplus.

7 000 healthcare workers have been trained and hired—so that when our children or our parents need care, we know they're in the best possible hands.

The new Footscray Hospital is open and Melton Hospital is taking shape.

The West Gate Tunnel is easing traffic in Melbourne's west and apprentices are hard at work building the Suburban Rail Loop.

Our reform of Victoria's mental health system is saving lives.

We're producing Australia's mRNA vaccines, right here in this state.

The Australian Institute for Infectious Diseases is developing new vaccines and therapeutics in our world-leading biomedical precinct.

Victorian students are walking through the gates at 100 cutting-edge new schools and 85 dangerous level crossings are gone for good.

And in 2026 I hope, Speaker, I can say that the global pandemic is now a distant memory.

That it is remembered as a time when the Victorian community came together, to carve out new directions and to reach for better dreams.

In my second budget speech in 2016, a very different time, I quoted an ancient Greek saying ...

"A society grows great when old people plant trees whose shade they know they shall never sit in."

I still believe this is true.

Today's doubts must not constrain tomorrow's opportunities.

So, in this Budget, we plant the trees.

And our children and grandchildren will enjoy their shelter.

Speaker, I commend this Bill to the House.

Mr ONDARCHIE (Northern Metropolitan) (18:40): I move, on behalf of my colleague Mr Davis:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022

Introduction and first reading

The PRESIDENT (18:40): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2022/2023 and for other purposes'.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:41): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:41): 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* (Vic) (**Charter Act**), I make this statement of compatibility with respect to the Appropriation (Parliament 2022–2023) Bill 2022.

In my opinion, the Appropriation (Parliament 2022–2023) Bill 2022, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter Act. I base my opinion on the reasons outlined in this statement.

Overview of Bill

The purpose of the Appropriation (Parliament 2022–2023) Bill 2022 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2022–2023 financial year.

Human Rights Issues

1. Human rights protected by the Charter Act that are relevant to the Bill

The Appropriation (Parliament 2022–2023) Bill 2022 does not raise any human rights issues.

2. Consideration of reasonable limitations—section 7(2)

As the Appropriation (Parliament 2022–2023) Bill 2022 does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the Charter Act.

Conclusion

I consider that the Appropriation (Parliament 2022–2023) Bill 2022 is compatible with the Charter Act because it does not raise any human rights issues.

JACLYN SYMES MLC

Attorney-General

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:41): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Appropriation (Parliament 2022–2023) Bill 2022 provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2022/2023 financial year, including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable Members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the *Appropriation (Parliament 2021–2022) Act 2021* have been estimated and included in the Budget Papers. Before 30 June 2022, the actual unapplied appropriation will be finalised and the 2022/2023 appropriations will be adjusted by the approved carryover amounts under section 32 of the *Financial Management Act 1994* (Vic).

In line with the wishes of the Presiding Officers, appropriations in the Appropriation (Parliament 2022–2023) Bill 2022 are made to the departments of the Parliament.

The total appropriation authority sought in this Appropriation (Parliament 2022–2023) Bill 2022 is \$268 739 000 (clause 3) for Parliament in respect of the 2022/2023 financial year.

I commend the Bill to the House.

Mr ONDARCHIE (Northern Metropolitan) (18:41): I move, on behalf of my colleague Mr David Davis:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022

Introduction and first reading

The PRESIDENT (18:42): 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 **Borrowing and Investment Powers Act 1987**, the **Duties Act 2000**, the **Essential Services Commission Act 2001**, the **Land Tax Act 2005**, the **Payroll Tax Act 2007**, the **Taxation Administration Act 1997** and the **Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021**, to make consequential amendments to other Acts and for other purposes’.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:42): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:43): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the State Taxation and Treasury Legislation Amendment Bill 2022 (**Bill**), as introduced to the Legislative Council, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.

Overview

The Bill makes amendments to the *Borrowing and Investment Powers Act 1987*, the *Duties Act 2000*, the *Essential Services Commission Act 2001*, the *Land Tax Act 2005*, the *Payroll Tax Act 2007*, the *Taxation Administration Act 1997* (**Administration Act**), and the *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021*.

Most of the amendments made by the Bill do not engage the human rights listed in the Charter because they either do not affect natural persons, or they operate beneficially in relation to natural persons. However, the following amendments made by the Bill have been identified as potentially engaging human rights protected by the Charter:

Administration Act:

- Amendments to prescribe authorised recipients of information obtained under or in the course of administering a taxation law.

Human rights issues

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

- Privacy and reputation, as protected under section 13 of the Charter, which provides that a person has the right to not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

For the reasons outlined below, the Bill is compatible with this right.

Administration Act*Right to Privacy: Section 13(a)***Authorised recipients of information**

Division 3 of Part 9 of the Administration Act contains secrecy provisions that prohibit tax officers (which include authorised officers as defined in the Administration Act) from disclosing information obtained in relation to their functions, except as permitted under the Administration Act.

The following provisions may engage the right to privacy under section 13(a) of the Charter:

- Section 92 of the Administration Act prescribes the circumstances in which a tax officer, being a person engaged in the administration of the taxation laws, may disclose information obtained under or in the course of administering a taxation law, and extends the permission to persons and agencies who are ‘authorised recipients’.

Clause 32 of the Bill amends section 92(1)(e) of the Administration Act which permits the disclosure of information to particular persons or for particular purposes (i.e., authorised recipients). In each instance disclosure may engage the right to privacy, but it does not limit that right because the permitted disclosures are not unlawful or arbitrary.

Clause 32(1) extends the existing category of authorised recipients to permit disclosure of information to the Australian Financial Security Authority (AFSA). AFSA is an executive agency in the Attorney-General’s portfolio and manages the application of bankruptcy and personal property securities laws. AFSA fulfils statutory roles created by the *Bankruptcy Act 1966* (Cth), such as Inspector-General in Bankruptcy, Official Receiver and Official Trustee in Bankruptcy. Disclosures to AFSA will not be arbitrary as they will be made, at a tax officer’s discretion, for the purpose of AFSA’s investigations into whether a person has committed an offence against the *Bankruptcy Act 1966*.

Clause 32(1) further amends section 92(1)(e) to permit a tax officer to disclose information to the Australian Transaction Reports and Analysis Centre (AUSTRAC). AUSTRAC sits within the Australian Government’s Home Affairs portfolio and collects financial data from the financial transactions and suspicious matter reports submitted by reporting entities as required by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (AML/CTF Act). Enabling disclosure to AUSTRAC would not be arbitrary as any disclosures would be made, at a tax officer’s discretion, to enable AUSTRAC to perform its regulatory and enforcement functions in accordance with legislation; particularly its investigations into individuals, businesses and organisations to ensure they are complying with their obligations under the AML/CTF Act and the *Financial Transaction Reports Act 1988* (Cth).

Clause 32(1) also amends section 92(1)(e) to permit a tax officer to disclose information to a prescribed Commonwealth enforcement body, for the purposes of criminal investigations or inquiries, law enforcement activities or public revenue protection activities conducted by the body. The Administration Act’s regulation-making power will be used to prescribe a limited number of authorised recipients; namely Commonwealth law enforcement agencies identified by the Commissioner of State Revenue from time-to-time as appropriate authorised recipients. A disclosure in these instances is not arbitrary as it will be for the purposes of protecting the public revenue. In particular, the right to privacy protected by the Charter will not be limited by the proposed amendment to enable further updates of authorised recipients for Commonwealth law enforcement agencies to be made by regulation. While the preferred approach is that authorised recipients should (and will) remain in the Administration Act, enabling a restricted cohort of authorised recipients to be prescribed in regulations to enable efficient administration (noting that this cohort already exercise coercive powers under Commonwealth legislation to compel the production of information), will not amount to an arbitrary or unlawful interference of an individual’s right to privacy.

Finally, clause 32(1) amends section 92(1)(e) to permit disclosure of information to a body that is a member of the Phoenix Taskforce, for the purposes of law enforcement activities conducted by the Phoenix Taskforce. The Australian Taxation Office established the Inter-Agency Phoenix Forum, a prescribed Taskforce, comprising representatives of several Commonwealth agencies and revenue offices (**the Phoenix Taskforce**). The Phoenix Taskforce provides a whole-of-government approach to combatting illegal phoenix activity, which has relevance for the Commissioner of State Revenue in relation to the enforcement of payroll tax.

Disclosures to the Phoenix Taskforce will not be arbitrary as they will be made where, in a tax officer's opinion, the information would help the Phoenix Taskforce with monitoring and deterring fraudulent phoenix activity.

These disclosures are not unlawful because they will be permitted by law and limited to a purpose related to the responsibilities of each of the authorised recipients, as discussed above. For these same reasons, the disclosures are also not arbitrary. The secondary disclosure of any information disclosed under this clause will be strictly limited to the instances permitted under existing provisions in the Administration Act. Finally, a tax officer retains their statutory discretion under section 92 of the Administration Act to decide whether or not to disclose information to an authorised recipient.

This constitutes a further safeguard against any arbitrary interference of an individual's right to privacy, since a request for information by an authorised recipient will not automatically result in a tax officer ceding to that request.

For these reasons, in my opinion, the provisions of the Bill are compatible with the rights contained in section 13(a) of the Charter.

Jaclyn Symes MLC
Attorney-General

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:43): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

It is my pleasure to introduce this Bill, which delivers an important initiative from the 2022–23 *Budget* to increase the Government's support for the provision of wheelchair accessible transport options and empower wheelchair users to access the transport method that best suits their circumstances. The Bill also makes improvements to several taxation and other laws, including the *Land Tax Act 2005*, *Payroll Tax Act 2007*, *Taxation Administration Act 1997*, *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021*, as well as the *Borrowing and Investment Powers Act 1987* and *Essential Services Commission Act 2001*, to support their effective operation.

Budget initiative—exemption from motor vehicle duty

In line with the 2022–23 *Budget* announcement, the Bill amends the *Duties Act 2000* to introduce, from 1 July 2022, an exemption from motor vehicle duty for wheelchair accessible commercial passenger vehicles that meet the requirements to provide unbooked services (i.e. taxi rank and hail work) and are less than two years old. Currently, an exemption from motor vehicle duty is available for eligible private motor vehicles that have been, or will be, specially converted to provide wheelchair access. Wheelchair accessible commercial passenger vehicles may also qualify for an existing \$24,000 reduction in the dutiable value of a new (previously unregistered) vehicle. The amendment therefore expands, and complements, the current suite of motor vehicle duty exemptions and concessions for the transport of people with a disability, handicap or injury. This measure is expected to cost approximately \$2.7 million over the budget forward estimates period.

Land tax amendments

The Bill amends the *Land Tax Act 2005* to replace the current refund model for recently constructed or renovated principal places of residence (PPR) with an upfront exemption from land tax. The current refund model is anomalous when compared to other PPR provisions, and imposes a potentially significant financial burden on landowners, as it requires the land tax to be paid upfront until construction or renovation has finished and it can be refunded. The amendment addresses these concerns by legislating a simpler, upfront PPR exemption where a person is absent from land because of the construction or renovation of a residence. The exemption will be available for a maximum of four years in total (from the commencement of construction or renovation) and is subject to certain requirements. A clawback mechanism enables the revocation of the exemption, in full or part, if the requirements of the exemption are not met.

The Bill also introduces an exemption from land tax for land on which a specialist disability accommodation (SDA) enrolled dwelling is being constructed. This ‘construction-phase’ exemption will be available for a maximum of two tax years. Although a discrete exemption has been available since the 2020 land tax year for land that is occupied, or available for occupation, as an SDA enrolled dwelling, the exemption was not extended to land in the construction-phase. This is out of step with the treatment of other specialist accommodation types, including supported residential services, which are eligible for an exemption for up to two tax years whilst the land is in the construction-phase. For consistency, the construction-phase exemption for SDA enrolled dwellings will operate retrospectively from the 2020 land tax year onwards. Retrospectivity will not have an adverse impact on landowners, as the exemption is beneficial in nature.

Payroll tax—exemption for employment agents

The Bill amends the *Payroll Tax Act 2007* to confirm that an exemption applies to certain wages paid under an employment agency contract and other related arrangements, where the agent on-hires their common law employees to a client exempt from payroll tax (for example, a charity or public hospital). The amendment responds directly to the decision of the Queensland Court of Appeal in *Compass Group Education Hospitality Services Pty Ltd v Commissioner of State Revenue* [2021] QCA98, and confirms the long-standing policy that wages paid for services performed under an employment agency contract by a service provider who is an employee of the employment agent are exempt from payroll tax where those services are provided to a client exempt from payroll tax. In addition, to ensure the exemption continues to operate as intended, the amendment enables the Governor in Council to prescribe, by regulation, specific circumstances, and persons, eligible for the exemption. This will enable the Government to respond quickly and effectively to evolving industry practices and developments in case law.

Taxation Administration Act amendments

The Bill amends the *Taxation Administration Act 1997* (TAA) in relation to deemed assessments of dutiable transactions processed using the on-line duty payment system. Under the current provisions, a deemed assessment is taken to have been made and served when the Commissioner of State Revenue (the Commissioner) validates the information submitted by the user for the purpose of payment of the duty, including a nil payment. As ‘validates’ is not defined by the TAA or the *Duties Act 2000*, there are several possible points in time at which the Commissioner could be characterised as having validated the information submitted, which causes unnecessary confusion for users. Accordingly, the amendment clarifies that the point in time at which a deemed assessment is taken to have been made and served if a person uses the on-line duty payment system; that is, the later of the making of an irrevocable commitment to pay duty or to not pay duty (as the case requires) or the completion of the dutiable transaction. The amendment also confirms that an estimate of duty provided by an on-line duty payment system is not an assessment of tax, delivering further certainty to users and ensuring that revenue laws evolve to reflect the current operational environment.

The Bill also amends the TAA to allow the State Revenue Office (SRO) to disclose tax-related information to the Australian Financial Security Authority and the Australian Transaction Reports and Analysis Centre. The Bill also authorises disclosure to member bodies of the Phoenix Taskforce, where the disclosure is in connection with their law enforcement or public revenue protection activities. Under the TAA, information collected by the SRO can only be disclosed to agencies that are expressly stated to be authorised recipients of that information. Permitting the SRO to disclose relevant information to these agencies will support and assist them in their compliance and enforcement activities, and help to protect the public interest.

The Bill further amends the TAA to enable additional Commonwealth enforcement bodies to be prescribed as authorised recipients by regulation, thereby allowing the SRO to respond efficiently and effectively to potential future information requests. Any disclosure to a prescribed authorised recipient is restricted to being for the purposes of criminal investigations or inquiries, law enforcement activities or public revenue protection activities conducted by the prescribed body.

The Bill also amends the TAA to expressly allow a person to whom the SRO has disclosed sensitive information to further disclose that information if they have the consent of the person to whom the information relates. This will remedy an unintended consequence of the existing provisions, which prohibit the secondary disclosure of SRO information in most circumstances and could therefore stop a taxpayer from on-disclosing their own information to a third party (such as an accountant or lawyer).

The Bill amends the TAA to place a maximum five-year time limit on the late lodgement of an out of time objection. Currently, the TAA provides that a taxpayer must lodge an objection within 60 days after the date of service of a notice of assessment or a payroll tax decision. The Commissioner may, however, permit the late lodgement of an objection after 60 days. There is currently no time limit on the Commissioner’s discretion to extend the ordinary 60-day period for lodgement of an objection. Although the amendment has the potential to affect a limited number of taxpayers who do not (or could not) seek an exercise of the Commissioner’s discretion within the fresh five-year limit, the amendment balances this risk against the twin

policy imperatives of finality in the resolution of taxation disputes and certainty in the collection of revenue. The amendment also ensures consistency with the broader administrative framework, including a five-year period of retrospectivity for assessments, a five-year time limit on the withdrawal of assessments and issuing of reassessments, a five-year time limit on applications for refund and five-year record-keeping obligations.

Windfall Gains Tax amendment

The Bill amends the *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021* (Amendment Act) to provide an exemption from windfall gains tax (WGT) on land owned by a university in certain circumstances. The WGT will apply to rezoning decisions made after 1 July 2023 that generate a value uplift in land above \$100,000. The Amendment Act provides for several exemptions to the WGT, including an exemption for residential land up to 2 hectares in size. Also, a waiver exists for charities, including universities, in relation to land that continues to be owned, used and occupied by a charity exclusively for charitable purposes for 15 years after a rezoning event.

Following consultation with various stakeholders, including during the passage of the Amendment Act, the Government will legislate a further, discrete exemption from the WGT on land owned by a university, where that university is a charity and the Commissioner is satisfied that the revenue derived from the rezoned land will be spent in fulfilling their charitable purpose—whether it be a campus relocation, a new research project, or the day to day running of the university.

Borrowing and Investment Powers Act amendment

The Bill amends the *Borrowing and Investment Powers Act 1987* (BIP Act) to provide financial accommodation with an associated statutory guarantee to local councils under the BIP Act, and to replace the mechanisms that specify all the persons and bodies to which certain powers apply under the Act with a power for such bodies to be prescribed by regulation. In effect, the amendment will bring local councils under the BIP Act. This will mean that when the Treasury Corporation of Victoria (TCV) makes a loan under the Government's local council borrowing programme, appropriation is available from the Consolidated Fund for any liability to TCV arising under the loan.

The Bill also makes the process of lending to local councils more administratively efficient, reducing legal costs and make funding available to TCV in the event of a default. In the absence of the amendment, specific guarantee documentation will have to be drafted for each loan or group of loans. This approach is only suitable for one-off guarantee requests, not an on-going lending program across a sector as large as local government.

The Regulations will be easier and quicker to amend in the event that new entities are added, or powers are amended as compared to the existing process. All authorities including councils will be listed with their powers in the Regulations rather than being spread across Schedule 1 to the BIP Act and the Government Gazette. This means that there will be one mechanism for specifying all the persons and bodies to which the BIP Act applies, rather than an approach where some persons/bodies are listed in the BIP Act and others are specified in Orders in Council published in the Government Gazette. As the Bill does not authorise any new borrowing or investments, it has no financial impact. The amendment is designed to ease the administrative burden of the BIP Act.

Essential Services Commission Act amendment

The Bill amends the *Essential Services Commission Act 2001* to clarify funding arrangements under the Essential Services Commission (ESC) Enforcement Fund, which was recently established in response to the Government's Energy Fairness Plan to help fund litigation and other enforcement action that the Commission undertakes, such as against energy retailers. However, the provisions as currently enacted do not provide sufficient flexibility to enable enforcement action to be funded with respect to legislation administered by the ESC, such as the *Victorian Renewable Energy Act 2006* and *Victorian Energy Efficiency Target Act 2007*. Further, as drafted, there is uncertainty around whether the ESC's enforcement action can be funded if the balance in the Enforcement Fund is insufficient as well as in relation to how appropriations are handled.

The Bill therefore addresses these matters by enabling the Enforcement Fund to be used to fund enforcement action under the *Victorian Renewable Energy Act 2006* and *Victorian Energy Efficiency Target Act 2007*, as well as clarifying that the ESC's Operating Fund can be used to fund enforcement action and that appropriations for the ESC's Enforcement Fund and Operating Fund are paid into those funds.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (18:43): I move, on behalf of my colleague Mr Davis:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:43): I move:

That the house do now adjourn.

WILD HORSE CONTROL

Mrs McARTHUR (Western Victoria) (18:43): (1947) My adjournment debate is for the Minister for Energy, Environment and Climate Change and concerns the stated policy aims of Parks Victoria to trap and rehome brumbies in Victoria's national parks. The first listed policy in the executive summary of the Alpine National Park feral horse action plan is to:

- continue to trap feral horses for rehoming to the extent that suitable rehoming applicants can be found.

It is the same story in the Barmah National Park. Point (i) of that joint management plan details:

... passive trapping and rehoming where appropriate recipients are secured ...

Shooting is listed as the second option. This implies it is a last resort, and that sounds reasonable, yet those involved with rehoming brumbies in the Barmah and alpine regions have become extremely cynical about Parks Victoria's commitment. I have previously asked for but not received cost estimates per horse for the removal by both rehoming and shooting. Indicative costs must exist as Parks have produced targets for removal for these programs and overall budgets. It would certainly contribute to public trust if the minister could dispel the idea that Parks are inclined to prefer shooting because it is cheaper and easier. The distrust has been added to by the low numbers rehomed and Parks' apparent recent abandonment of the policy.

In a Public Accounts and Estimates Committee budget estimates hearing last week, Parks Victoria CEO Matt Jackson confirmed to me that:

... the commitment from both plans was to do rehoming.

But he also stated:

... we have gone through and rehomed 10 horses in the Barmah National Park, consistent with ethics, animal equine vets' oversight and principles ... We did rehome 10 horses, which was a great outcome ...

I am sorry not to share his enthusiasm. Moments later, talking about the Barmah, I asked:

So you are going to shoot 400 horses?

And he stated:

If the numbers are there.

While I am delighted 10 horses have been saved, it is hardly an impressive result given the scale of the impending slaughter. I appreciate rehoming requires more than ticking boxes and matching sponsors with brumbies, but many individual rehomers and groups are trying to work with Parks in good faith. For example, the Barmah Brumby Preservation Group has fundraised nearly \$100 000 for fencing and infrastructure and applied to rehome 100 horses. Now Parks have left them high and dry. Trapping has been completely suspended on the basis that activists interfered with certain traps. The action I seek from the minister is to require Parks to work with advocacy groups and to reinstate the safe trapping and rehoming of brumbies.

WOMEN'S CENTRE FOR HEALTH AND WELLBEING ALBURY-WODONGA

Ms MAXWELL (Northern Victoria) (18:46): (1948) My adjournment is to the Minister for Prevention of Family Violence, and the action I seek is for funding to be increased to the Women's Centre for Health and Wellbeing in Albury-Wodonga to rectify the massive gap in funding versus service provision. The women's centre helps Victorian women with support through domestic and

family violence related counselling, sexual abuse and trauma counselling, crisis intervention support for apprehended violence orders or homelessness, and access to therapeutic groups.

The women's centre is a cross-border service. New South Wales Health covers 89 per cent of their income, with 11 per cent from Victoria. The Department of Families, Fairness and Housing (DFFH) in Victoria provides this organisation with \$48 000 each year, which is purely to cater for 12 women who are first-time attendees each year for domestic violence related services. The reality for this service, though, is that 68 first-time domestic violence related women have attended their centre this year and 39 of those referrals have come from Victorian agencies. Predominantly referrals have come through the Orange Door, who referred 24 women, but others came from organisations such as the Centre Against Violence, the Victorian Aboriginal Child Care Agency, Upper Murray Family Care, Gateway Health or the department directly. Thirty-four per cent of the women's centre's clients—women or those who identify as women, over 16 years of age—are from Victoria.

This financial year the women's centre has 89 Victorian clients, which equates to 509 appointments. The women's centre tell me that the best way to translate details of the funding shortfall is that DFFH have valued the service at \$4000 per client. With 89 Victorian clients this year, this should equate to \$356 000 in funding, but they are only receiving \$48 000. That is a shortfall of \$302 255. The result is that the women's centre cannot employ enough counselling staff to meet demand and this is putting the service under enormous pressure.

The service currently has a waitlist, which they say is for the first time ever, so clients have to wait three or four months to get the help they so desperately need. The women's centre currently has one counsellor at four days per week offering counselling services, another counsellor at two days per week for counselling services and one counsellor at two days per week for therapeutic group work. An increase in funding would allow the service to have counsellors cover an additional nine days a week. This would be a game changer for victim-survivors in the region and ensure women can recover more quickly from the devastating trauma of domestic violence and sexual abuse.

I would be more than happy to organise a meeting for the minister or representatives from the department with the Women's Centre for Health and Wellbeing Albury-Wodonga to tease out the issues in more detail. The government has made an enormous capital and operational investment in Orange Door services throughout Victoria. If people come through the Orange Door, there needs to be support at the service delivery end to meet their needs within an effective time frame.

ENERGY POLICY

Mr ONDARCHIE (Northern Metropolitan) (18:49): (1949) My adjournment debate is for the Minister for Energy, Environment and Climate Change in the other place. The good people of Victoria started 2022 staring down the barrel of a 141 per cent increase in wholesale electricity prices and a 77 per cent increase in gas wholesale prices, which are now being passed on to consumers. I am sure people like Jason McClintock in Eltham and Briony Hutton in Hastings clearly know that their residents are annoyed at the price increases for electricity and gas in their particular areas. Last month's state budget provided very short term relief with a \$250 power bonus—68 cents a day—but the budget did absolutely nothing to stabilise long-term gas and electricity prices, which are predicted to continue to rise under eight years of Labor's mismanagement. The Treasurer in his budget reply speech stated:

Some said our strategies would increase power prices! How wrong they were.

I would recommend the minister and the Treasurer talk to some of the residents across Victoria in my electorate, in Hastings and in Eltham, because they will not tell you how low energy prices are; they will say that gas and electricity prices are going up, forcing them to make sacrifices in other areas of cost-of-living pressures in their family homes.

Victorians are struggling. They want certainty, and the minister only ever offers excuses. The minister always has a plan for a plan, but the Victorian public are never allowed to see it. Therefore with bills for all Victorians expected to rise again on 1 July this year I am calling on the minister, and the action

I seek is for the minister to immediately release the gas substitution road map and the renewable energy zone consultation paper so that all Victorians can see the government actually has a plan to lower prices.

WESTERN METROPOLITAN REGION MATERNAL AND CHILD HEALTH SERVICES

Dr CUMMING (Western Metropolitan) (18:51): (1950) My adjournment matter is to the Minister for Health in the other place, and the action that I seek is for the minister to work with the Melton City Council to cope with the record demand for maternal and child health services. Melton mothers are struggling to get vital health check-ups for their children and babies, with Melton council's maternal and child health service still restricted by nursing shortages across the sector. In the City of Melton the weekly number of births has increased from 47 babies in 2020 to about 60 to 90 a week. New clients entering the service are up from 242 in 2020 to 352 today.

The maternal checks are normally a free service offered by councils. They monitor babies' key development factors like weight and diet and provide support and advice to new parents. They are also an essential check for parents of those children. Early childhood and maternal care experts warn ongoing limits to free service mean that some parents are relying on blogs instead of actually getting proper health information about their child's development. There are fears that health issues in babies could be going undetected, as infant and maternal health checks remain suspended in parts of Melbourne's west due to the shortage of workers.

The Department of Health enacted an initial six-week pause on maternal checks for babies aged over eight weeks on 28 January while a code brown was in place. The emergency measures allowed for the state's health workforce to be redeployed. This meant that specialist nurses were unable to actually conduct regular infant checks. Despite the code brown finishing in mid-February, long-term workforce shortages and the COVID-driven baby boom have meant that some councils are still unable to offer the service. Wyndham City Council is still only conducting maternal checks on babies under the age of eight weeks, and Melton City Council is still only conducting checks on babies under four months. Melton's maternal and child health service capacity will be reviewed, and further advice will be provided by the end of this month.

Melton City Council appreciate, obviously, the nursing shortfall across the sector, but they also need reassurance that Victorian families are receiving the care available for their growing children. So they need assistance to offer initiatives for nurses to move into maternal and child health work in the outer growth areas, as well as funding, scholarships and tertiary places.

CONTRAST MEDIA SHORTAGE

Ms CROZIER (Southern Metropolitan) (18:54): (1951) My adjournment matter this evening is for the attention of the Minister for Health, and it relates to the reports that have documented the shortages not only in Victoria but around Australia of contrast media to undertake imaging that is very vital for diagnoses but also treatments and during surgery. This is obviously an issue that is due to world supplies, and there have also been freight issues that have impacted on contrast media coming into the country. I understand that; it is not just confined to Victoria. There have been reports in other states that surgeries have been deferred. Obviously here in Victoria we have got such an extensive elective surgery waitlist—89 000 at last count—that anything like this is only going to put more impact on those Victorians who are waiting for this vital surgery, in many instances. Of course when hospitals and health services in Victoria are trying to source these products, the cost is going to go up if there is a shortage, and that will flow on to local hospitals and add to costs for them as well.

But the action I seek from the minister is to provide what advice he has had in relation to this shortage, what impact that will have on the number of people that are requiring treatments and surgeries and what impact it will have in terms of the deferral and the cancellation of elective surgeries or treatments. I think this is important to understand, so I would ask the minister to provide that advice to the house

so that it can reassure Victorians as to the extent of this very serious issue around the shortage of contrast media.

GOVERNMENT ACCOUNTABILITY

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:56): (1952) I wish to raise a matter for the attention of the Attorney-General, given she is at the table this evening, and it is in relation to the Attorney's responsibilities as minister responsible for the Freedom of Information Act 1982. One of the challenges we have seen over the last seven or eight years with this government is the lack of transparency and the lack of accountability. We have seen time and time again this house making orders for the production of documents in relation to matters of public importance, matters of government decisions and significant issues in relation to public policy, and of course many of those have related to matters to do with the pandemic and decision-making around the pandemic as well as other matters of significant public administration. Mr Davis raised issues yesterday in relation to documents relating to the Woodman investigation. Time and time again we have seen the government not be transparent in its decision-making and not be transparent in reporting its decision-making.

I draw the house's attention to section 10 of the Freedom of Information Act, which requires the Premier to publish decisions of the cabinet. To be specific, section 10 states:

The Premier shall cause to be published on a continuing basis a register containing—

- (a) details of the terms of all decisions made by the Cabinet after the date of commencement of this Act;
- (b) the reference number assigned to each such decision; and
- (c) the date on which the decision was made.

This is a very definitive section of the Freedom of Information Act requiring a public register to be created of all cabinet decisions, the terms of those decisions and when those decisions were made. This has not occurred, so I ask the Attorney-General to ensure that section 10 of the FOI act is complied with and that the Premier publishes such a register.

RESPONSES

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:58): Thank you to the five members who raised matters for other ministers. In relation to dispatching the adjournment matter that Mr Rich-Phillips has provided to me, I will put on record that this government produces and responds to more requests and responds more adequately than the former government. This house makes orders, and we go through a proper process. He would know that the government has never voted against or opposed a documents motion. Once it is accepted it goes through to the Department of Premier and Cabinet and the process starts for assessment of those documents. If a document can be provided, it is, but of course there are appropriate protections in place for privilege for legal advice, commercial-in-confidence matters and the like, so it is important that they go through those processes. But the amount of documents that have been tabled in this chamber even this year far outstrips anything that the former coalition government were ever prepared to do. In fact, particularly through this chamber, they frankly ignored these types of requests.

On section 10 of the Freedom of Information Act 1982, I will get you a more detailed response in relation to the requirements of that act, what has historically occurred and how I can respond to that in more detail. I think I will get some legal advice in relation to that, but it will be pretty quick. But I do acknowledge that the community and particularly members of Parliament and the media rely on a government that can provide timely information. It is something that we are committed to do within the proper constraints that are required to be considered by us for the benefit of Victoria.

The PRESIDENT: The house stands adjourned.

House adjourned 7.00 pm until Tuesday, 7 June.