

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 24 FEBRUARY 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

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

Legislative Council committees

Economy and Infrastructure Standing Committee

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

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

Environment and Planning Standing Committee

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

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

Legal and Social Issues Standing Committee

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

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

Privileges Committee

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

Procedure Committee

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

Joint committees

Dispute Resolution Committee

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

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

Electoral Matters Committee

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

Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

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

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

Integrity and Oversight Committee

Council: Mr Grimley.

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

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier and Mr Erdogan.

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

Public Accounts and Estimates Committee

Council: Mrs McArthur and Ms Taylor.

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

Scrutiny of Acts and Regulations Committee

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

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Ms T Burrows

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

President

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government

The Hon. J SYMES

Deputy Leader of the Government

The Hon. GA TIERNEY

Leader of the Opposition

The Hon. DM DAVIS

Deputy Leader of the Opposition

Ms G CROZIER

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

Ind 24 May–2 June 2022

⁶ Died 2 July 2022

⁷ Resigned 23 March 2020

⁸ Resigned 11 April 2022

Appointed 23 June 2022

⁹ Appointed 18 August 2022

¹⁰ Resigned 26 September 2020

¹¹ Resigned 1 December 2021

¹² ALP until 15 June 2020

¹³ Appointed 23 April 2020

¹⁴ ALP until 7 March 2022

¹⁵ Appointed 13 October 2020

¹⁶ Resigned 28 February 2020

Party abbreviations

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

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

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

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

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Thursday, 24 February 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.

Petitions

Following petitions presented to house:

TIMBER INDUSTRY

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the vital importance of Victoria's sustainable native timber industry to the economic and social prosperity of regional communities and timber towns.

The Petitioners therefore request that the Andrews Government overturns its flawed and appalling decision to shut down the native timber industry and close loopholes that allow legal action by green lawfare groups to shut down harvesting operations.

By Ms BATH (Eastern Victoria) (353 signatures).

Laid on table.

HAWTHORN ELECTORATE TRAM AND BUS STOPS

"The Petition of certain citizens of the State of Victoria, draws to the attention of the Legislative Council the lack of adequate shelters at various tram and bus stops across the Hawthorn electorate which discourages the use of public transport for commuters and diminishes the travelling experience of those who depend on public transport.

The Petitioners therefore request that the Legislative Council call upon the Andrews Government to finally respond to the needs of public transport commuters in the Hawthorn electorate by constructing adequate shelters at:

- Tram stop 48 on Riversdale Road in Camberwell;
- Tram stop 36 on Riversdale Road in Hawthorn East;
- The bus stop at the intersection of Daphne Street and Canterbury Road in Canterbury; and
- Such other tram and bus stops in the electorate which, upon careful and thorough consideration, warrant the construction of similar shelters."

By Ms CROZIER (Southern Metropolitan) (7 signatures).

Laid on table.

Papers**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE**

Victorian Government Annual Report 2021: Royal Commission into Institutional Responses to Child Sexual Abuse

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:07): I move, by leave:

That there be laid before this house a copy of the *Victorian Government Annual Report 2021: Royal Commission into Institutional Responses to Child Sexual Abuse*.

Motion agreed to.

PAPERS**Tabled by Clerk:**

Australian Children's Education and Care Quality Authority—Report, 2020–21.

Crown Land (Reserves) Act 1978—

Minister's Order of 12 December 2021 giving approval to the granting of a lease and licence at Old Springfield Cheese Factory.

Minister's Order of 22 December 2021 giving approval to the granting of a licence at Flinders Foreshore Reserve.

Education and Care Services National Law Act 2010—National Education and Care Services Freedom of Information Commissioner, Privacy Commissioner & Ombudsman—Report, 2020–21.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule Nos. 156/2021, 17/2022 to 19/2022.

Legislative Instruments and related documents under section 16B in respect of a Determination of Gaming Machine Entitlement Allocation and Transfer Rules of 14 February 2022 under the Gambling Regulation Act 2003.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Energy Legislation Amendment (Energy Fairness) Act 2021—Remaining provisions—1 March 2022 (*Gazette No. S87, 22 February 2022*).

Terrorism (Community Protection) Amendment Act 2021—sections 5(3), 8(1) (other than paragraph (b)), 9(2) (other than paragraph (b)), 9(3), 12, 13, 15(7), 15(8), 15(9), 15(10), 15(11), 17, 18(2) and 29—24 February 2022 (*Gazette No. S87, 22 February 2022*).

Business of the house**NOTICES**

Notices of motion given.

ADJOURNMENT

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:11): I move:

That the Council, at its rising, adjourn until Tuesday, 8 March 2022.

Motion agreed to.

Members statements**FAMILY VIOLENCE**

Mr ONDARCHIE (Northern Metropolitan) (10:12): On Tuesday, 15 February, I was honoured to convene a forum in Melbourne's north about family violence, and I pay tribute to the BAPS Swaminarayan Hindu temple in Mill Park for hosting us that night. It was to have a discussion about the prevalence of family violence in multicultural communities in Melbourne's outer suburbs. We had a range of speakers, ranging from people from the local council; the honourable Bruce Atkinson, who spoke about his experience with multicultural communities—in fact it was his idea to have this forum; speakers from the Victoria Police family violence unit from the uniformed branch of Mill Park police; a very articulate and senior lady from the Indian community who spoke to us about challenges within multicultural communities and family violence; and the honourable Georgie Crozier as Shadow Minister for Health, who addressed the meeting about health and mental health. At this time I pay tribute to Emma Kealy, the Shadow Minister for Prevention of Family Violence and Shadow Minister for Women, for her initiative. A family violence lawyer spoke to the group too about his experience with his clients.

All in all it was an open forum where people got to talk about the challenges experienced particularly amongst women in our multicultural communities. We must do more to help protect and support our women, particularly our women of other cultures, so they can feel safe, they feel open to talk and they feel open to seek help. We have to do something about the family violence that is not talked about in multicultural communities.

RENEWABLE ENERGY

Ms TAYLOR (Southern Metropolitan) (10:13): I thought it was time for a little bit of a celebration of renewable energy in Victoria. The pace of energy transition in Victoria is accelerating. In 2021 output from renewables in Victoria increased by 3.6 terawatt hours. This is the largest ever annual increase in renewable energy output by any state. In 2021, 31.6 per cent of Victoria's power generation came from renewables. Over the past seven years we have tripled the share of renewables and are well on track to meet our 50 per cent renewable energy target by 2050.

The Libs voted against the Victorian renewable energy target, and Matthew Guy promised to scrap the target if elected in 2018, just by the way. Under the previous coalition government renewables stagnated due largely to the effective ban placed on wind power by the then planning minister, Matthew Guy, just for noting. Anyway, the latest ABS figures show that power bills are at their lowest level in five years, having fallen by nearly 10 per cent in the last 12 months alone. The Australian Energy Market Commission expects Victorian power prices to fall by a further 8 per cent over the next three years, largely due to the significant influx of new renewable capacity. And further, the Clean Energy Council's *Clean Energy at Work* report shows that Victoria is the leading state for clean energy jobs in the country, with one-third of all jobs in the sector located here. Well done to our state, well done to Victorians—backing in renewable energy.

MONTH

Mr GRIMLEY (Western Victoria) (10:15): I was pleased to speak at an event hosted by Animal Therapies Ltd on the first of this month opening the 2022 Animals Helping Humans Month. They had reached out to me after my successful motion last year on WorkSafe Victoria's non-established, new or emerging treatments and services policy as well as the broader focus our party has on using animals to help people with mental health issues and mental injuries. It was fantastic, and I was able to share the story of the late Ron Fenton OAM, which everyone in this chamber is familiar with by now. Other presenters on the day included Jessica Curtis from PETstock and Aubrey Fine, but there have been sessions throughout the month with many other speakers. I am so glad to hear that Animal Therapies' Courage, Resilience and Determination Award will now be called the Yogi Award after Ron's former sidekick and beautiful chocolate labrador. Yogi and Ron won this award in 2020. The 2021 recipient

was a girl who went from suicide ideation to a life of meaning through equine-assisted psychotherapy. What an incredible outcome. Thank you for the invitation, Animal Therapies, especially Wendy, and I wish you all the best for your ongoing advocacy and your awards presentation, which will be held on this coming Monday.

JOANNE JACKSON

Mrs McARTHUR (Western Victoria) (10:16): In small country towns there are occasionally individuals who make such an enormous impact that their legacy becomes part of the fabric of their community. They shape their communities through their service and hard work, help those in need and fight to preserve those things that make their local area unique and special. Recently the community of Mortlake and surrounds farewelled just such an individual—Joanne Jackson OAM.

Joanne was an institution in Mortlake, having been a long-time member of many local groups and organisations. Joanne also played a pivotal role in the establishment of Abbeyfield aged care, which is now an incredible asset for the entire region and a facility to which many in the community are connected. A robust and sprightly 90-year-old right up until her untimely passing in December, Joanne remained a staunch advocate of Mortlake's development and worked to widen recognition of the area's colourful history. She was a councillor on the Mortlake shire from 1983 to 1991 and will be remembered by many for her tireless work representing the interests of the community.

My daughter, along with many other young country ballet students, greatly benefited from having Ms Jackson as their pianist during their ballet lessons at the Darlington hall. Most country girls would never have had the opportunity provided by Joanne to dance with a live pianist. Joanne's presence, dedication to community and valued guidance will be greatly missed by many in my electorate, and her passing will leave a hole not easily filled. Vale, Joanne.

TRAUMA-INFORMED TEACHER TRAINING

Ms MAXWELL (Northern Victoria) (10:18): Last year during the debate of legislation to establish the Victorian Academy of Teaching and Leadership I spoke about the importance of trauma-informed training within the teaching profession. This is something I think should be foundational training for all teachers. Dr Anne Southall is a university lecturer with La Trobe and a child trauma expert who has spearheaded the development of a special six-week program to provide teachers with tools to better support the mental health of students. The first time I met Dr Southall I felt she was something of a kindred spirit, and we had a fantastic discussion about the importance of a trauma-informed lens on education.

Dr Southall's trauma-informed education program is homegrown in Bendigo and combines both theory and best practice to give teachers a helping hand in supporting students, including understanding how trauma impacts brain development and establishing a sense of safety and the practical interventions and responses that work. This is unashamedly an advertisement, because the first course launches next month—a fantastic opportunity for all teachers and something that I hope will be ongoing. By providing trauma-informed responses we can better support young people from the very early years. I wish La Trobe and Dr Southall the very best.

HEYFIELD TIMBER FESTIVAL

Ms BATH (Eastern Victoria) (10:19): Last Saturday I had the absolute honour of opening the Heyfield Timber Festival. It had been in recess for 28 years until the wonderful community felt that it was time to showcase what they do so magnificently in Heyfield and in Gippsland in relation to native timber—the hardwood timber that we create to use in our homes, in construction and on our floors. It was just an amazing event, and I would like to pay great tribute to Felicia Stevenson, Stacey Curran, the members of ASH—Australian Sustainable Hardwoods, a business out there—and the business communities who absolutely got behind this fantastic event. It was run really on a shoestring, but 6000 people came out to celebrate. We had a woodchop, we had a high jump and we had scones, jam and cream. We had bush user groups who had a petition that signed up almost 400 signatures in about

3 hours and that I presented this morning. The government needs to listen and understand that this can be absolutely an ongoing, sustainable industry—world-class regulations—and it needs to overturn that ban. I congratulate Felicia and all her team, and I call on the government again to listen to the voices of very sensible people and overturn that timber ban.

LEGAL AND SOCIAL ISSUES COMMITTEE

Dr CUMMING (Western Metropolitan) (10:21): Last week the Legal and Social Issues Committee advised that it is undertaking an inquiry into right-wing extremism as a self-referenced inquiry. The following day the director-general of ASIO spoke about extremism. He said that some Australians believe that the government's approach to vaccinations and lockdowns infringes their freedoms and that it is in a small number of cases that grievances turn into violence. Mr Burgess also stated, and I will quote:

... the vast majority of people who choose not to be vaccinated will not engage in violence in response to vaccine mandates. The vast majority of protestors are not violent extremists, and the vast majority of the protests are not violent. ASIO's focus is on a small number of angry and alienated Australians.

...

The behaviours we are seeing in response to COVID lockdowns and vaccinations are not specifically left or right wing.

So we have a committee conducting an investigation into something contrary to the views of ASIO. This committee must be balanced and investigate both left- and right-wing extremism so that it can stamp out all extremism here in Victoria.

WESTERN METROPOLITAN REGION VOCATIONAL EDUCATION AND TRAINING

Mr MELHEM (Western Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

Last week I had the pleasure of visiting Meadow Heights Education Centre with the member for Broadmeadows, the Banksia Gardens community centre and the Brite Institute in my role as Parliamentary Secretary for Skills and Training.

At the Meadow Heights Education Centre, I met with their staff Rebecca Egan and Funda Kara, who provide training and support for newly arrived migrants.

The Banksia Gardens community centre delivers programs and services to people experiencing disadvantage and poverty to help establish pathways into work.

I met with Rana Tbaileh, the recipient of the Victorian Learn Local Pre-accredited Leadership Award. In 2009, she moved to Australia from Palestine. She now works at the centre, providing invaluable training and support for students.

The Brite Institute provides training and support for students with a disability to help students have access to the skills they need to have a fulfilling career.

I met with their staff, CEO Robert Hannaford, RTO manager, Debbie Howden, general manager of employment and training Shane Daniel and their student of the year, Hien Nguyen.

I want to say a big thankyou to all the staff and students from these centres for all their hard work, particularly during the pandemic. They have provided their students with the life skills they need to get into the job market and succeed.

The Andrews Labor government will continue to invest in adult education to ensure that our most vulnerable are able to get good employment opportunities.

Business of the house**NOTICES OF MOTION**

Ms TAYLOR (Southern Metropolitan) (10:22): I move:

That the consideration of notices of motion, government business, 683 and 691, be postponed until later this day.

Motion agreed to.

Bills**DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS)
BILL 2021***Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

Ms BATH (Eastern Victoria) (10:23): I am pleased to rise on behalf of the Liberals and The Nationals to make some comments as lead speaker on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021, and from the outset The Nationals and the Liberals will not be opposing this legislation.

The bill amends the Domestic Animals Act 1994 to allow shelters and vet clinics to make inquiries in relation to the ownership of pets, specifically dogs and cats, in an effort to more expeditiously and more successfully rehome them. The aim is to reduce that reliance on council pounds in relation to this task. Under the existing laws, as it stands at the moment, a lost dog or cat must be taken to the local council, handed over to the authorised officer and kept for the council to organise to have it rehomed and go back to its original owner.

Now, there is an exception to this that has been operating for some time, and that is an 84Y agreement. They are for vets and for animal shelters that are authorised to directly do that rehoming procedure. But what we know from our conversations and investigations is that under one-quarter of vet clinics actually have adopted this section 84 agreement. That relationship works very well, and this is really going to be expanded in terms of returning those pets home to their original owners.

What will happen is that the main purpose of this bill will certainly allow those shelters without an 84Y agreement to opt in. I think this is the key factor, that it is an opt-in agreement in relation to reuniting pets with owners. There has been a significant load of course on our council pounds and our council by-laws officers et cetera. Certainly in relation to this bill it is about expeditiously returning those pets home with less cost to the councils. Certainly there may be additional costs for the vet clinics and animal shelters, but many of them are quite prepared to do that and are already doing that under that old 84Y.

In relation to pets, we cannot go through this bill without making some comments about the importance of pets in our lives: cats and dogs and other pets, but this relates specifically to companion animals in terms of cats and dogs. What I have been speaking about with my local vet clinic is that during lockdown pets have been very much a primary focus. Indeed we know that more pets have been purchased or adopted out during this time, and vet clinics have actually experienced a peak in demand. I guess we have been home more often, and certainly we have been tending to our animals more often as well. That shows a slightly alarming trigger there for when we return to normal, and we need to return to normal. As a guide we also still need people to understand that a pet should be a pet for life. In my own case our family pet is certainly a beloved animal. He was adopted at a very young age by us. We went to the Keysborough animal shelter. Again, many of our shelters do an amazing job right across our fine state, and particularly also in Gippsland. The thing that happens there of course

is that a microchip is inserted into those dogs and cats so that they can be traced adequately. That is a really key focus of being able to rehome and reunite these pets.

When we think about this bill, we are in the fourth year of a four-year term. Back in 2018 there was quite a consensus on this by many of the welfare groups, and I will list them here: RSPCA, the Australian Veterinary Association, Lost Dogs Home, the Australian Institute of Animal Management and the Municipal Association of Victoria. Many of them had already provided some commentary and were endorsing this sort of legislation. Indeed maybe the Labor Party really has form on this for delaying it until now—we are reading it in the upper house in February 2022, and it will not come into operation until just prior to the election. So the question is: why are there these delays? I can ask the same on this point: why is there a delay in relation to the agriculture bill and the Livestock Management Amendment (Animal Activism) Bill 2021? That will be debated, I hope, in the next sitting week.

In terms of the delay there are still some important things to be said about this. I note the comments of a gentleman called Mark Menze from Animal Aid. Animal Aid do an amazing job right across the state. There are two Animal Aid facilities, one in Sale and one in Bairnsdale, in my electorate. They operate as both vet clinics and animal shelters. He has made some comments of disappointment. He feels that many councils were not consulted. He mentioned that eight councils that Animal Aid clients work in were not aware of this legislation before it came into the Legislative Assembly last year. So whilst there has been consultation with some peak bodies, there are also some very big players in this space that have not actually felt that they were adequately consulted, and I would be very happy to raise some questions on behalf of Animal Aid in the committee stage.

The other thing, from speaking to some of my local councils, is that the whole facility in relation to the pound—its operation, its feeding of animals, housing and also wages—roughly equates to \$1 million a year for the councils that I have spoken with. Now, there will be some variation, but if we use that as a benchmark—and I know that the Shadow Minister for Agriculture, Mr Walsh, the Leader of The Nationals in the lower house, spoke about the Echuca council also having that \$1 million as a base rate for the cost. We need to try and keep costs down, and this will be one way of facilitating, as I said, a more expeditious way of getting animals home to their owners.

The key factor in this is an opt-in, opt-out option. Certainly vet clinics do not need to go into this, but anecdotally I understand that many of them do this if they can. But the precedent now is set through this. If I go to the main issues and the main provisions in the bill, in clause 5, in terms of new section 84DA being inserted in the Domestic Animals Act 1994, it requires that vet practitioners and animal shelters opt in and make reasonable efforts to identify the home within 24 hours. Again I say that the microchip is a really important part of this, and one of the key things that I have had discussions with council representatives about is that there can be a case sometimes where the microchip is designated to one person, but through various changes of ownership the council has the dog registered to another. These are some of the issues that will need to be addressed.

The other comment that I would like to put on the record in terms of local laws and local councils is that the pound has eight days to find the original owner prior to either finding a new owner or euthanising as a last resort. Again, from speaking to one of my council by-laws officers, in pounds they often see that 20 per cent are recidivist dogs—we will call them habitual escapees—and a portion of those are involved in either a human attack or a domestic animal attack. It is really important that these sorts of animals, unfortunately, are found and then dealt with in whichever way is deemed to be required.

Going back to my own case with our family dog, two years into our devotion to him I went walking around my normal track in my community and a dog came and attacked him to the point where he nearly died. Unfortunately that dog had slipped off its lead. It was a massive dog and was known to attack white things, so the owner said. We were really distressed for that owner and that dog, but unfortunately some dogs do need to be put down. That was the choice of the owner. I was not going

to pursue that, but the dog had certainly traumatised dogs. And that can happen. The key thing that we have to be careful of with this is that it does not happen to children. But we know it does, and that is a real concern. I guess I will use this as a platform to say to everybody that when you are out walking your pets, make sure you have them secured on a lead and safe, certainly in a built-up environment, so that they cannot attack other dogs. Again, these are always in the minority, but it is important that both dogs and humans—and small children—are protected.

In terms of other clauses within the bill that are of interest, clause 5 inserts new section 84DC, which allows a vet to request that the owner pay for expenses incurred with the reunification. Sometimes animals come into vets injured and the vets—and I certainly understand this—support that animal and provide medical procedures et cetera. Now with this bill payment of those costs will be able to be requested of the owner but not compelled, and that is one thing that I think we probably need to drill down to in committee of the whole just to see what that looks like, indeed even the type of cost or if there are some benchmark costs on that.

New section 84DD requires record keeping and reporting to local councils of the prescribed details of all received lost pets and owners or agents who recover those pets if an 84Y agreement is not held. Again, I will raise some questions in committee of the whole, but one of the compliance officers at my local council wants to drill down and understand that further. Under this legislation, under the act, councils are very highly prescribed on their sorts of recording and reporting, and this compliance officer wants to understand who audits that, when it is going to be conducted by the animal shelters, what the ramifications are and how that will be explained in the regulations. So that is the position that we would like to pursue, The Nationals and the Liberals.

The next set of clauses, clauses 10 to 40, really talk about compliance and clarity around the administration of the act, particularly in relation to past legislation, and also clause 10 looks at correcting name changes, so referring to the correct department. What we do know that happens in Parliament, and the Andrews government is good at it as well, is changing those megadepartments that many of us have concerns over. This, though, rectifies it in terms of nomenclature within the act. Clauses 14, 15 and 17 make amendments that are specific to tracking of racing greyhounds, in recognising that they are tracked by Greyhound Racing Victoria across their racing lifetime, and they also clarify laws around muzzling.

Now, I cannot go past without having a conversation about the Greyhound Adoption Program. I have met some amazing people who both are part of the program and have adopted greyhounds. Indeed my good friend and Gippsland South member, Danny O'Brien, certainly has Maisy, and we regularly see Maisy featuring on his social media, as we all should, because it is great to promote the GAP. But we also see when Maisy has been able to fossick and find her own food on their property, so we sometimes see some interesting photos there.

Mr Finn: Maybe sheep?

Ms BATH: No, usually just errant bunny rabbits that are running around the property, and animals provide their normal habits. But certainly Maisy, like other GAP greyhounds, is really fantastic. They have been trained and re-skilled so that they are purpose ready to go into people's homes, so please think about adopting a greyhound.

There are concerns around the bill, predominantly encompassing privacy risks, the risk of handing over an animal to the wrong person and burdens on vet clinics, and I will probably keep some of those conversations to the committee stage. There are an enormous amount of companion rescue groups. I have mentioned just a couple of them, but there are over 300 in Victoria listed on petrescue.com.au. Again, most of them—all of them, I would think—are not-for-profits and are run by volunteers, and it is amazing the number of people that you would not expect who often volunteer in these sorts of centres. I asked one lady, who is a high-profile businesswoman in the Latrobe Valley, 'How are you going?', and she said, 'Well, every X day of the week I actually go and volunteer in one of these

clinics, and it's a really rewarding venture'. So I congratulate them. I would like to congratulate, as I said, Animal Aid in my patch, but also Grounded Paws Animal Rescue and Forever Friends Animal Rescue in Latrobe, who all work with our councils and foster carers to facilitate the adoption process of getting these into normal, permanent homes.

With one final comment I would like also to talk about briefly the rehoming of kelpies. Kelpies are a really iconic species for rural and regional Victoria. They have rounded up our sheep, cattle et cetera—and sheepdogs as well—and one of my staffers has for a very long time been a passionate rehomer of kelpies. She is known to travel interstate and save kelpies, and on her property she re-skills them, re-educates them and then works through to find a home for them. She also has about four kelpies, all of which are most beloved. I just think there are many people in our community that do an amazing job.

But back to the bill, the industry is supportive of this. I do have some concerns that I would like to raise in the committee of the whole. So The Nationals and Liberals will not be opposing this bill's passage through the house.

Mr GEPP (Northern Victoria) (10:40): It gives me great pleasure to rise to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. The previous speaker, Ms Bath, has gone through many facets of the bill, and I think it is important for the government, and me as its lead speaker, to also cover some of that ground. We know that here in Victoria there are some 665 000 dogs and 215 000 cats that are registered with councils across Victoria, and that illustrates the importance of these reforms. I should add right from the outset that, as Ms Bath kindly pointed out, this was an election commitment from the Andrews Labor government in 2018, and once again we acquit another election promise. We say what we mean and we do as we say absolutely each and every time.

Mr Finn interjected.

Mr GEPP: Well, Mr Finn interjects, and perhaps I will just dispatch that quickly over the fence if I can. Mr Finn and Ms Bath are critical of the length of time that it has taken the government to bring this bill before the house. I remind the house that—and I am sure The Nationals and Liberals have conveniently forgotten—in 2010 the then opposition leader, Mr Baillieu, promised to stamp out puppy farms. He told the *Age* on 19 September 2010, 'We want to shut them down, that's the bottom line'. That is what he took to the election. He won the election, and guess what he did for four years? Zilch, nada, nothing. He did not move on it.

Mr Finn: He wasn't there for four years.

Mr GEPP: No, but he was there, Mr Finn. I will take that interjection up, because do you know who was there? It was none other than the current member for Murray Plains, who was the then Minister for Agriculture and Food Security. He had in his purview the capacity to put to bed that election commitment from Mr Baillieu, but guess what the member for Murray Plains did as the minister? Nothing, nada, zilch. Yet again we hear lots of criticism come from those opposite. What I would say to them is: what you should do is perhaps look in the mirror before you throw some of these barbs, and just check your facts to see what you did. But I do not want to get into a tit for tat with the Liberals and Nationals, because—it would seem, one would hope—how could you not have support for this bill? I am not sure why it would be contentious. But then again, I do not always profess to understand exactly what is going on across the road.

I should also declare up-front that I have a vested interest in this—it is not a conflict of interest but a vested interest—because like many people in Victoria I am a dog owner. I have got a little dog, Archie, and Archie—

Mr Ondarchie: Named after me—Ondarchie?

Mr GEPP: No, it was not named after you, Mr Ondarchie, but I can see how you might draw that inference. If it comforts you, then I am happy for Archie to be associated with you. He is a little—

Mr Bourman: They say dogs look like their owners, Mr Gepp.

Mr GEPP: Well, yes, he does look like his owner, Mr Bourman. He is a little bit rotund. He is a little pug—you know, he has got a bit of a squashed-on face. Archie has got a bit more hair, but his and mine both fall out equally quickly. So Archie and I do have a lot of similarities.

I also have another vested interest. A little boy—I will not name him, but he will know who he is—is doing a school project, and he proudly talked to me about it on the weekend in fact, and he has chosen the Lost Dogs Home. I now know courtesy of that visit from this special little boy in my life that the Lost Dogs Home was established by a group of concerned citizens in 1910. It was in North Melbourne, and they were concerned at the time with then council practices, which are, thank goodness, long gone. They were concerned about lost and starving dogs and the prevalence of them around metropolitan Melbourne. So they set about over the next 18 months finding some land to establish the Lost Dogs Home for lost and starving dogs, and they found a site in 1912, right next to Macaulay railway station in North Melbourne. In 1913 they opened the first iteration of the lost and starving dogs home here in Victoria. It had six buildings and a main administration building—six buildings for the residents, as they called them at the time, which of course were dogs; the cats were not part of the process. And, guess what, that organisation still exists today—and on the same site.

So thank you to my special little friend who came around on the weekend and told me about his project and told me about the facts that he had been able to gather to support his project. He will be chuffed when I tell him about this bill and how this bill is going towards supporting those animals, particularly dogs and cats, that get waylaid for whatever reason.

Before I talk about some of the key elements of the bill, Ms Bath talked about consultation. I just want to clarify and put on the record that in fact there has been extensive consultation about this bill, and to suggest otherwise is just not the case. There have been over 1066 submissions. There is always somebody out there who says that they were not consulted with, but there were 1066 submissions from the community, from veterinarians, from councils, from shelters, from rescue groups, from community foster care networks, from animal registry services and from peak representative organisations. And we will continue consulting with key stakeholders in developing consequential regulatory amendments to support these bill amendments. So to suggest that there has not been consultation in this space is just incorrect. It is just plainly incorrect. You may well, Ms Bath, have one, someone who is—

Ms Bath interjected.

Mr GEPP: I cannot believe that this bill has got them so riled. I mean, it is staggering. I know they have had a poor week and they are looking to finish on a high, but goodness, this is not the bill that we should be having a barney about, for goodness sake.

Going to some of the aspects of the bill which I am keen to place on the record, when a pet is lost the situation is stressful for the animal and its owners, and this reform will bring about the reuniting of pets with their owners far more easily and more quickly, improving the welfare of all involved.

I should say also that if Ms Shing were here I am certain that Ms Shing would be the lead speaker on this bill.

Mr Bourman: You are the B team.

Mr GEPP: Yes, I am the B team. I am always the B team, Mr Bourman, but that is all right. I am happy to know my place in the world. That is okay. I am not uncomfortable with that. I am very happy deferring to somebody. We all love animals, but I think Ms Shing's passion for the animal world is well known. Ms Bath talked about greyhound adoption, and I think Ms Shing was certainly talking about that in this place long before it was fashionable. So we hope, Ms Shing, you are on the road to recovery and we acquit this bill, which we know that you support so very deeply.

Under current arrangements lost pets are required to first be delivered to the local council before they are reunited with their owner unless a vet, as Ms Bath pointed out, has a contract in place called an 84Y agreement. An 84Y agreement enables these local councils to make written agreements with a person or body, mainly shelters, vet practices and community foster care networks et cetera, and those agreements allow certain people and organisations other than councils to receive and manage lost pets and/or stray animals. What this bill does is it expands on this current process by allowing participating vets and registered animal shelters to accept and reunite lost pets directly with their owners without the need for an agreement with the council. And you would say that that is pretty common sense, wouldn't you—that that is just basic common sense? It is basic common sense that a veterinarian who is in possession of a lost animal certainly would be well equipped to provide care for that animal and to then reunite that animal with their owner. And we know that for many people when they come across a stray the first thing they do if there is a nearby vet—that would be the inclination, wouldn't it?—is take that pet or that animal to the veterinarian. We think this is good common sense and supported by the industry and all of its participants.

Vets of course have the capacity to scan a pet's microchip. They will now be able to, under this bill, contact the owner immediately and reunite them, and that will significantly streamline the process. Our friends from the Liberal Democrats are not here, but that removes red tape, and I would think that everybody would be supportive of any removal of red tape. Certainly they, I would imagine, without putting words in their mouth, would be supportive. It has been a weird and wacky week, hasn't it? Here I am on the record indicating that I might be in the same space as the Liberal Democrats on something. Yesterday in a debate I actually called a point of order on myself. Mr Leane, when a point of order was called on him, actually upheld it as a speaker. And then of course we had Dr Ratnam this morning indicating support for the New South Wales government. I do not know whether it is a full moon out there, but there is something weird in the water this week. But I do digress.

I will come back to a couple of other amendments that are also part of this bill, because I want to leave just a minute to talk about my favourite animal in the world—of course the Tetley Tiger—but I will come to that. In addition to reuniting pets, the bill also introduces a number of other administrative changes to the Domestic Animals Act 1994. For example, the changes will include incorporating into legislation the exemption allowing retired greyhounds to be walked in public without a muzzle. They are currently able to do that under a Governor in Council order, but this puts it into the legislation and clarifies that for all. There will also be other amendments that include assisting compliance activities by requiring additional information for pet exchange register enrolments; allowing an authorised officer to require a person to produce a document or record that could assist in determining compliance with the act; amending the circumstances in which an identity card needs to be produced by an authorised officer so that they can continue to conduct compliance activities remotely, including during emergencies; and extending the exemption order power in the act to allow the Governor in Council to exempt a person or class of persons from provisions of the act or regulations—the exemption can apply, adopt or incorporate any standard, code of practice or other document. The bill also exempts Greyhound Racing Victoria greyhound owners from the need to obtain a source number or include it in an advertisement, as GRV administers its own traceability system for racing greyhounds. We think the removal of that duplication again is just good common sense. If the governing body has that capability and they exercise that capability, then we agree that that is a very worthwhile reform.

There are many other things in the bill. It is not an overly complicated bill, but nonetheless it is an important one, something that will give animals like Archie and importantly their owners the comfort that should ever Archie wander off the reservation and somebody finds him and he is microchipped, hopefully Archie is returned to the nearest vet and the vet, simply by scanning, will be able to reach out to Archie's humans—in this instance me or a member of my family—and say, 'We've got that dog named after Craig sitting in our waiting room, ready to be collected'. So with that, I commend this bill to the house.

Dr CUMMING (Western Metropolitan) (10:55): I rise to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. Most of us regard our pets as family members. They give us unconditional love and affection, and for so many community members their pets are their only companion. For me, I have always had little dogs. Maybe it is because I barrack for the Bulldogs, I am not quite sure, but I am not a cat person, I am a dog person.

On Valentine's Day this year my son came into my room at 1 o'clock in the morning—my 22-year-old son, Willem. He woke me up because our family dog of 17 years was dead in his arms. I revived little Clarabel at 1 o'clock in the morning, with Willem, who is 6 foot something, crying and my eight-year-old son, James, at the foot of my bed, doing heart compressions. She came back to life and walked around after our other dog, Pepper, jumped over her. That day Clarabel walked around, a bit old, a bit staggy. Then later that evening, on Valentine's Day, my children went on their dates with their boyfriends and girlfriends, and that night at 10 o'clock my son again came in, with his girlfriend at that stage, woke me up, and Clarabel had passed again. Again I did heart compressions, and Clarabel came back to life. The next day I took her to my family vet, Dr Burns on Williamstown Road, who has been my family vet ever since I was a little girl. Dr Burns gave us some heart medication and some anti-inflammatories.

Clarabel over the next couple of days looked okay, but on Saturday morning after I came back from soccer with James, Clarabel was just sitting there looking at her food, not really moving quite well. It was a beautiful day, and I called up all of my children and anyone who had any connection to Clarabel, saying that I thought today was going to be the day. Sure enough, we put Clarabel outside, and my daughter Violet came over and played some music in the backyard and my son Xavier walked around crying and cuddled her and spoke to her about how much he just loved her. I guess the most wonderful thing to witness that day, which was only Saturday for me, so this is quite recent—

A member interjected.

Dr CUMMING: I knew this might happen. I witnessed my five children that day cuddling her and telling her stories as well as how much they loved her for protecting them and how when they were sad she was there to cuddle them and when they were cold she jumped in their beds. I watched that all day. Clarabel was my son Willem's dog. When he was five I brought her home for Christmas. He wanted a dog for Christmas. She came in a box, and my daughter Violet thought I had bought a pig because she could only see the nose. And when Willem opened up the box that Christmas morning, he was so happy. At that time he liked *Thomas the Tank Engine* and wanted to call Clarabel Thomas, and I had to explain that Clarabel was a girl. So then it had to be one of the carriages, either Lily or Clarabel, and that is how Clarabel got her name.

But good old Clarabel, to tell you her life story, was an escape artist. She bit a person who was delivering junk mail and was in doggy jail for a while. Even during lockdown she escaped at one stage and ended up at the Lost Dogs Home. If somebody came over she would jump in their car, wanting to go somewhere. She was what we all called 'the escape artist'. We were constantly making sure the gate, the door or whatever was shut.

Good old Clarabel had 17 years as our family pet. When she passed on Saturday she waited. She waited for Willem to come home. She was on her last legs, and as soon as he walked through that door he gave her the last cuddle. The image of him—such a big, big boy—in the backyard giving her the last cuddles was absolutely magic for me. It is going to be a memory for me to see how dear my children are and how the love that I could see was created due to little Clarabel. That unconditional love and affection that we have for our family pets is something that we should protect.

For me, with all my years in local government, this was something that all councils actually had to look after. It is not unusual that in 2019 it was one of the first motions that I actually brought to this place. I could never understand why we have 79 councils doing 79 ways of pet registration, especially

when our animals are microchipped and there is national registration. So I moved a motion, and the motion that I moved, and I will read it through, was:

That this house calls on the government to develop and launch a statewide system for the administration and distribution of pet registrations, and in doing so:

- (1) consider:
 - (a) a centralised and standardised system to reduce confusion within the community in relation to the local, state and federal governments' expectations;
 - (b) the cost to owners;
 - (c) an education and information program that aims at improving access and compliance;
 - (d) the removal of excessively complicated administrative procedures that are currently in place;
 - (e) funding to local councils so that they may comply with duties under the Domestic Animals Act 1994; and
- (2) ensure that the system complies with the Domestic Animals Act 1994 and complements the national microchipping registration process.

I did that on 14 August 2019, here in this Council. At that time our now Attorney-General, Ms Symes, was the Minister for Agriculture and the Minister for Resources. She got up, and the first thing that she said was:

I am honoured to stand and respond in relation to Dr Cumming's notice of motion 118 ...

And this government agreed to the motion at that time. This government, as you have heard, professes to be all about our animals, but after the last two years plus I have only received a response this morning. Not to say that what we are doing today in this reuniting pets and other matters bill does not go some way towards what I am wanting, but it does not go all the way in the way of what the community expects.

I might read you the response that I received this morning, seeing that I have only had it in my hands and I have not read it myself:

Dear Dr Cumming

Thank you for the email from your office regarding pet registrations and your motion calling for the development of a statewide system for the administration and distribution of pet registrations.

As the then Minister for Agriculture, Jaclyn Symes, agreed at the time, it may be beneficial to examine the possibility of a state-wide registration system, improve registration and microchipping processes and further promote education initiatives. Minister Symes also noted that development of a statewide pet registration system requires careful consideration of current arrangements, in collaboration with local governments and other stakeholders.

Attempts to implement a statewide system have been undertaken in other jurisdictions, namely New South Wales and South Australia. Both states have experienced significant issues in their implementation, resulting in budget overruns and systems that have not delivered on community expectations. In light of these precedents, any changes in Victoria would need to be carefully developed to avoid similar difficulties.

While the Government acknowledges the scope for improvements to be made to pet registration systems, a breadth of work is already underway on other animal welfare and domestic animal policy priorities.

These priorities have included the Government's commitment to allow vets to directly reunite

which is here today—

lost pets with their owners, which will be delivered by the *Domestic Animals Amendment (Reuniting Lost Pets) Bill 2021* ...

currently in this place now.

Our Reuniting ... Pet reforms will enable animal shelters and participating vets to directly reunite lost pets with their owners using microchip and council registration data. These reforms will be supported through an advertising and education campaign that will remind owners to keep their details up to date on both microchip registries and council databases.

The Government is additionally undertaking a significant reform project to modernise Victoria's animal welfare legislation by replacing the *Prevention of Cruelty to Animals Act 1986*.

Thank you for your interest in improving ... pet registration systems. If you would like to further discuss this or other domestic animal policy issues, please contact ...

their office. As I have said, this goes some of the way but not all of the way, and I believe that as a Victorian community we should go all the way, have the best system here in Victoria—learn from New South Wales's mistakes and learn from South Australia's mistakes but have a system that reunites animals across Australia, across the whole of Victoria, not just in local councils one by one. Most people would realise that when I brought this into this chamber, as a renter moving from Maribyrnong to Hobsons Bay you had to actually change your registration. If you had a statewide system, that would not occur. Your dog or cat would be registered statewide. It would link into the national database. So say if you had your dog in the car and you were living on the New South Wales-Victorian border, your dog would be reunited with you—or your cat.

This is the reason why in 2019 I brought this to this Parliament: it is so that we have the system that the community wants. We cannot expect that people will actually be in situ or that they will live in the family home for 10, 20 years. We have to understand that we have a population that moves from municipality to municipality and that the varying costs of pet registration are quite enormous. It is not uniform. It is uniform, the amount of money that comes back from a local council to the state, but in reverse it is not. So we need a system. But then the state government would need to look at a system that actually makes sure that each area or each council has the right resourcing for the animals within that area and its demand. Say, in a particular area in Western Metro there are some municipalities that have huge or very high animal registration, but then there are others that do not have the same demand.

For me, our animals have obviously—and throughout this pandemic there has been an increase in purchasing of animals—kept us sane through the last two years of COVID and isolation. This bill amends the Domestic Animals Act 1994 to allow all participating vet clinics and shelters to reunite pets with their owners to streamline the current process. I am all for this—simplifying the process and reuniting pets with their owners as quickly as possible. However, I understand that a number of organisations, including the RSPCA, the Lost Dogs Home, the Australian Veterinary Association and the Municipal Association of Victoria, which is the councils peak body, all lobbied for this before the last election. So I cannot see how it took two years before there was any consultation on this bill and another year for its introduction.

Again, the devil will be in the detail—in the regs that are yet to be developed. Until those regulations are drafted we will not really know the support for the bill from the councils and those organisations. I strongly hope that the government will make the development of these guidelines a priority so people can be reunited with their pets as quickly as possible and avoid the pain and suffering that it normally causes.

I am more than happy to support this bill. I believe in and I will continue to fight for a centralised and standardised system for pet registration. I would hope that, as I have heard earlier today, when this Andrews government makes promises it keeps them. Well, could you please keep the promise that you made to this house in August 2019 before this year's election? You have had three years to do what was intended in my motion, which was agreed upon by this government, and it is not good enough to say that it was too complicated, too difficult to actually achieve. If you are a can-do government, then do it, but please do not come into this place and act like you have done everything that has been requested by this Parliament. So I commend this bill, but I know that it needs to be improved, and I would hope to see genuine community consultation with local government and a genuine outcome for the animals of Victoria, making it a much better system. I commend the bill to the house.

Mr BOURMAN (Eastern Victoria) (11:14): I too support this bill. I am not going to run through the various pets that I have had, but like everyone else that is normal, when you lose a pet and a companion animal it is no fun and it hurts for a while. One opportunity I did think was missed in this initial draft of the bill was the ability to reunite animals that are deceased with their owners. It came to my attention that a number of people, me included, lost animals over time and no-one knew what had happened to them. Someone contacted me recently, not about this bill, and said basically that their animal had disappeared and they found out later that the council had had it and disposed of it. I do have an amendment, which I will not move at the moment, which will require the councils to at least scan for a microchip and if possible reunite the deceased animals with the owners. But I am going to wait for the summing up to see if that satisfies me, and if it gets through, if the government says what I ask it to say, then I will not move it; otherwise we will find out in the committee stage.

Dr KIEU (South Eastern Metropolitan) (11:16): I rise to speak to the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. Before I present the arguments for supporting this bill, I will follow my colleague Mr Gepp in declaring a vested interest as a dog owner and also confess that even though, like many people, I love my pets—my dogs—as human beings we are too busy and distracted by many things in life, so I do not think I have done sufficient in return for the unconditional love that my pets have given to me and my family. In fact they are and have been regarded as family members. The pets that many people have in their families and in their homes are treated as family members. Our government knows that animal welfare is a priority, and it has had a very strong record regarding the treatment and also the keeping of those pet animals.

I just want to go to some of the things we have done in the past—the government's record. We have legislated to ban puppy farms. It can be said that there is no more significant or important reform than that legislation. We also made sure that every tenant who has to rent, for work or for other reasons, has the right to own a pet through our rental reforms. We also have many grants. There is over \$1.5 million in the Animal Welfare Fund, which includes provision for free and low-cost desexing of cats and dogs for vulnerable and disadvantaged Victorians. There are also grants for horse and pony rescue, support for equipment upgrades and the expansion of services for animal shelters, for community foster carers and for vet clinics. And this bill is a further step in that direction.

A lot of people in Victoria have pets. In fact 665 000 dogs and more than 200 000 cats have been registered in our state. This bill will simplify the process that will help to ensure that cats and dogs—or pets—that have been lost, once found, can be reunited with their owners sooner and more efficiently.

I can tell you my personal story. In October last year, if you remember, there was a huge storm that lashed across Melbourne, and as a result in my backyard there was a big, big tree that was felled by the wind and the storm, and it fell across the fence between our home and the neighbours'. The next morning the big tree and the fence were destroyed in parts. I did what I could just to try and cover that, but a few hours later when I came home from work one of my two dogs was missing. What an anxious time we had as a whole family. I remember walking up the blocks surrounding our house and pinning to the trees and to the lampposts some posters of a photo of my dog—after cutting myself out of the photograph; I mean, the dog was the focus, not me—and my phone number, and luckily we then were contacted by someone who had seen and actually taken the dog in after the dog escaped because of the broken fence. She took it to a vet. Then, by the time we got the message and went to the vet, it had already been taken to the council. By the time we went to the council it had been taken to a sanctuary for lost dogs. So after days of anxiously waiting we were eventually reunited with our dog, but the dog must have been very frightened and traumatised by the experience.

This bill is to simplify this process and help reunite lost pets with their owners in case the dog, the cat or some pet decides on their own to wander around. So what in particular will this bill do? At present when a pet is found wandering the streets or otherwise they must first be delivered to the local council before they can be reunited with their owners, unless a vet or a shelter has a contract with the council to accept them directly and reunite lost pets with their owners. This requirement can lead—

Mr Ondarchie: Acting President, this is a very important bill, and I draw your attention to the state of the house.

The ACTING PRESIDENT (Mr Melhem): Thank you, Mr Ondarchie, but I am satisfied in accordance with our temporary orders that there is a quorum in the precinct.

Dr KIEU: The present arrangements and requirements can lead to confusion, frustration and also inefficiencies and in some cases unwanted outcomes for both the owners and their pets. This includes high reclaim costs—it did in fact cost us some money to get our dog back—but, more importantly, it can lead to long wait times for reunion or longer amounts of time spent in a stressful environment for pets, and also in some cases, when the owner cannot be found, it may lead to euthanasia.

The bill expands on this current arrangement by allowing participating vets and registered animal shelters to accept and reunite lost pets directly with their owners without the need for an agreement with the council in the first place. Of course the vets and registered animal shelters also retain the flexibility to not accept dogs, cats or lost pets if they do not want to participate. In some circumstances the vet will also be required to provide lost pets to council when they are considered a dangerous or menacing species—particularly dogs, because we know some dog species are under controls and considered dangerous and menacing. In presenting this bill to the house we are acquitting our election commitment, because this is a very simple but very important and very necessary bill to simplify and make life easier for owners and also for their pets.

There were mentions of some delay. Well, I do not want to delve into that, but my colleague already pointed out some broken promises on the other side of the house. Also I would just like to mention that we have not forgotten that we are still in a pandemic, and a lot of matters have needed to be dealt with urgently and efficiently.

I would like to conclude by saying that this is a very important reform bill which will make the lives of pets, pet owners and also vets and animal shelters better by more efficiently reuniting lost pets with their owners. It will also help to minimise trauma. Particularly, for example, in my case the dog had to spend night after night in a strange environment, traumatised and anxious because as an animal they may not understand what is going on around them. This is not all. There is more to come. As the Andrews Labor government we continue to work to modernise animal welfare legislation to support pets and other animals, big or small.

Mr ONDARCHIE (Northern Metropolitan) (11:27): I rise today to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021 in a house that does not have very many members in it. If I do the mathematics, it suggests to me that a quorum does not exist right now, but we will proceed anyway.

I commend my colleague Ms Bath on her contribution to this bill today. She has gone right through the elements of the bill, and for the efficiency of the house I will not take up my full 15 minutes today, as others have done, because I think Ms Bath did a great job in acquitting our views on this. The Liberal-Nationals coalition will not be opposing this bill today, a bill to amend the Domestic Animals Act 1994 to allow vet clinics and registered shelters to reunite lost pets, cats and dogs, to their owners and streamline the process, lowering the burden on local councils. I am hopeful that when this bill passes, should Archie ever go missing from the Gepp household, that Archie can be returned to Mr Gepp very quickly. It is also designed to make other changes to improve clarity, compliance with and administration of the act, including in relation to the previously passed puppy farm legislation. This bill was committed to by the Liberal-Nationals in 2018 prior to the state election, and therefore it is somewhat pleasing to pet owners that the government have followed the Liberal-Nationals lead on this and committed to the same policy which they are bringing to the house today.

Under the current act any lost dog or cat must be taken to the local council authorised officer and only vets or animal shelters holding a special agreement with their local councils—what is called an 84Y agreement—are allowed to contact an owner to reunite them with their pets. Only about 23 per

cent of vets have that agreement in place at the moment, and often it is very hard to identify for the public those that have an 84Y agreement and those that do not, and to get lost pets back quickly.

I just want to touch on the contribution from Dr Kieu today, when he said this is part of acquitting election commitments. Well, if you acquit election commitments, there should be no new taxes or increased taxes in this state, because that was an election commitment that the Premier, the then opposition leader, made to the people of Victoria.

Mr Finn: When did he do that?

Mr ONDARCHIE: He did that just prior to the 2014 state election, in fact the night before, when he looked down the barrel of the Channel 7 camera and said to Peter Mitchell, who was sitting at the 7 desk, ‘Peter, I give this commitment to Victorians. There will be no new or increased taxes’ under any government he leads.

Mr Finn: He said that in front of this building, didn’t he?

Mr ONDARCHIE: I am not quite sure, Mr Finn, exactly where it was he said that, but he did say that. So if they are genuine about acquitting election commitments, why haven’t they done that? Because I think we are up to 41 new or increased taxes in this state already.

The other thing that Dr Kieu touched on was the question around how long this has taken to become legislation and get to the chamber—the delays. He did remind us that we are in a pandemic and there are other priorities. There certainly must be other priorities because if we look at order of the day 9 on the notice paper today, that is the Statute Law Revision Bill 2018. The Statute Law Revision Bill 2018 is order of the day 9. Here we are in 2022 and the government still have not got to that. I am not sure that the pandemic started in 2018. I suspect it did not. So I am wondering what the delay is on that one. If we follow that, the budget papers of 2020–21, order of the day 8 on the notice paper today, have still not been dealt with—the budget from last year. I suspect we are not far away from the budget for the next financial year.

Anyway, in saying that, the main provisions of this bill allow for clinics and animal shelters to opt in directly to reuniting lost pets—cats and dogs—with their owners. That is dealt with in clauses 3 to 9 of the bill. Clauses 10 to 40 of the bill make other changes to improve the clarity, compliance with and administration of the act, particularly in relation to the previously passed puppy farm legislation.

There are some challenges in the bill, which I am hopeful—apropos of Mr Bourman’s contribution—the minister will deal with in the summing up today. There is some risk that owners’ privacy might be breached with the legislation allowing for animal registry services to automatically transfer personal information. There is a risk here if we do not get it right, especially related to incorrect and outdated information on microchips, that we might well hand over to the wrong person. There is an added cost burden to veterinary clinics and the record keeping that is required. I am wondering how the government will support small businesses like veterinary clinics. Whilst the Liberal-Nationals committed to this in 2018 prior to the state election and it has only been copied by the government now, I wonder why it took until 2022 to be introduced.

The RSPCA, the Australian Veterinary Association, the Lost Dogs Home, the Australian Institute of Animal Management and the Municipal Association of Victoria have all been consulted on this. Some local councils have welcomed the bill and said it reduces their burden in assisting owners and pets to get back together. Vets have expressed some concerns about the costs and the resources they will require, and hopefully the government will find some way of supporting them as well.

Given others have talked about pets that are near and dear to them, as an ambassador for Guide Dogs Victoria, it is a great opportunity today for me to continue to commend the great work that Guide Dogs Victoria do for vision-impaired and blind Australians. As members know, I have my own guide dog in my home, Nala, who is an official Guide Dogs ambassadog, and Nala just goes everywhere, including here to the Parliament, sending a very clear message that guide dogs and their handlers can

go anywhere. There have been many occasions where blind or vision-impaired Australians with their guide dogs as assistance dogs have been refused entry. I have seen untrained or semitrained people preclude entry to blind or vision-impaired Australians with their guide dogs into places like shopping centres and into commercial passenger vehicles, which I know annoys Mr Barton because they should be allowed to do that. We are trying to resolve that through our messaging.

Can I then also pay tribute to the chief executive of Guide Dogs Victoria, Karen Hayes, and her wonderful team right across the GDV organisation. They do such a great job in helping vision-impaired or blind Australians. Guide Dogs Victoria is getting a refreshed campus out at Kew. It is underway at the moment. It is going to be very much a sensory campus, and we thank the federal government for their support in providing for that new campus. Can I say to Victorians, if you see a vision-impaired person with a guide dog, please do not pat the guide dog. The guide dog is working. We have to remind people every now and again when we are walking through a shopping centre or a retail space or anywhere with our ambassadog, Nala, 'Please don't pat her. She's working'. When we take her jacket off and her leads and all that off, she is just a normal dog. She runs around and has fun. But guide dogs are working animals. Please do not pat them. Please treat them with respect. And if you can afford any support to vision-impaired or blind Victorians, on behalf of Guide Dogs Victoria, we would most welcome that. The state opposition today will not be opposing this bill.

Mr BARTON (Eastern Metropolitan) (11:35): I too am a dog person. I have always had large dogs, and our home has a golden retriever and a German shepherd, which keeps the house hairy. I rise to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. This bill will allow vets to return pets to their owners, which will be critical in reducing the period of separation and stress and avoiding additional transfers of the pets. The bill will allow vets to access the microchip register to make this process easier.

Currently lost cats and dogs can only be brought to council-authorised officers or vets and shelters under an agreement with the council. As our colleague has just mentioned, only 23 per cent of vets have such an agreement. In speaking with the Australian Veterinary Association I heard lots of support from those in the veterinary profession for this bill. In particular, an important aspect of this new reform is that it is an opt-in system. If vets do not have the capacity or time to offer the service, they do not need to.

We know how stressed and overworked and underpaid our vets are. Underinvestment in this profession has resulted in a veterinary workforce shortage. This has had severe implications for the mental health of the workforce and risks the quality of animal health. In fact some researchers reported that veterinarians are four times more likely to die from suicide than the general population and two times more likely than any other healthcare professionals, and just over 66 per cent of veterinary respondents said that they have experienced mental health conditions at some stage. Left unchecked, these issues have the potential to lead to the collapse of the sector, which poses a significant risk to the community at large.

I am wary that this bill adds yet another responsibility and burden to vets. Yes, this is an opt-in system, but we know already that those in this profession will push themselves to the limits to protect and assist our beloved pets. Lower rates of pay in this sector when compared to other professions such as medicine, engineering and dentistry combined with high levels of HECS debt and difficult working conditions paint a stark future for the industry. I want vets to be able to return lost pets to their owners, but I also want those in the industry to be paid sufficiently in return for the service that they provide to our communities. We should be encouraging more to enter the sector. We need to top up our investment in this area. If we do not do something, I expect only more and more of the veterinary workforce will leave the profession, seeking higher pay, normal hours and less stress.

Minister Leane would not be aware of this, so before I conclude my contribution I would like to raise that today is actually national war animal day, which recognises the important roles that animals have

had and continue to play in the Australian Defence Force. As well, we must give thought to those animals that serve in roles in law enforcement. This is a good bill. I commend this bill to the house.

Ms TERPSTRA (Eastern Metropolitan) (11:38): I rise to make a contribution on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. I want to commend Mr Barton for his comments in regard to this bill but also highlighting the challenges that workers face in this particular industry. I know there have been programs, both *Insight* and I think the ABC ran a program, talking about the high suicide rates of vets in this sector. I just want to give a shout-out to all those hardworking vets who work in that industry and do so much for people with pets. You can be a vet that looks after domestic animals, but you can also be a vet that looks after farm animals like cows and horses. I was having a conversation with Minister Leane just earlier about this. I know so many of us here in this chamber are pet owners, so a shout-out to all the people who own canines and felines. And of course my daughter owns a reptile, so reptiles can also be very important pets as well, not that you would want to necessarily put a microchip into a reptile.

I think we have seen stories where someone has pulled up at a petrol bowser and there was a snake wrapped around the petrol bowser, so it could in fact be someone's pet snake that has escaped.

Mr Leane: Alligators in America.

Ms TERPSTRA: Alligators in America, turtles, whatever—there can be lots and lots of pets that can escape.

I am sure, in speaking about dogs, for example, we have all had experiences where we have been somewhere and there has been a stray dog and you can see that the dog has gotten out from somewhere. They are scared, they are running around and you do not want them to run onto the road, so you try and get them and bring them home and then try and track down the owners. Just the other week I had a situation at my house where I just happened to look out into the front yard and there was a dog in our front yard. I did not know where it came from, but fortunately this dog had a mobile phone number on its collar. I rang the mobile phone and I was able to find the owner, who was actually probably halfway up our street. The dog thankfully had run down the road—if it had gone down the other way, where there was a very, very busy road not so far away from us, the outcome could have been terrible.

What I know—and I know others have made these sorts of contributions in here today—is that when we lose a pet it is stressful for the owners and it is stressful for the animal, but the death of a pet is quite devastating. Our pets give us unconditional love. They are sentient beings. They also feel things just like we do—not in the same way, of course, but they know when something is up. One of the things that my family and I decided to do when having pets, and particularly dogs, was if we get a dog we always opt to get it from a shelter, not from a pet store, wanting to give a dog a forever home if it has been surrendered or abandoned. We thought that was something that was really important. My dog, Skye—some of you may have seen her on social media; I do some tweets about Skye occasionally—has got a little bent paw, so I wanted to call her Nemo because she has got the gimpy fin, you know. But my kids did not want that to happen. She has got the gimpy paw, but we love her. We love everything about her.

One thing I notice about Skye is that because she has come from another home—our Skye is a gorgeous staffy-cross and staffies are the clowns of the dog world and give big love; staffies always give big love to everybody and want big love in return—I know Skye is fearful of men in hi-vis, I know Skye is fearful of people bearing brooms and Skye does not like it when people carry or use a hose. When you get a pet that is rehomed you realise that there is a bit of extra work that needs to go into it, but given lots of love, affection, attention, consistency and predictability, that pet can be the best thing for your family. And Skye really gives us lots and lots of love. We do not know where we would be without her actually. When we went to get her—I will not mention the place—she was kind of at the end of the road in the last kennel holding before the end of the road. Looking at her and seeing her little gimpy paw I could understand why that was the case, but I looked at her and said, 'You're

coming with us'. Consequently she did come with us, and she made herself at home by remodelling different parts of the house and getting acquainted with our cat as well. That was kind of interesting—we had to replace carpet and all that sort of stuff, and that was a bit hectic, but as I said, she is part of our family now. And yes, she is microchipped.

But one thing I do know—and I said this before—is that animals can escape for a range of reasons. They can escape in a storm. They get frightened of loud noises—not all dogs, but some do—like fireworks, for example. I will never forget one time when I was living in New South Wales. I was driving down the road and had the windows down in my car. A storm had just happened, and this dog literally ran alongside my car and jumped through the window of the passenger seat.

A member interjected.

Ms TERPSTRA: Exactly. That was my reaction. I have gone, 'Far out. How did that dog actually make it through the window?', but it did. It was petrified and it was terrified. And this is the thing: when animals are so scared, they can just be—you know. I was grateful that it was now in my car, because I wound the window up and made sure that I could then try and find the owner and call them. It turned out to be my neighbour's dog, so they were very grateful to get it back. But again, the last thing you want is for it to run under a car and be killed or really badly injured.

Previously I have talked about reptiles and kind of laughed about snakes and all that sort of stuff, but these are pets. People are looking to animals, and a broader range of animals, for companionship and for a whole range of things. But one of the things that this bill will do is it will make it easier for people to find their lost pets. I will just quote some data here from the RSPCA, and these are staggering numbers. Data from the RSPCA shows that more than 53 000 stray animals are impounded in Victoria each year, and of these approximately 21 600 are reclaimed, so less than half. Less than one in two are actually reclaimed, and that is 17 885 dogs and 3734 cats. That is why I support the system of people actually going to the pound or going to a shelter and getting an animal that has been surrendered or been lost, because otherwise then these pets are just being euthanised and it is an unnecessary destruction of life.

Back to the point of this bill: the bill will amend legislation to make it so—and Mr Barton's contribution was accurate and spot on before—vets can have an agreement so that rather than a pet having to go to the council and the council having to do that work, the vet can actually contact the owners and the like. I know it is an opt-in kind of situation, but I know one thing: whenever I find an animal I take it to the vet if I cannot get the owner. Another good thing I just might mention is often on Facebook there are 'lost dogs of whatever suburb' kinds of pages, and people will post photos of lost dogs, so people know that if you are looking for a lost pet you might look on Facebook to see if there are any postings. But then you ring the local vets and you ring the RSPCA pound, and of course sometimes the RSPCA pound might not be near you. There have been some amazing stories of dogs being hundreds of kilometres away from where they live. Who knows how they got there, but there they are.

I think this is a very welcome reform. Again, it will make it easier for people to be reunited with their pets, and that is the critically important thing. As I said, people love their pets. I do, as I said earlier, want to give a really big shout-out to and thank everybody who works in the veterinary industry, whether it is a vet or even the vet nurses. I know we have got a free TAFE initiative at the moment, certificate IV in vet nursing—how popular has that been—because we need more vet nurses to work back in the sector. I know that has been really popular with women, particularly the over-50s but also the 18-to-24 age bracket, and it has sparked a lot of interest. I want to commend Mr Meddick for his work in that area as well on that. It is an important reform and we need to get more workers in, but I also acknowledge Mr Barton's comments that more needs to be done to support workers in that sector.

Also I was quite surprised, before I became a lawyer, years ago, when I was interested in becoming a vet myself and I looked into the requirements to study for a vet, that it is six years of study. It is actually

a really big commitment to study veterinary science, and I thought after doing a law degree I just did not have it in me to do another six years of full-time study. Nevertheless it is an amazing commitment that people make to work with animals and care for them. I note Mr Barton's earlier comments about the suicide rates in the sector, and that is unacceptable. Something really needs to happen there to support workers getting the help they need and the mental support that they need, because—and we say this all the time in the union movement—workers need to come home safely, not go to work and either be injured or struggle with the mental load that often comes with working in a particular sector. There is always more work to do, and hopefully this sector will get the support it needs.

This bill is just a small step in helping people be reunited with their much-loved pets. As I said, and Mr Barton touched on this, it is called an 84Y agreement, and again it is an opt-in agreement. It is named after the section of the act which will enable vets to do this work, but 84Y will not mean anything to people—it will mean nothing. But what people want to know is: if I take that dog to the vet, can owners then make direct contact, so it is not circuitous in terms of having to go to a pound or whatever else? Again, that section of the act enables local councils to make written agreements with a person or body—namely, shelters, vet practices, community foster care networks and foster carers—to support the capture, holding, rehoming or disposal of dogs and cats, and those are the 84Y agreements, which allow certain people in organisations other than local councils to receive and manage lost pets and/or stray animals.

It is just going to make it so much easier and more streamlined, less circuitous and more direct, because we know when an animal is in a pound they are stressed and distressed. I was talking about Skye before. I know she had been in the pound for a while, and I could see that she was depressed. With staffies you can read their emotions on their faces; they are very expressive. Her ears were down and she looked pretty sad, but as soon as she came out of that kennel she was jumping all over the place. They know what it is like to be separated from their owners or to not be around humans, and particularly with staffies they need that human connection and interaction, and they actually feel quite lonely. So, yes—staffies, big love always from anywhere and anyone. I know it took her a while to recover from being in that pound situation for a while. Of course there were attempts made to locate her previous owners, but again, that was to no avail, and she suffered. You could see it; she suffered as a consequence of being in that pound. When she came out we had to teach her where to go to the toilet again, where to eat, not to go to the toilet where she ate—there was a whole bunch of stuff that came with that, but she has moved on from there and gone from strength to strength.

As I touched on earlier, the current requirements can be circuitous but can also lead to confusion, frustration, inefficiencies and unwanted outcomes for both pets and owners, and of course there are the high reclaim costs. Sometimes when a dog ends up in the council pound then you have got to pay a fine and sometimes people cannot afford to pay the fine or there are pound fees and the like, so that is something that could be avoided. And as I said, long wait times for lost pets—if people are not at the pound over the weekend or whatever, that can cause longer delays in pets and their owners being reunited. It is a stressful environment in the pound, with pets not being returned to their correct owners and the like.

I must say, I give a shout-out to the RSPCA at Burwood. I often have a look at their social media posts. They have a whole range of animals there at the moment. They have got chickens and ponies and all sorts of things, so again it is not just about looking for homes for different dogs or cats, those usual domestic animals that we think about. I am the proud owner of chickens. Like I said, we have got chickens, a reptile—a blue-tongue lizard—a cat, a dog—

Mr Barton: I love chickens.

Ms TERPSTRA: Good on you, Mr Barton. People do have a much broader array of domestic pets these days. I think I will leave my contribution there. It is a good reform. It will definitely make it easier for people to be reunited with their pets if they become lost. It is a good reform, and I commend this bill to the house.

Mr QUILTY (Northern Victoria) (11:53): I will be brief. The Liberal Democrats do indeed support the cutting of red tape. This bill does a reasonable thing, but it is somewhat of an indictment of government red tape that this bill is necessary at all. Let me explain. Let us say you find a lost dog. It has a collar but no ID tags. You take the pet to the nearby vet to see if someone can scan its microchip and find out who the owner is. The vet tells you that they would be happy to help but the law says they are not allowed to do that. The law says they must send the dog to the pound in the next town over. This vet is one of the vast majority of vets in Victoria that do not have an 84Y agreement with the council that would allow them to fulfil this service. Many councils refuse to issue these permits at all.

This is an excellent example of government stuffing things up. The reason we microchip animals is that they can slip their collars and lose their tags. Their whole purpose is to identify the owner so the pet can be reunited with them, but the government makes it illegal to do this. The only reason councils have to do this is that they make money when animals are claimed from the pound. If a lost animal is taken to the vet or to an animal shelter, the council loses out on the revenue from the penalties that one pays when claiming their animal from the pound. They do this even though allowing vets and rescue groups to offer this service would reduce the burden on council services. Another way to think about that is the government actively bans the use of technological innovation so it can maintain a monopoly on petty thieves.

Back to the bill, the key areas of change in this bill are to allow pets and rescue groups to legally scan the microchips of lost pets and to reunite those lost pets with their families. I will not spend 10 minutes talking about my pets; I will keep it brief. While I was on Wodonga council I managed to keep—

Ms Symes: I so want to know what your pets' names are. Please, come on. I do. I'm really interested.

Mr QUILTY: We have a very old cat called Yoshka; it has got a Russian background. When I was on Wodonga council I managed to keep the councillors entertained with the stories of our cat and its adventures through the pound when it somehow got picked up. Dealing with it all was an annoying, time-consuming and expensive process, and it is something we inflict on pet owners every day all across this state. The Liberal Democrats will support this bill. It is a good change, even if it does not go far enough. We need far less restriction on vets and rescue groups, and this bill will deliver. It should never have been illegal to read the ID tag on a dog or a cat and use that information to reunite that pet with its owner, regardless of whether the ID tag is below the skin or attached to the collar. I am glad we are doing this—one piece of red tape down, a few hundred thousand to go.

Ms WATT (Northern Metropolitan) (11:56): I am going to talk about Pickles. Pickles is the delightful orange kitten that has come into my life recently. Pickles or Pick Pick or That One—depending on what my attitude is at the time—is a delight and a joy in my life, and that is why I am really happy to speak, although I know I do not have long. Can I say, I have taught Pickles how to run through the tunnel, I have taught Pickles—

Mr Ondarchie: Not the West Gate Tunnel.

Ms WATT: No, not the West Gate Tunnel, Mr Ondarchie. Honestly. It is a \$4.99 tunnel from Kmart. Can I recommend it highly to any pet lovers out there. It is fantastic. She loves it. In fact when I told Pickles that I was visiting a tunnel on Tuesday morning with the Premier, little Pick got a little bit jealous. Old Pick Pick got a little bit jealous because Pickles indeed wanted to be running free through the tunnels. Fantastic. I loved every minute of it.

Pickles is a delight and a joy in my life, and I have so much more to say after we get to question time. But let me say Pickles came to us because Mum loves to have pets about. She likes the joy and the happiness and the laughs that Pickles brings. We have a favourite family tradition in our family, which is to take the ring off a Vegemite jar and throw it about. So this is just to say that Pickles chases Vegemite jar rings up and down the tunnel at Mamma's place out the back. What a complete joy it is to play again with young Pickles, who has come into our life during COVID, so thank you very, very much. I am very happy that Pickles was in my 5-kilometre region, because I definitely needed some

time with Pickles in the last—how many months have I been here?—15 months. So it has been a complete delight and joy to welcome Pickles to my family. I have got so much more to say about this, President, but I do know that you will be interrupting me in just a short, short moment.

Members interjecting.

Ms WATT: Do you want another minute? Okay, I am going to talk about how Pickles loves Big M chocolate milk. Big M: love it, love it, love it. A Big M and a Vegemite ring, with the \$4.99 Kmart tunnel, it is all a big win.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

PROBUILD

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:00): My question is to the Minister for Small Business. I refer to the decision of the owners of Probuild, one of the country's largest construction companies, to cease trading and enter administration. This will clearly cause a very serious impact on many projects across Victoria and importantly leave many subcontractors and tradies facing extreme uncertainty, and I ask: what steps is the government taking to ensure subcontractors and tradies are protected and are paid what they are owed?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:00): I thank Mr Davis for his question and his interest in the recent and very disappointing news about Probuild. To give the house some context, yesterday Probuild's South African parent company, WBHO, announced that its Australian board had commenced an application to put the business into administration. This is a significant company. It has a 35-year history in Australia as a construction business delivering very, very significant projects. This decision impacts more than 700 direct jobs in Australia but is also expected to affect thousands of contractors, many of which will be small businesses. Obviously Probuild is not a small business, but everyone here understands how the supply chain of trades and skills works, and many of those are small businesses.

Probuild Australia is Melbourne based. It has a significant number of projects under construction around the country, and quite a number of those are in Victoria. Probuild is working closely with the administrator, which is Deloitte, on a number of plans to protect its clients, subcontractors and employees. Probuild are exploring options to raise the necessary capital to continue as a premium Australian building company. Their advice to us is that Victorian construction projects are viable and have money left to complete them, which is encouraging news in what is obviously a less than desirable situation.

There is currently no Victorian funding associated with any of the Victorian Probuild projects, but of course we have an interest in the successful delivery of those that are already underway, as I am sure the whole community does. So we are monitoring the situation closely, and of course our thoughts and our concerns are with the impacted employees and impacted small businesses and of course the construction sector more broadly. My department will continue to work with Probuild and related entities to ensure that relevant services and resources are made available to directly assist affected workers.

Mr Davis's question I think perhaps presumed an outcome, and I think it is perhaps a bit too early to say what the outcome of this decision will be in terms of what will happen to those projects and that work, given those questions around capital raised and funding already set aside and in train for construction activity. It is in place, and the advice I have is that it is not a threat to the completion of those projects. We will work to support all those who are affected, and I am sure everyone in the house will join me in expressing our strong desire for a speedy resolution of this significant uncertainty.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:03): I thank the minister for that answer, and clearly this is something that all sides of the house are deeply concerned about. As the minister outlined, the head office is in Melbourne, and there are many sites across our city and indeed the state. She mentioned the status of projects and indicated, I am pleased to hear, that projects in Victoria are financially viable, but I therefore ask: would you provide the chamber with a list of all the Probuild sites across Victoria, including if any of them have government funding? I note you said there is no government funding, so perhaps government projects rather than government funding.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:04): The projects include the CSL headquarters; Elizabeth North stage 2, which is part of a bigger project—I actually had the opportunity to visit this site last Monday and see these construction workers, small businesses and tradespeople at work and the speed with which that project has until now been delivered, and the quality of work was nothing short of inspirational—UNO Melbourne; Caulfield Village precinct; West Side Place; and Woodlink, East Melbourne. There are a number of sites: CSL, Parkville, as well. These are some of the businesses that are impacted.

This is something that we are very hopeful of a speedy resolution to at the earliest opportunity, because these are important projects. All construction projects in Victoria are important, and we want them all to be completed as quickly as possible so that people can get on with enjoying their beautiful new facilities.

Mr Davis: I thank the minister for that. I think she is saying that was a complete list. Is that right?

Members interjecting.

Mr Davis: It is; thank you. The minister may be able to help the opposition too in arranging a briefing on this matter. I have requested that of the Treasurer, but—

The PRESIDENT: Time for another question now.

POLITICAL DONATIONS

Mr HAYES (Southern Metropolitan) (12:05): My question without notice is to the minister representing the Premier. At a time when public trust in politics is at an all-time low, heightened by a perceived lack of integrity around the flow of money into political parties and the implication of undue influence on government decisions, we need better transparency and reform of political donation rules. Alice Drury, a lawyer at the Human Rights Law Centre, has stated:

Donors give big donations to politicians in order to influence their decisions. It's outrageous that we don't know when and from where politicians get their money until well after election day ...

The Centre for Public Integrity has also documented this issue in case studies provided to the government. My question is: will the Premier please improve the integrity and transparency of the system by providing for real-time disclosure of donations, plus quarterly reports indicating categorisation and disclosing any aggregation of donations?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:07): I thank Mr Hayes for his question. Mr Hayes has directed this matter to the Premier, although I think the Assistant Treasurer, who has carriage of the Electoral Act, may be able to provide him with a lot of information in relation to political donation reform to date. But obviously, noting his suggestions for further reform, it might be better coming from Minister Pearson.

The PRESIDENT: Mr Hayes, are you happy to refer your question to Minister Pearson?

Mr HAYES (Southern Metropolitan) (12:07): All right, I will refer it to the Assistant Treasurer then. I think it is good to be flexible. On a supplementary, federal Labor has indicated a willingness to rebuild trust with the national anti-corruption commission to tackle corruption at the federal level. If

Victoria is to follow suit, then we need to remove the distorting influence from government decision-making in the best interests of the public. Large donations from industries such as the mining sector, property developers, the tobacco industry and the liquor and gaming sectors can undermine integrity. The practice has been described in the High Court as offering quid pro quo corruption, whereby a candidate or party may make bargains with wealthy donors. A number of jurisdictions have taken steps to ban political donations from certain industries that depend on government consent, such as the tobacco industry and property developers—very pertinent considering today’s press. Will the Premier please consider banning donations from individuals or organisations that rely on government contracts or permits to operate?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:08): I thank Mr Hayes. I will pass that question on to the Assistant Treasurer, who will be able to provide information in relation to the limitations that exist on donations and give commentary on some of the flavour that he added to his supplementary question, I am sure.

MINISTERS STATEMENTS: APPRENTICESHIPS VICTORIA

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:09): I rise today to highlight how Apprenticeships Victoria is leading a renaissance for skills and training in Victoria. Since its establishment in late 2020 Apprenticeships Victoria has put in place high-quality career pathways and has set new benchmarks for earn-and-learn opportunities for apprentices and trainees in a diverse range of industries.

This government has applied the learnings and expertise of traditional apprenticeships, and today I am pleased to advise that we are creating opportunities to support the social services workforce through our \$6 million investment in higher apprenticeships. ‘Professionalism and pride’ is the mantra. The new higher apprenticeship social services extension project is a great initiative being delivered in partnership with RMIT. It has been designed in close consultation with industry. This program will give 200 experienced disability workers the opportunity to upskill and gain valued credentials through a certificate IV disability traineeship. A further 200 emerging social service leaders will have the opportunity to gain an advanced diploma in community sector management through on-the-job training co-designed with industry.

This government is committed to providing a sustainable training model that brings the benefits of earn-and-learn training to an important sector where there is a constant demand for a skilled and committed workforce. Building capacity in this workforce ensures services for our most vulnerable Victorians. This government works with industry to build the skilled workforce Victoria needs for a strong future for all Victorians.

SMALL BUSINESS SUPPORT

Ms BATH (Eastern Victoria) (12:10): My question is for the Minister for Small Business. Victoria is the worst state in Australia when it comes to starting a small business, according to the Victorian Chamber of Commerce and Industry cost-of-doing-business report released in January 2022, last month. Minister, why is the Andrews government making life so hard for businesses that just want to recover and rebuild from two years of devastating lockdowns?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:11): I thank Ms Bath for her question. The claim in that report contains a not insignificant error, and I believe that the Legislative Assembly had some discussion of this in the last sitting week. But what I can say to you is that we are very proud of the state of the Victorian economy in spite of the significant challenges that are underway. When it is my turn for a ministers statement I am going to tell you about all the supercool things are happening in the startup sector, but you will just have to wait a jiffy for that.

Again, it says some things that I actually referred to in the house last week, but they are very much pertinent to this question. Victoria is the number one jurisdiction for skills, the number two for infrastructure and connectivity and for entrepreneurship and growth. The Deloitte Access Economics *Investment Monitor* survey for the December quarter puts the total value of investment in major projects in Victoria at \$174 billion. CommSec's latest *State of the States* report ranked Victoria ahead of all other states for construction activity. Deloitte Access Economics is predicting the Victorian economy will grow by 7.2 per cent over this and the next financial year. And, of course, as I think members here would be well aware, Victoria currently has a record low unemployment rate. We are leading the nation in new housing, approving more than 50 per cent more houses than New South Wales in 2021.

I would encourage Ms Bath to review *Hansard* from the Assembly on this very question last week. As I understand it, there is quite a significant error at just one point in the report that very much goes to the question that you have raised.

Ms BATH (Eastern Victoria) (12:13): My question went specifically to startups, and it was actually on page 9 of the report, and I feel you certainly did not answer that respectfully to those people who are trying to start up a small business. The report also highlights that a person seeking to start up a new business in Victoria requires more permits, more licences and more approvals and must go through more processes than in any other state. Will you immediately review the regulatory burden strangling our small businesses?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:14): I thank Ms Bath for her further question. I am even more excited about telling you all about startup awards in a second than I was before. What I would say to Ms Bath is that we have a very, very strong community of people establishing new businesses, and they are going from strength to strength and achieving extraordinary things. I would also refer Ms Bath to outcomes from the last budget and the regulatory review processes that are underway, the regulatory review programs that are underway, which are systematically removing and eliminating red tape wherever it is possible to do so. There are some really significant achievements being made in the reduction of the regulatory burden. It is everyday work for our government to constantly be checking that regulation, much of which has its origins in this place, is fit for purpose for the business community.

LOCAL GOVERNMENT

Dr RATNAM (Northern Metropolitan) (12:15): My question is to the Minister for Local Government. Our local councils deliver critical services to our communities and are staffed and governed by some of the most dedicated people you will ever meet, but all too often they are treated as convenient deflections for the failures of state governments. Minister, the existing rate cap on local councils has been demonstrated to suppress wages and jobs growth in a sector that has a predominantly female workforce. It is inconsistent with the need to be lifting wages, promoting and protecting equality of work for women in our economy and ensuring local communities have access to quality services. On top of the rate cap, the government has now announced it is cost shifting its responsibility for public housing maintenance onto councils. As our economy grapples with low wages, a persistent gender pay gap and the need for increased investment in local services, why is your government continuing a policy which exacerbates wage suppression and job creation suppression in a predominantly female workforce?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:16): I thank Dr Ratnam for her question. I am not being difficult, but I am assuming it is the rate cap policy that is the concern, or is it the potential new policy?

Dr Ratnam: The first part is about the rate cap. I mentioned both.

Mr LEANE: I am happy to touch on both. As I said, I was not being difficult, I just wanted to make sure I am answering the question properly. As far as the rate cap is concerned, it has actually been a popular initiative for ratepayers. In the period beforehand it could have been a way for councils to just decide they want to build a lot of things that they would like to build and then, when they apply a formula, the formula ends up showing there could be a 10 per cent plus increase to ratepayers in those local government areas and those aspirations were not particularly the aspirations of the ratepayers. The cap is going to continue to be our government's policy, but I can say that the recent Auditor-General's report into the financial health of the local government sector and all local governments has actually shown to the credit of councils that despite the challenges of the last two years most local governments are in a quite healthy financial position to the point that some actually—as I said, well done to them—have got quite healthy surpluses. I think the argument about the rate cap and how it affects the financial sustainability of local governments does not ring true when you look at the reports from the Auditor-General.

As far as the other part of your question goes—the concern around a potential new initiative—I think I answered in a question previously from another member that it is not unique at all for me to have had conversations with the local government sector about it. They are actually really passionate about there being more public housing in their particular local government areas, and I think the position that we would like to take is that all levels of government should contribute to the public housing stock in certain ways. But as you would know, Dr Ratnam, there is still potential for discussions going forward. As I have committed in a previous answer, I pride myself in being accessible, and I will be accessible to councils and peak bodies if they want to discuss with me their contemporary concerns around what was flagged last week.

Dr RATNAM (Northern Metropolitan) (12:19): Thank you, Minister, for your answer. With respect to your answer, populism should not come at the cost of job and wage suppression. As I noted in my initial question, on top of the rate cap the government have announced they want councils to cover the cost of the government's decade-long neglect of public housing, with the announced social housing rates exemption set to financially devastate so many of them. This will shift the cost of public housing maintenance from government, where it belongs, to local councils, which will now be under even more financial pressure to provide important services to social housing residents and their municipalities. In my electorate of Northern Metro alone, this is what it is going to cost councils: City of Yarra, \$3.8 million in a year; City of Darebin, \$3.5 million per year; Moonee Valley, \$2.8 million; Hume, \$2.87 million per year; and the list goes on. I have been meeting with councils and the Australian Services Union in recent weeks about the impact of the rate cap and now this disastrous exemption announcement. Minister, why is your government asking councils to make the impossible decision of closing critical services and cutting jobs to pay for the government's responsibility for public housing?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:20): Thank you, Dr Ratnam, for the question. To address the populism point that you made, there is no doubt that there are a lot of ratepayers under hardship as well, and I think that was part of the policy around the rate cap.

Members interjecting.

Mr LEANE: I am trying to answer Dr Ratnam's question with respect. I stand by my substantive answer. I respect that local governments, peak bodies and other bodies have disagreements with government policy. I respect that. I respect that they have concerns. As I have said, I stand by my substantive answer. I am more than happy to have those further discussions with them.

MINISTERS STATEMENTS: WORKPLACE SAFETY

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:21): I rise to pay my respects and deep condolences to the families and loved ones of the 66 Victorian workers who were killed at work last year. While last year's annual workplace fatality

toll was seven fewer than the previous year, when 73 people died as a result of work-related incidents, medical conditions or diseases, the devastation—

Mr Davis interjected.

The PRESIDENT: Order!

Ms STITT: The devastation and enduring trauma of losing a loved one show just why health and safety at work is everyone's business.

Members interjecting.

Ms Pulford: On a point of order, President, it is custom and practice in this place that when people are talking about those that have died, in the spirit of a condolence contribution, they are heard in silence. These interjections are really, really offensive. Given the carry-on we had yesterday—that outrageous behaviour—the families of these people who have died at work deserve better. I think Minister Stitt—

The PRESIDENT: Minister, I have heard your point of order.

Mr Davis: On the point of order, President, it was not a condolence, but I do respect those families. But I equally respect the families of the 800 people who died because of the botched hotel quarantine. Both are very important.

Members interjecting.

The PRESIDENT: Order! While I understand the importance of the point of order and I understand the interjection, I ask the house to be silent when a minister or any member is speaking. We need to show that respect.

Ms STITT: Thank you, President. I wonder if, with your indulgence, I might have some time restored to give my statement, as I intend to pay tribute to some individuals.

The PRESIDENT: You may continue, and I will look at it.

Ms STITT: Thank you. I feel privileged to be able to share the story of Simonette Randall, whose 21-year-old son, Damien, was tragically killed in a truck accident in West Gippsland in May 2017. Simonette last spoke to Damien the day before he died, when the water truck he was driving rolled while travelling down a steep descent near the town of Noojee. Damien's employer was later convicted and fined after it was found the poor condition of the truck's brakes was the primary cause of the crash. It is powerful stories like this that show no-one is immune from the devastating consequences of workplace trauma. If you have a chance to listen to Simonette's interview with Raf Epstein from yesterday afternoon, I highly recommend it. It is incredibly moving, and I thank her for telling her and Damien's story.

The 2021 workplace fatalities show manufacturing was the state's deadliest industry with 14 fatalities, followed by construction with 13 deaths. There were nine fatalities in agriculture, forestry and fishing for the second year in a row. All but three of the 66 people who lost their lives were men, while more than two-thirds were aged 45 years or older. The youngest, an eight-year-old boy, was tragically among three members of the public included in last year's toll. We know that workplace fatalities are all preventable, and I urge every Victorian—employers and employees—to redouble their effort this year to avoid these tragedies. No-one should lose their life at work, and WorkSafe will take strong enforcement action against those who are ignoring their health and safety obligations, because everyone deserves to come home from work safely.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:25): My question—

Members interjecting.

Ms Lovell: On a point of order, President, Mr Gepp called Mr Davis a name that was very unparliamentary, and I ask that he withdraw.

The PRESIDENT: I did not hear anything, and Mr Davis is in the chamber. Mr Gepp, I ask you, if you made that comment—I do not know what Ms Lovell is referring to—to withdraw.

Mr Gepp: Because you have made the request, President, yes, I will withdraw.

The PRESIDENT: Okay. We will continue.

Ms CROZIER: I want to get back to a very important question I have that is directed to the Minister for Emergency Services. Minister, last Thursday David from Swan Hill told the Neil Mitchell program that in January his father collapsed. He, his wife and his mother called 000 but could not get through for 30 minutes. In desperation they called the local police, who physically had to go to the ambulance station to find that paramedics had not been informed by 000 that this emergency was unfolding. On arriving at David's father's house, they found that he had sadly died. Minister, this is yet another example of a tragic story of another Victorian having died because the family could not get through to 000. I understand these stories are confronting for the government, but these incidents are not one-offs. They are happening far too frequently. Minister, can you guarantee that no other Victorians will have to wait for an excessive amount of time before their emergency calls are answered?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:27): Ms Crozier, I am familiar with this case. I received an email from the federal member for that region bringing it to my attention. She made some allegations similar to the themes that you guys continue to do, which is attributing blame and attributing cause of death to the call takers at ESTA for doing their job. In the case that you have referred to, as you have indicated, they have reported that they had difficulty getting through to 000. I am not going to stand here and go between whether it was the federal government system or the ESTA system. But you keep doing this, and it is inappropriate. I am not going to attribute blame to anybody in relation to an adverse outcome—to a sad death in relation to this instance—because it is not my job to do so. There is an appropriate oversight mechanism, whether it is the inspector-general for emergency management or the coroner.

The fact that you come in here and set out a particular story that leads to a particular outcome, which is not accurate, is really inappropriate. To attribute cause of death to ESTA call takers is disgraceful, using circumstances where you do not know the facts. I can tell from your question that you do not have all the facts. I am not going to sit in here and retell families' experiences based on the information I have, because it is not appropriate. It is not my role. It is not your role to come in here and give commentary about these terrible cases. To attribute blame and cause of death is a role for the coroner. Ambulance Victoria are talking to the family; 000 and ESTA are talking about this matter. But the way you have framed this question is quite outrageous, and I do not know what more I can say to urge you to perhaps think about your questions, think about the impacts on the families, the impacts on the call takers of making these false assertions. You should know better.

Ms CROZIER (Southern Metropolitan) (12:29): Minister, I spoke with David last night. He told me what had gone on. I know that the federal minister has written to you. Have you actually responded to her? Have you spoken to David? You have spoken to David, have you? Have you spoken to David?

The PRESIDENT: Order! Your question, please.

Ms CROZIER: The minister is making assertions about the opposition, which I find disgraceful. I have spoken to this man. Minister, your government has been in power since 2014—more than seven years—and I therefore ask: when will the 000 service meet the Victorian public's basic performance requirements to ensure that desperately ill Victorians do not die unnecessarily? And, Minister, I will continue to ask you about these failings because they are happening under your watch and Victorians are dying.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:30): Thank you, Ms Crozier. By all means you can ask about the performance of ESTA. That is appropriate. I expect that. I do not persuade you against those types of questions, but when you use specific incidents and you draw inferences that I am not in a position to confirm, it is inappropriate. You are attributing blame to ESTA call takers. I have been in this place answering questions by saying that with delays in call taking, whether it is 000 connections, whether it is ESTA connections, whether it is Ambulance Victoria dispatch or whether it is the inability to get into an emergency department, we are facing unprecedented demand across the system, and ESTA is not immune to that. I have outlined the continual support, financial assistance and concerted effort that goes into supporting the hardworking ESTA call takers to continue to do the important job they do.

Ms CROZIER (Southern Metropolitan) (12:31): I move:

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

Motion agreed to.

MEDICINAL CANNABIS

Ms PATTEN (Northern Metropolitan) (12:32): My question is for the Minister for Workplace Safety. Last week I met with a really beautiful man called Warren Brown, whose arm was really sadly very badly crushed in a workplace accident a number of years ago. He is like many other patients on workers compensation, who are meant to receive payment for reasonable medical costs resulting from their injuries, but they are being uniformly denied remuneration for legally prescribed medicinal cannabis by WorkCover. This is despite having full state and federal approvals and having exhausted all treatment options, including opioid analgesics and ketamine treatments. They are even now suggesting he has a spinal fusion to reduce the pain. Most of these treatments are actually more expensive than medicinal cannabis, so it is not the cost that is the problem, it is the stigma. We know that the government has been really forward in this, so I am just asking the minister how we address this discrimination and bring WorkCover into line with the government's own policy on medicinal cannabis.

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:33): I thank Ms Patten for her question. My thoughts are with that injured worker, because clearly they are dealing with some pretty traumatic after-effects of their workplace injury. We are committed to making sure that all injured workers get access to the treatment and the support that they need to enable them to recover and return to meaningful work. I am obviously not in a position to comment on the individual circumstances of your constituent, but you would know that we proudly legislated medicinal cannabis in Victoria but with an appropriate framework that recognises the limitations of the current clinical evidence.

When it comes to WorkSafe's decisions around treatments and appropriate services, they are guided by the medical bodies, including the Australian Register of Therapeutic Goods. When considering those modern treatments and medicines, such as the use of medicinal cannabis, WorkSafe have to consider their alternative treatment policy and they will be guided by the clinical evidence. Whilst I am not in a position to comment specifically on the individual concerned, I am very happy to see whether there is some additional information that might be able to be provided to you, Ms Patten, around the way in which WorkSafe will make the decisions or the agents will make decisions around what appropriate treatments for particular injuries are.

I hope that does help you. Obviously we are committed to ensuring that the workers compensation system remains contemporary and consistent. There is no intention here to close off any kind of treatment, but there needs to be the clinical evidence base there.

Ms PATTEN (Northern Metropolitan) (12:35): Thank you, Minister, and I would appreciate any further information you can provide. Every single WorkCover patient who has been prescribed medicinal cannabis by their medical practitioner has been refused payment, so it is across the board.

We might say it is all on clinical data, but there is a lot of clinical data that actually shows that medicinal cannabis is working, and for this gentleman, Warren, it is the first time he has been without pain. It is the first time that he is actually considering going back to work and he is feeling like he is able to go back to work. Via supplementary, I ask whether the minister would meet with Warren and his general practitioner to get an understanding of why medicinal cannabis has brought such relief and why we need WorkCover to assist him.

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:36): Thanks for that supplementary question, Ms Patten. It is difficult for me as the minister to get involved in individual cases of injured workers who are involved with the workers compensation scheme, and I know that you would know that that is not because I am not completely committed to making sure that people recover and get the support they need. It is just that it is not really appropriate or possible for me to get involved in individual cases. But, as I indicated, I am happy to see what additional information I can provide you with from WorkSafe that will give a bit more detail about how these decisions are arrived at and what medical evidence and medical support goes into the decision-making around appropriate treatments.

MINISTERS STATEMENTS: VETERANS SUPPORT

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:37): Today I would like to update the house on a recent commitment from the Victorian government to Legacy, supplying half a million dollars for delivery of a veterans wellbeing program during the federal royal commission. We know it is going to be a hard time for our ex-service community and their families with the Royal Commission into Defence and Veteran Suicide conducting public hearings. I was lucky enough to be joined in the Parliament gardens recently by members of Melbourne Legacy: CEO Jo Moloney; Ken Tsirigotis, chief operating officer; Annabelle Wilson, manager of community engagement; and Joel Sardi, who actually served in the Australian Army and had a seven-month deployment in Afghanistan. Joel spoke about how he and his family have benefited from the wonderful work Melbourne Legacy do for the ex-service community.

In this program Melbourne Legacy will be a gateway to a range of support provided by other ex-service organisations, community organisations and the commonwealth. Melbourne Legacy will employ two veteran liaison officers, who will assess the individual needs of the veterans and their families and connect them with referral partners and ex-service and community support organisations. This will be complemented by Melbourne Legacy's existing case management team, which includes five social workers, counsellors, a program coordinator and two existing veteran liaison officers, and Melbourne Legacy have also of course their embedded alliance partners. In saying this is a hard time for the veterans community, I know the Victorian veterans community look forward to the interim report from the royal commission, which they hope will lead to an improved system that looks after Victorian veterans and their families, as it should.

Can I just also, on another matter, congratulate Commodore Greg Yorke on his appointment as the new chair of the Victorian Veterans Council. I really look forward to working with Commodore Yorke with his insight into how we can assist Victorian veterans and their families.

BUSHFIRE PREPAREDNESS

Ms LOVELL (Northern Victoria) (12:39): My question is to the Minister for Emergency Services. Victoria's aerial firefighting capability is in disarray as the state enters its highest risk bushfire period. In a move that has left frustrated firefighters fuming, the contract for use of the large Sikorsky 61 based at Mansfield runs out next week, with no sign of a new contract on the way. Will your government be entering into a new contract and, if so, when, or will the aerial firefighting fleet be further depleted and a major regional area be left without available aircraft?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:40): I thank Ms Lovell for her question and the opportunity to talk about the aircraft aerial firefighting capabilities here in Victoria. Obviously our firefighters on the ground do an amazing job. To have specialised, targeted support from an aerial fleet is of much benefit to the safety of our communities.

This year's fleet of aircraft is 50, and they are more mobile than ever. It means that aircraft can of course be in more places more often across the state and respond faster. Even if those contracted aircraft finish their service period, as Ms Lovell has indicated, we still have access to up to 100 additional aircraft that can be on call. There have been more than 800 dispatches of aircraft since the start of October 2021. That sounds like a lot, but they are very quick and they can deal with fires quickly. As you would appreciate, we have had less incidents in relation to fire this period than in other years, fortunately, so they have been a great help in ensuring that that has been the case.

I have full confidence in the requirements to meet the fire needs of our state. When the experts provide the advice in relation to the risk assessments of the aircraft that are required when and where—I think I have quoted in this place that it is not me who picks the planes—this is based on expert advice. As I said, we have had the best coverage and the most amount of aircraft, including some brand new types of aircraft that do more, carry more and provide better protection for the state of Victoria. I thank all of those efforts in continuing to keep our community safe.

Ms LOVELL (Northern Victoria) (12:42): I will take that as a no—that you are not renewing the contract for the Sikorsky 61 at Mansfield. Minister, the contract for the use of the Super Puma helicopters also runs out next week, with no sign of a new contract on the way. Minister, isn't it a fact that your government's aerial firefighting strategy is so poor you actually forgot to order the belly tank for the Super Puma, effectively making it useless?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:43): Whilst I have confessed to not being an expert in relation to aircraft, the information in relation to the order of the Super Puma was that the attachment that was not ordered was based on the fact that it was not required for the risk assessment that it was ordered to address. There might be some people that you are talking to that perhaps would have liked this special attachment that they thought that they might need. But in relation to who selects the aircraft and where it is deployed, that is based on a collection of experts, and the advice in relation to the Super Puma was that the order that was made was fit for purpose for the safety of Victorians. I will remind Ms Lovell of the extensive support that the aerial firefighting service has provided to Victoria this year. It has been the most capacity we have ever had.

POLICE EVIDENCE STORAGE

Mr QUILTY (Northern Victoria) (12:44): My question is to the minister representing the Minister for Police. A 2018 audit of police evidence storage found that police had a weak control environment and devolved governance arrangements for their seized and stored items. This is probably why ex-cop Dave Branov was able to maintain a drug habit by taking confiscated drugs and trading them with dealers for his preferred high. Branov has given an interview to the *Herald Sun* explaining that he is an isolated example but part of a broader culture of police corruption. He explained that evidence is routinely taken by police and used to generate funds. Officers replaced cocaine with crushed up Panadol and crystal meth with crystal cat litter. The Auditor-General remarked that the sheer volume of seized items in police possession and its subsequent management impact security arrangements. Branov explained that officers interested in firearms have been known to take weapons from police storage, contributing to the more than 100 000 firearms that Victoria Police have lost track of. Minister, what is being done to address VicPol's appalling property storage management?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:45): I thank the member for his question. That question will be referred to the Minister for Police, and I am sure that she will respond as per the standing orders.

Mr QUILTY (Northern Victoria) (12:45): Thank you, Minister. The most recent VicPol annual report notes that the property and laboratory management system, PALM, is unable to identify items by seizure type. This means that police have no idea when they have seized firearms or where they are. We have heard cases of firearm charges being laid for not surrendering firearms when those firearms are already in police storage. Police have taken firearms and handed back different firearms or handed firearms back with alterations, and not small alterations either. We have heard of one seized firearm returned with a different calibre to when it was surrendered. Now we have former officers directly telling us that there is a culture of corruption within the police and that part of the corruption includes stealing and using seized equipment and firearms. We know that VicPol is unable to account for more than 100 000 firearms that should be tracked by its licensing and registration system database. It has been suggested that there are errors in up to 80 per cent of all Victorian firearm records on the system. Minister, what is being done to ensure VicPol have accurate records of all firearms—those in their possession and those in the hands of law-abiding firearm owners?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:46): I thank the member for the question—the question at the end of a series of very, very serious allegations that have been made in this house this afternoon. However, I will refer his question to the Minister for Police, and I am sure that she will respond.

MINISTERS STATEMENTS: GOVERNOR OF VICTORIA STARTUP AWARDS

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:46): I am very excited to update the house—specifically Ms Bath, but everyone—on the inaugural 2021 Governor of Victoria Startup Awards. The awards, which took place last night, recognise the incredible achievements of the startup sector, undoubtedly one of our most exciting sectors and a key component of the Victorian economy. Hosted by Her Excellency the Honourable Linda Dessau AC, Governor of Victoria, at Government House, the awards acknowledge Victorian founders, investors and the community that are making amazing things happen across our startup ecosystem, and it is a sector that is worth celebrating. Victoria has one of the fastest growing startup sectors in the world. In the past 12 months Melbourne's startup sector value has grown by more than \$3 billion, bringing it up to a total value of \$10.5 billion—quite extraordinary in a year.

Some of the incredible startups recognised last night include Amber Electric and Seer Medical, named as joint winners of the Startup of the Year category. Link-in-bio startup Linktree was recognised as Scaleup of the Year for its work in supporting a community of 18 million content creators across the world, perhaps some of them here in this chamber. Local angel investor team Aprill and Matt Allen took out the Investor of the Year award in both the People's Choice and the Expert's Choice categories for Tractor Ventures, Victoria's first dedicated revenue-based fund. And a very special Regional Ecosystem Hero of the Year was awarded posthumously to Peter Dostis, co-founder and CEO of Runway, in recognition of his outstanding contribution to regional and rural startups across Victoria. Peter's work has inspired countless entrepreneurs to follow their dreams and build a successful startup, and his legacy continues through Runway's programs, mentorship, collaborations and networks. Victoria is home to 2600 startups. They have created 40 000 jobs, more than 30 000 of them in Victoria.

WRITTEN RESPONSES

The PRESIDENT (12:48): Regarding questions and answers today: Mr Hayes, question and supplementary, Ms Symes, for Mr Pearson; and Mr Quilty to police, Ms Tierney, question and supplementary.

Constituency questions

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:49): (1649) My constituency question today is for the Minister for Education. Fitzroy North residents are concerned about the Merri Creek Primary School's lack of space for children to play and socialise. I want to thank the residents of Fitzroy North who responded to my recent community survey with this feedback about our children's future. I served on a school council for 11 years, nine years as president, and there are challenges in trying to get money out of governments for schools. Merri Creek Primary School, led by principal Kerri Gibson, is a beautiful school with a strong school community. The community in the past raised funds to help upgrade the primary school in expectation of more play areas for the children. There is just not enough play space. The school has to split lunchtime play, requiring extra supervision time for staff, and that takes teachers away from doing the important work they normally do at that time. The school has negotiated with the Yarra council to find solutions, but to no avail. They have a master plan for the school but need support to move forward. The question I have for the minister is: will the minister direct the department to work with the local council, the school and the school community to find a solution that gives space for the children to play in?

WESTERN VICTORIA REGION

Mr MEDDICK (Western Victoria) (12:50): (1650) My constituency question is for the Treasurer and relates to a budget funding request I have submitted for the second time now. Ballarat needs a new animal shelter. It is an important and vital step for the region. In 2020 there were over 20 000 cats and dogs registered within the City of Ballarat. With this comes a strong demand for critical animal welfare services that the current shelter operating out of the old abattoir building simply cannot keep up with. This shelter also plays an important role in emergencies, taking in pets during bushfires and offering accommodation for the companion animals of women and children escaping family violence. This project has allocated land and is even shovel ready. Will the Treasurer agree to funding a purpose-built animal shelter in Ballarat in this year's state budget?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:51): (1651) My constituency question is to the Minister for Police. The City of Wyndham is one of the fastest growing municipalities in Australia. Subdivisions and indeed entire suburbs pop up at an extraordinary rate. One of these new suburbs is in fact not so new at all, and that is Point Cook. Point Cook is now a well-established community, but sadly it does not have all the infrastructure that it needs. One of the most important pieces of infrastructure that it does not have is a police station. Residents of Point Cook have been after their own police station for quite some time, and in my view it is long overdue. The time has come for the people of Point Cook to have the protection they need and deserve. Minister, when will you provide Point Cook with a police station?

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:52): (1652) I had a constituent reach out to me regarding the lack of community gardens in the City of Knox area. Their view is that rather than investing in large park areas in centralised spaces, smaller community gardens and parks spread throughout the suburban streets would be a more effective way of enhancing our community atmosphere. Neighbours would be more likely to interact with those who live nearby, and the community gardens would encourage socialisation and would overall have a positive impact on mental health. The information I seek for my constituent is: has the government considered introducing more local community gardens in the City of Knox?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:53): (1653) My constituency question is for the Minister for Emergency Services. I have been advocating for funding for new stations at both the Yarrowonga and Currawa fire brigades for nearly two years. Inexplicably no funding has been forthcoming in that time despite these brigades being the two highest priorities for infrastructure replacement in district 22 because the current stations do not meet the needs or demands of a modern firefighting service. The Yarrowonga fire station has no change room facilities for volunteers and no disabled toilet and currently does not comply with standard occupational health and safety requirements. The Currawa station has no change facilities, no storage area and no meeting room. The brigade is also a breathing apparatus brigade but currently has no clean areas for the BA equipment. Will the minister give a commitment to allocate urgent funding to construct new fit-for-purpose fire stations for both the Yarrowonga and Currawa fire brigades?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:53): (1654) My constituency question is for the Minister for Health. Last week a constituent attended my office distressed over the future health and wellbeing of her 11-year-old child. Like many Australians, this constituent has a shared parenting agreement with ex-partner. Her distress stems from learning that while on an access visit with the father he was able to book and have the child vaccinated against COVID-19 without her consent. While I am pro-choice, this was against the mother's express wish. An 11-year-old child is unlikely to be Gillick competent. What is it about the COVID vaccine that makes parental consent no longer necessary? Have we literally shredded medical ethics in the state and dispensed with the rights of parents altogether? Regardless of what people think about the COVID vaccine, we have had too much ripping up of societal norms during this pandemic. Minister, what protections are in place to ensure the rights of both parents are being considered before children under the age of 12 are being vaccinated against COVID-19?

The ACTING PRESIDENT (Mr Bourman): Mr Quilty, I am going to give you an opportunity to rephrase that, because that is not in any way, shape or form a constituency question.

Mr QUILTY: A constituent came into my office and asked me. That was the start: last week a constituent attended my office distressed over the future health and wellbeing of her 11-year-old child.

The ACTING PRESIDENT (Mr Bourman): But what you are asking—there is not a specific region to your issue. I understand that you had a constituent come in. Have a go at rephrasing it.

Mr QUILTY: Minister, what protections are in place to ensure that the rights of both parents are being considered—in this particular case of a constituent that came into my office—before children under the age of 12 are being vaccinated against COVID-19 in my region of Northern Victoria?

The ACTING PRESIDENT (Mr Bourman): I am going to give the minister the opportunity to deal with that, but I do not like your chances.

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:55): (1655) My matter is for the Minister for Transport Infrastructure. I want to ask a question: will she prepare a solution, a detailed business case and work on the intersection of Burwood Highway and Elgar Road? This is a very busy intersection. It is an intersection that carries significant risk, and this matter has been raised with me by Asher Judah, a very active local person who is determined to fight for the rights of people through this electorate. Passengers disembarking from the 767 heading north in the middle of the road are at risk. Traffic banks up on both sides of Burwood Highway, for those turning north in particular into Elgar Road. The residents of the Uniting AgeWell retirement village and Presbyterian Ladies College have also raised concerns. So there are a number of people who are very concerned about this

intersection. It needs a proper solution, and I am asking the minister: is she prepared to prepare that paper of options for that intersection?

NORTHERN METROPOLITAN REGION

Ms PATTEN (Northern Metropolitan) (12:57): (1656) My constituency question is for the Minister for Housing, and it is in regard to the quality and safety of public housing sites in Glenroy. My office has actually received a number of complaints from residents around that area about the poor quality and safety of the three separate public housing sites on Daley Street and Isla Avenue in Glenroy. There have been reports of fires and squatters moving into the damaged and degraded units. The situation seems to be becoming increasingly volatile, and it is posing risks not only to the community but to the service workers and even frontline workers. So I ask the minister: when can the community expect these buildings to be repaired to a standard that is safe for residents and the community?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:57): (1657) My constituency question is for the Minister for Energy, Environment and Climate Change, and I ask the minister about her confidence in the quality and scope of environmental assessments undertaken on behalf of the City of Ballarat to enable a decision to put 225 light poles around Lake Wendouree. Each pole is 5.5 metres tall and requires a refrigerator-sized lump of concrete in the ground to hold it in place. Deep boring is now required for this, and electrical cabling. Genuine damage to tree roots and canopy is expected. Significant light pollution is real. An entomological study was not even conducted for the project, in a place in which the ecosystem balance is critical. This may itself represent a breach of section 60 of the Planning and Environment Act 1987, given compliance with its provisions is mandatory. In short, the environmental assessments have been wanting. Given leading scientists, including global environmental icon Sir David Attenborough, are concerned about this, will the minister review the environmental preparation and qualifications for this project before generational damage is done to a Ballarat environmental icon?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:59): (1658) My question is for the Minister for Transport Infrastructure in the other place, from residents in Caroline Springs. Will the minister urgently look at upgrading these intersections with massive issues with traffic flow: Taylors Road and Sinclairs Road as well as the roundabout at Taylors Road, Gourlay Road and Caroline Springs Boulevard? In these areas there are massive new housing estates, and there is also a new retirement village. Access to those estates is through one road with only one lane in each direction. Some mornings it takes 45 minutes to get out of the Taylors Road roundabout. Residents are not just concerned about the congestion. They also believe that this is a possible deathtrap. Minister, please, for the sake of the Caroline Springs residents, look into this issue.

EASTERN METROPOLITAN REGION

Mr ATKINSON (Eastern Metropolitan) (13:00): (1659) My matter for constituency questions is for the Minister for Emergency Services. One of the challenges every summer for many people in Eltham electorate is the threat of bushfire. Thankfully this season there have been no issues to this day. However, as there are limited roads in and out of many areas in the event of a bushfire, the residents take their responsibility around planning for such events very seriously. With the closure of large parts of the Fitzsimons Lane intersection there is much higher risk in times of bushfire season brought about now by people not being able to use the normal escape routes in the event of a fire situation. There are certainly limited options in terms of southern evacuation and notifications to the local CFA brigades and Victoria Police precincts of road closures. Can the minister tell us what arrangements those two agencies have made in terms of evacuation in the event of a serious bushfire event in the Eltham area?

Sitting suspended 1.01 pm until 2.02 pm.

Bills

**DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS)
BILL 2021***Second reading***Debate resumed.**

Ms WATT (Northern Metropolitan) (14:03): I am coming back after the lunchbreak to continue my remarks. Can I just thank all of you for joining with me as I shared some fun stories before we broke for the lunchbreak. I am now going to get to the serious business of what is before us.

As I rise to speak in support of this bill I would like to note that animal welfare is a priority for this government, and we have indeed a proud record of delivering on our promises to improve animal welfare and support pet owners to care for their beloved animals. I note that this simple reform will ensure that lost cats and dogs are reunited with their owners sooner and more efficiently. When a pet is lost, the situation is stressful for both the animal and its owners and sometimes even for the family of its owners. This reform will empower vets and animal shelters to more efficiently reunite lost pets with their owners whilst ensuring community safety standards are importantly not compromised, improving the welfare of all involved.

Under the current legislation lost pets are required to first be delivered to the local council before they are reunited with their owner unless a vet or shelter has a contract in place with the council to directly accept and reunite lost pets, called an 84Y agreement. A survey shows that just 23 per cent of vets have one of these contracts, meaning that in most circumstances pets are sent to the pound. When someone finds a lost dog in the street their first thought is often to take it to the nearest vet, but most people will not know whether or not this specific vet has an 84Y agreement in place or indeed what in fact an 84Y agreement is. So these changes will give vets the flexibility to accept lost pets even if they do not have this agreement in place, but it will also mean that they will retain the ability to refuse to accept them if they do not wish to participate, maintaining vets' agency over their operations.

These requirements can lead to confusion, frustration, inefficiencies and unwanted outcomes for both pets and owners. It is neither cost effective nor time efficient and can mean long wait times for lost pets, who must be kept in stressful pounds. Unfortunately pounds are often distressing places for our pets to be kept in, and it is vital for the wellbeing of our cats and dogs that we are able to ensure that pets spend as little time as possible in there. Ideally they are reunited with their owners before they even get there in the first place. Sadly RSPCA research shows that more than 53 000 stray animals get impounded in Victoria each year. Of these, approximately 21 600 are reclaimed. It does not seem like enough to me. What this means is that thousands of unclaimed pets get left in pounds. According to the RSPCA that figure is estimated to be over 12 000 registered dogs and nearly 800 registered cats that are needlessly impounded each year. The RSPCA—and I cannot seem to get that song out of my head from *All Creatures Great and Small*—have also been great supporters of this bill. Just recently their CEO, Dr Liz Walker, called the legislation a great outcome for animal welfare and for pet owners in Victoria, as well as adding that it would lower operational costs for local councils and reduce the load on pounds, all of which can only mean good, good things.

In some cases this unfortunately results in pets not being returned to the correct owners, and in other cases it, sadly, means euthanasia. What this bill does is empower a vet or animal shelter to merely scan the pet's microchip, which enables them to immediately contact the pet's owner to organise a reunion with their pet, significantly streamlining the process. This bill also includes safeguards to ensure that vets will be required to verify pet ownership to confirm that pets are returned to their lawful owners. It also ensures that these incidents will always be reported to the council and accurate records are to be kept, ensuring councils retain oversight of animal movement and management.

We are also incorporating into legislation the exemption allowing retired greyhounds to be walked in public without a muzzle, which is currently in place under a Governor in Council order but will now

be law, and I must say this is good news particularly for the many, many greyhounds I find in my local community. This is a reform that we promised at the last state election, and as always we are committed to delivering on our promise, which is why we are here today to make this bill law.

This pandemic has changed many aspects of society, and one thing it has done for so many families is highlight how important animals are in their lives. Indeed for many the extended period indoors was a motivating factor in finally taking that step to adopt a furry new friend, adding to the already high pet ownership in this state. We can count my family amongst that number.

We know that Victorians love and care about their pets, which is why the Andrews Labor government has a proud record in delivering on animal welfare. Our list of legislative achievements in animal welfare is long and significant. Most significantly we banned puppy farms, delivering nation-leading reforms which ended the cruel practice of lining up hundreds of dogs in a row with the sole purpose of pumping out puppies to sell them off. In addition we are supporting the RSPCA in fighting illegal breeders and funding \$5 million for their dedicated special investigations unit to stamp out this practice for good. Our significant rental reforms have legislated that every tenant now has the right to own a pet, because everyone deserves to be able to own a pet, and this, to me, is so significant and so very close to my heart.

We have delivered Victoria's first *Animal Welfare Action Plan*, which was developed by the former minister, Ms Pulford, alongside the member for Pascoe Vale, and we established Animal Welfare Victoria, bringing together all aspects of domestic animal and animal welfare research, policy, education and indeed compliance into one dedicated agency. We have reformed the Animal Welfare Advisory Committee to ensure the government receives expert advice to support our busy animal welfare agenda, and it is a very busy animal agenda indeed because the Andrews Labor government is investing unprecedented amounts into ensuring that animal welfare in this state is protected and preserved.

As I am giving this speech there is currently over \$1.5 million available in grants under the Animal Welfare Fund. Already the fund has awarded \$3.2 million worth of grants since it was set up for not-for-profit and community organisations so they can continue on with the essential and important work that they do.

I take this moment to give a personal shout-out to the Lort Smith Animal Hospital in North Melbourne, which holds a special place in my heart. Indeed that is where my beloved Bootsy came from. Lort Smith is an absolutely iconic Melbourne institution and has been providing comprehensive treatment for animals since 1936—my goodness. I was delighted that through Animal Welfare Victoria this government was able to provide a \$50 000 grant to Lort Smith for a new animal adoption centre in Campbellfield in my constituency of Northern Metropolitan Region. This purpose-built brand new animal adoption centre will take over from the services and facilities currently provided by the North Melbourne adoption hub. It will be a safe haven for surrendered animals who are already ready for adoption, where they can play freely and let their true personality shine. I like the sound of that.

At the last election we committed \$3 million over four years to the Animal Welfare Fund for projects like this, and since then we have invested even further in this important program, with an additional \$7.5 million in the 2020–21 Victorian budget to boost and expand this highly successful program. I have many more remarks to continue with, but being conscious of time and knowing that I have further colleagues—

The ACTING PRESIDENT (Mr Gepp): I interrupt to draw the house's attention and to welcome Dr Ron Wells, who is a former member of the Legislative Council for the electorate of Eumemmerring from October 1992 to September 1999 and a former member for Dromana in the Legislative Assembly from 1985 to 1992. Dr Wells, lovely to see you. Welcome back to the house.

Ms WATT: I will leave my remarks at that, if I may, because I know my colleagues have so much more to say on this important matter. I commend this bill.

Mr FINN (Western Metropolitan) (14:13): I rise to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. While you are in the chair, Acting President Gepp, having heard your earlier contribution, might I say I endorse your support for the Tetley Tigers, and I look forward to those particular Tigers roaring in September of this year. That is something that I am particularly looking forward to, as I know you are, Acting President.

This bill, as has been pointed out by both Mr Ondarchie and Ms Bath, will not be opposed by the opposition. In fact I think it is quite a good measure. Anything in fact that reunites lost animals with their owners surely has to be a good thing, and I could not imagine how I would feel if Bobbidog, for example, ran away or was lost in some way. She has been with our family now for 11 years. She is 13, and we got her from Lort Smith, an institution that Ms Watt mentioned. It is a remarkable institution. In fact at the Lort Smith hospital they look after animals quite remarkably. We had a cat a few years ago too that had a few problems with some flowers. There is a certain type of flower—and I am just trying to think what it is at the minute—where if a cat comes into contact with the pollen, the cat will die, and that is what happened to Kentucky. We were unaware of this of course, and we ended up in Lort Smith with Kentucky, who unfortunately later that day expired. He was just a little kitten, getting around like little kittens do, and he licked a flower—lilies, that is what they are. If anybody who is listening to this or anybody in the house has cats, keep them away from lilies, because lilies and cats do not mix. And if they do mix: one dead cat, and that is not something to bounce on the table about. That is my community service announcement for the day.

But as I say, we have at our place Bobbidog, who is just as much a part of the family as anybody else. She is 13 years of age, so she is getting on a bit now, but we are very hopeful that she will be with us for quite some time yet. She is just an extraordinary member of the family. She is a pugaliar, and she has the patience of Job. She will put up with just about anything and has over the years—

Mr Melhem: She'd have to with you.

Mr FINN: Well, Mr Melhem, I doubt if even she would be able to put up with you. But I think that a pet in a home, in everybody's home, should be almost mandatory—in fact for God's sake, do not tell the Premier or it will be, because he is fond of that sort of thing. But I have to say if Bobbi was able to vote, Bobbidog would be voting Labor at the next election—she would—because she loved the lockdowns like nobody else. The lockdowns meant that we were all home and she would get two, three, maybe four walks a day, and she thought that was just sensational. She thought that was brilliant. She would support more lockdowns, so she would be voting Labor at the election if she got the chance.

But I am constantly amazed at the degree of love and affection that she gives everyone. It does not matter how difficult things are, she is always there wagging her tail and generally barking, as she has taken to in recent times—I would not say in her dotage, but it is getting there—barking at things that are not there, which is a tad annoying. But you work things out after a while. Perhaps she might have a touch of the Joe Bidens, and that is not something that is all that good for anyone. But she is, I suppose, representative of probably hundreds of thousands of animals that have come from Lort Smith, that have come from the Lost Dogs Home and that have come from numerous animal hostels and so forth that have found their way into people's homes over the years. And I can only say to people if they are looking for a dog or cat, do not buy one from a shop—although I suppose you cannot anymore, really, can you? But do not go to extraordinary lengths, just go down to Lort Smith or go down to the Lost Dogs Home and get one there.

I remember—it is a very interesting story, and I am sure you will be fascinated by this—that one Sunday we went into the Lost Dogs Home to get ourselves a dog only to find that it was closed, so we went to Lort Smith. We walked in, my daughter and I, my eldest daughter. We walked into Lort Smith, and Bobbidog made a beeline for us. We did not pick Bobbidog, Bobbidog picked us, as I am told is often the case, and a few days later we were able to take her home. And that was one of the best days of my life, I have to say, the day that we got her from Lort Smith. But by way of saying that, I make

the point that it is really important that people do go to Lort Smith, the Lost Dogs Home and the other animal shelters around the place, where animals in need of a home are in huge numbers.

Now, I know that the Lost Dogs Home, for example, looks after some 14 000 animals a year. That is a lot of homes that need to be found, and obviously not all are. I well remember at Lort Smith in the cage next to where Bobbidog was there was another dog that, well, seemed to be a bit nuts to tell you the truth. I called it the flying dog at the time because it was jumping around the cage. It was flying up all over the place. I did not like the chances of it finding a home, and I fear to think what might have happened. Just thinking about it, it was Bobbi's last day in the cage. You know, she was due to be departed the following day. If we had not gone to Lort Smith after being rejected by a closed Lost Dogs Home, Bobbi would never have been a part of our family, so for that we are very, very grateful.

But again I just make the point that it is really important that people do make the first port of call at one of the homes—Lort Smith, the Lost Dogs Home, any of the animal shelters that are around the place—because the alternative to finding a home is them being put down, and that is something that I do not particularly want to see at all. In fact I find that quite heartbreaking. I have a friend in fact who works at the Lost Dogs Home, and she is constantly inviting me down to visit because she knows damn well that if I go in to see the animals I will bring half of them home. Now, I have resisted that temptation to this point in the interests of preserving my marriage, because I reckon if I brought home half the dogs that I would after a visit to the Lost Dogs Home I and the dogs would be out on the street very, very quickly.

But it is important that we remember that there are a lot of dogs and there are a lot of cats. I should point out that our cat Yoda—quite a mad cat—is a product of the Lost Dogs Home, which confuses the cat somewhat, it has to be said. He is a product of the Lost Dogs Home. I went in one day. I said, 'Can I have a look at your kittens?'. She opened up the cage and Yoda wandered over to me, and I said, 'I'll have him, thank you very much'—a pure white cat; leaves hair everywhere. Wherever it goes it leaves hair. Bobbidog does that too, but there is something about cat hair that sticks like nothing else, and Yoda is certainly particularly good at that.

I think it is remarkable the job that they do at the Lost Dogs Home, at Lort Smith and at so many other animal charities and shelters around the state. It is God's own work really, isn't it, to help animals when they are in need and to find new homes for them. But new homes will not be found, as I say, if people do not go down and have a look. So I advise anybody, you know, if you have got kids in particular, it is really important that they have a pet. I have always had pets. Growing up on the farm we always had at least a couple of dogs and quite a few cats, I have to say, around the place. Where they came from I have no idea. Where they have gone I have no idea. At one stage I think we had dozens of cats. They just sort of materialised. I think they went from farmhouse to farmhouse while everybody fed them. I know a few blokes like that, actually, who will not be named. But a pet is a very important part of a family. The unbridled love, the devotion, that these animals show their owners is something that has to be seen to be believed.

They have quite a bit to teach us, because they love us unreservedly. That is something that I fully appreciate, and I love them in return, particularly Bobbi, who is just a dog from central casting—she really is. She is a ripper, and Yoda is as well when he is not climbing up the curtains or otherwise trying to destroy the internals of the house. But cats do that, don't they? That is just the way it is.

Like Mr Quilty I shall be brief, because I have not got much longer to go anyway. I will be brief in just saying that the opposition does not oppose this legislation. We wish it a speedy passage, and I believe that Ms Bath will be cross-examining the minister during the committee of the whole, so I look forward to that. I will sit down now in anticipation of that occurring and once again urge members and those in the community who may be listening to this today: if you need a pet, get down to Lort Smith, get down to the Lost Dogs Home, get down to any of the animal shelters, because homes are needed and you just might have one of those homes.

Mr ERDOGAN (Southern Metropolitan) (14:26): I rise to also speak in favour of the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. I shall begin by thanking some of the earlier speakers for their contributions, including Mr Gepp, Ms Watt and Ms Terpstra. And Mr Finn, thank you for sharing your touching story about Kentucky. Throughout the day we have heard the stories of other pet owners in this chamber, and there is a lot we can learn from our pets. I think that is one thing we have learned: the value of them—or the heightened the value of them since the global pandemic struck. I know where I reside almost all my neighbours have pets, and there are daily walks. For the pets it has probably been a contrast to the human lived experience. They have probably enjoyed the last couple of years, with all the extra attention they have been receiving during this time.

The connection between Victorians and their pets is quite large, and the impact of this bill is consequently quite large. I was interested, reading some of the bill papers in relation to this and looking at the impact, to discover that there are 665 000 dogs registered and 215 000 cats registered with councils across Victoria. That is amazing. There are almost a million domestic cats and dogs in our state, and it shows how important these reforms are.

Obviously it is delivering yet again on an election promise that our government made to Victorians, and it is about how we just get on and get things done. It is a continuation of that, and that is why I am proud to support this bill today. It is a bill that is focused on improving welfare and supporting pet owners as well by making improvements in that regard. It is implemented on the back of the commitment that we provided. Ms Watt touched upon our government's record in addressing issues of animal welfare and especially the work that Minister Pulford and Lizzie Blandthorn did in delivering Victoria's first animal welfare action plan after we were elected to government in 2014, and what an amazing body of work that was. I know that Mr Meddick is listening carefully. I am sure he is aware of it. He is aware of all the animal welfare initiatives of this government, and I look forward to his contribution a little later in this regard.

We are proud of our record when it comes to animal welfare, because we have made a number of reforms that have been initiated during this term—some of which have already been discussed, but I will remind the chamber—such as the ban on puppy farms. Obviously from time to time we still hear stories of the shocking conditions in puppy farms across our nation. But in Victoria, thankfully, with our implementation but also with our enforcement policies and our partnering with organisations such as the RSPCA and other animal welfare organisations, major steps have been taken to stop those bad practices, in particular in relation to the illegal breeding of puppies. This government has done a lot of work in this area.

The primary purpose is to allow vets and registered animal shelters, without council agreement, to reunite lost pets with their owners and to improve the administration and enforcement of the Domestic Animals Act 1994. There are a number of other factors and broad issues that are addressed in this bill as well that have not been touched upon, and I will get to them a little later. But there is one point that I think is worth addressing.

Dr Cumming in her contribution earlier asked why we have taken so long to implement this policy. That does need a response. It probably requires an understanding that fulsome policy and effective policy analysis are needed to bring this to fruition. It takes extensive research and extensive stakeholder management to make sure that the desired outcome comes to fruition. That is why, in terms of the broad consultation taking place, broad drafting is required to make sure that there are no unintended consequences and that the bill is effective in achieving its goals. But it is also worth noting that some of the departments responsible for this body of work have also been resourcing our emergency response and recovery activities for bushfires, avian influenza, COVID-19 and flooding in Victoria. That might give Dr Cumming some reassurance that to do fulsome, proper policy and draft legislation takes time. You cannot just do it off the cuff. You need to do it by going back, consulting stakeholders, getting the legal advice and drafting the documents in the proper way.

But it is now before us, and it is up to this chamber to approve it. That is why I was pleased to hear broad support across the chamber—bipartisan support but also the crossbench. So far all the speakers have been in support of this bill, and that is heartening to hear. Once the bill passes, hopefully today, it will need to be implemented by 1 October 2022. It is actually quite a quick turnaround for implementation. It is only a matter of months away, so it is important that we get on with the job today.

There are a number of other reforms that I want to discuss, because some of the other speakers thankfully shared their experiences with their pets. It was great to hear them share their love and their unique stories of their pets, because pets are part of the family. I think Mr Finn touched on the point about growing up with pets. That is an important point. It increases your empathy and understanding of the relationship between humans and other species on our planet. That is the way I look at it philosophically: it is important that we understand we all have our place in this ecosystem, and pets are part of the family.

Mr Finn, you might like to start to listen now because I am going to touch on the opposition's record in relation to animal welfare and puppy farms, and I might note that you are supporting the bill today.

Mr Finn interjected.

Mr ERDOGAN: I might get on with what the bill does. I will focus on that, and I will not focus on the past at this moment. Like I said, when a pet is lost it is obviously stressful, and we heard from a number of speakers how that can impact them. Ms Watt shared her story about that. But this reform is about reuniting pets with owners in an easier, faster and more efficient way. That is a positive and much-needed development. Part of this is about section 84Y of the act, which enables councils to make written agreements with a person—namely, a shelter or veterinary practice, community foster care networks and foster carers—to support the capture, holding, rehoming or disposal of dogs and cats. That is an 84Y agreement, which allows certain people and organisations other than local councils to receive and manage lost pets or stray animals. The bill expands on the current process by allowing participating vets and registered animal shelters to accept and reunite lost pets directly with their owners without the need for an agreement with councils, so that is important. It just takes away one administrative hurdle to make the process more expedient and efficient. I think that is good. Mrs McArthur is not in the chamber or else I am sure she would be commenting on the removal of the red tape. This is an efficiency bill. It is about effectiveness, so I am pleased to have it here.

I did just want to touch upon some of the additional elements of this bill that have not been touched upon by some of the previous speakers. In addition to reuniting pets, the bill also introduces a number of administrative amendments to the Domestic Animals Act. These changes include incorporating into legislation the exemption allowing retired greyhounds to be walked in public without a muzzle, which is currently in place under a Governor in Council order. Additional Domestic Animals Act amendments include assisting compliance activities by requiring additional information for pet exchange register enrolments to the issue or renewal of source number and allowing an authorised officer to require a person to produce a document or record that could assist in determining compliance with the act. This has been developed to enable identification details to be requested from—

Members interjecting.

Mr ERDOGAN: Also elements of this bill include amending the circumstances in which an identity card needs to be produced by an authorised officer so they can continue to conduct compliance activities remotely, including during emergencies; extending the exemption order power in the act to allow the Governor in Council to exempt a person or class of person from some provisions of the act or regulations—the exemption can apply or be adopted to incorporate any standard code of practice or other document; exempting Greyhound Racing Victoria greyhound owners from the need to obtain a source number or include it in an advertisement, as Greyhound Racing Victoria administers its own traceability system for racing greyhounds; clarifying that the chief veterinary officer is allowed to recommend that specific conditions be imposed on a commercial dog breeder application or renewal;

clarifying that the minister can specify the number of dogs for a commercial dog breeder up to a maximum of 50; removing ambiguity around existing authorised officer monitoring inspection powers on breeding domestic animal businesses; creating an offence that a person must not threaten, abuse or intimidate an authorised officer, consistent with similar offences in other legislation; allowing the secretary to issue source numbers via the pet exchange register for purposes other than advertising a pet for sale; and clarifying the provisions relating to the making of a court order against a person found guilty of certain breeding offences and to confirm that certain offenders are prevented from working as a microbreeder or recreational breeder. So they are some of the additional aspects of this bill that I feel are important to state on record.

In terms of consultation, like I said, I am proud of our government's record of being open, transparent and consultative, and obviously before this bill came to this chamber I talked about the extensive stakeholder management and consultation. I can say that we have obviously worked in collaboration with local councils, Greyhound Racing Victoria, the Royal Society for the Prevention of Cruelty to Animals, a number of animal shelters and vets, and a number of organisations and individuals that have expertise in this field. The extensive consultation occurred through Engage Victoria between July and August 2020. Engagement generated over a thousand submissions from all of the relevant stakeholder groups and found widespread support for direct pet reunification through vet clinics and animal shelters. Follow-up consultation with key stakeholders also occurred as the bill was drafted, ensuring the reforms were effective in achieving the goals it set out. Consultation on this important reform will continue with key stakeholders, and while considering the necessary supporting regulatory changes, obviously during the implementation stage we are always open to feedback as well. I am sure feedback will be provided by those participating in the program. As a government we have proven our record of always reviewing and making improvements and modernising laws where required, so I am sure in this regard this bill will be handled in exactly the same way.

As I move towards my conclusion, I just want to quote the RSPCA Victoria CEO, Dr Liz Walker, who called this legislation:

... a great outcome for animal welfare and ... pet owners in Victoria.

I think that is one line that sums this up, and I think that says what needs to be said about this bill. Obviously the Premier is proud of his record and has also talked about the work that he and our government have done in this space. We are loud and proud about the work in this space. But obviously there is always more work to be done in terms of improving animal welfare outcomes in our state. As a government we are committed to animal welfare, and we will continue to review legislation, make amendments and make improvements where required to ensure that all animals across Victoria are treated as best as possible. In light of that, I commend the bill to the house.

Mr MELHEM (Western Metropolitan) (14:39): I also rise to speak on the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. I will not go and repeat the aspects of the bill. I think that has been covered pretty well by all the speakers before me, but it is great to see the best in humanity, and today is a good example, where all members are talking about loved ones—our animals, our pets. They are like children. I think they are part of the family, and what this bill does is make life easier for owners and pets. It reduces their suffering if they are lost so that when they are found—particularly if someone hands them over to a vet clinic—vets are able to immediately get on the phone after they have done the scans, so they do not have to go to the council and do various other things, and reunite them with their owners.

As a matter of fact at my house we are going through a similar thing as we speak. A few months back my daughter came in—she works at a pet shop—and she said, 'Oh, there's a lovely cat, and the RSPCA would like that cat to be adopted by someone. It's been sitting there for over a week and no-one has come forward to adopt that poor cat'. I made my view known that that probably was not a good idea, because we have got a few animals at home. We have got dogs, cats, birds, fish, horses and cows. We have got a large contingent of animals, and we did not need another one. I thought my

daughter would actually take notice of my comment. Two days later: here we go, the cat arrived at home, yet another addition to the family. We decided to name her Willow. She is quite a terrorist, let me tell you. She was terrorising the birds. In fact she managed to actually open the cage and one of the birds disappeared—flew away, I think—and a few weeks later the second bird disappeared and flew away. Unfortunately it is a cat who does not want to stay inside. A few weeks ago she disappeared, and we are still looking for her. Hopefully she is somewhere safe. Someone hopefully has picked her up and is looking after her. Anyway, she might come back. We are still hopeful.

The point I am making is: let us do whatever we can to make life easier for our best friends. Pets are our best friends, whether they are cats or dogs. My preferred animal? I love dogs, and my Stella is a 2½-year-old standard poodle. She is just so wonderful. Since she came into our lives she has brought us a lot of joy. We lost our dog of 15 years, Jasmine. After 15 years they are family; it is like you are losing one of your kids or a family member. But Stella came along and brought some joy to our lives.

This bill addresses some of the issues we have with the current legislation where the onus is on the council. If someone lost a pet then you would take it to a shelter and it would have to go to council, and some of them might be impounded for weeks and weeks and weeks and sometimes months. So as this is going to help to reduce the suffering of these animals, these pets, to speed up the process and reunite pets with their owners, I think it is a good reform. It is a commitment we gave in 2018 to further reform the Domestic Animals Act 1994. I will not talk about the puppy farms and all the changes we made over the years, but it is a great change and I welcome that. I know there are a few more speakers and we have got a few other bills this afternoon, so with these few comments I want to commend all the members who are supporting this bill. It is a great bill, and it is good to hear from various members about their love for animals. That is probably the good side of humans, that we care about animals. Mr Ondarchie comments about his beautiful dog. What was the name?

Mr Ondarchie: Nala, a guide dog.

Mr MELHEM: Nala, a guide dog, and I did see you with your dog here not long ago. It is great to see. With these comments I wholeheartedly commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) (14:45): I do not intend to go into some of the matters that have been canvassed today, particularly the happy snaps of family dogs and cats and so forth. It is interesting—you know, this is important legislation. I certainly support it and think that it is good legislation. But it is interesting how much time we are spending on this compared with some other really serious issues confronting Victoria, and it seems to me we are padding out time on this legislation when in fact, as Mr Melhem said, there are even bills on the notice paper right now that we could deal with today, let alone other matters.

What I want to go to is a slight tangent, and I ask your forbearance in that respect, because I am also concerned about the companion animals or assistance animals that have been raised in the debate. I have a constituent who has come to me expressing some concern about the process of establishing the credibility, community wide, of assistance animals. She points out that it is fairly difficult to get registration of assistance animals. It is a fairly contorted process here in Victoria, whereas in other states, like Western Australia and Queensland, it is a simple and easy process to enable people who have disabilities to actually register their assistance animal so that members of the public can be assured that that animal is obviously going to be well behaved and is not a danger to the public but also is a very necessary support for that disabled person.

It may be that the matter needs to be addressed in the Disability Act 2006 and some of the amendments that have been framed in that act of recent date, or it may be in fact that there are some other areas that need to be considered. Certainly at this point in time to register an assistance animal under the Disability Act as it stands you simply need to get a note from the vet to say that the animal is healthy, get a note from the doctor who treats the human being that says that that support animal is required and then get a registered trainer to certify that the dog is not going to be a danger to anybody in public.

In the Melbourne metropolitan area there are only five of those registered trainers who in fact are able to provide the coats—the uniform, if you like, the jacket—that assistance dogs usually have when they are supporting somebody in a public setting. So whilst it sounds like a fairly easy process, people who are disabled tell me that it is a difficult process and it causes them some distress, and certainly in terms of even the welfare of those assistance animals, with public reaction to them, it is an important factor that does need to be taken into account. So I would be urging the government, given what it has done in animal welfare areas, including this very good legislation, to now turn its mind to the provision or the implementation of a revised set of policies or procedures, perhaps drawing on the experience of the Western Australia and Queensland governments, to ensure that it is made easier for people with a disability to have the recognition of their support animal.

With that, I thank you for your forbearance. I do, as I said, support the legislation. I do not diminish the importance of this legislation. I simply make the point that there are some other really serious issues that we could also be discussing today rather than talking about our pets.

Ms TAYLOR (Southern Metropolitan) (14:50): Well, pets are very important to many Victorians. I did not really appreciate the sledge. They help on so many levels—their humanity, their welfare is very important, they teach children to care as well and they can also help with loneliness. I think every minute that we discuss this bill is actually valuable, so I am going to beg to differ with the comments that have just been made across the chamber.

We do know the bill expands on the current process of reuniting lost pets in allowing participating vets and registered animal shelters to accept and reunite lost pets directly with their owners without the need for an agreement with council. Now, I am not going to go over ground that has already been well covered today, but surveys show that just 23 per cent of vets have one of these contracts, hence the imperative for this reform.

I did just want to take up a couple of matters that were raised a little bit earlier, one of them with regard to the immense pressure that vets work under and whether this might then impose more pressure on vets and be cumbersome or onerous. What I will say is that vets will retain the flexibility to not accept lost pets if they do not wish to participate. I just think that is a really important point to convey, because it is absolutely voluntary for vets to participate. And when it comes to safeguarding—I know there were some questions raised about the safeguarding of processes—vets will be required to verify pet ownership to confirm pets are returned to their lawful owners and will also follow a record-keeping and reporting process to ensure councils retain oversight of animal movement and management. I note in some circumstances vets will still be required to provide lost pets to councils, such as with dangerous or menacing dogs, when ownership is not clear or when there are welfare concerns for the animal. These provisions maintain an important balance to protect community safety.

Having returned the odd pet for a local neighbour here and there—I am not actually trying to ingratiate myself in saying that—I know I would very much appreciate a return of that favour. We see just how much pets mean, and we can see that by what has been conveyed in this chamber—and I have actually really appreciated hearing the various sentiments expressed by members here in the chamber. I think it is also a good signal to send to the community because it also conveys the importance of respecting animals. As members of Parliament, if we can convey that we actually appreciate appropriate mechanisms to protect the welfare of animals and we are taking good care of pets, then that also is in a way a sign of leadership on our part and also sends a good signal to the community. So again, I do think there is merit in talking about relationships with our pets because it reflects and can then be translated into community, and community can appreciate how important it is to all of us to keep reforming in the space.

I was only going to briefly just reflect on my two cats, Ruby and Sophie. I have had them for 14 years—British shorthairs. I remember lining up in a queue for Dr Chris Brown—you know, the vet; it was a very long queue because he is rather popular, I must say—because I could not decide whether these cats would be indoor or outdoor pets. You know, it is a pretty critical decision you have

to make early in the life of a cat, because they are going to adapt. He said that with pets, particularly cats, up to a certain age if you had them outside there was a high probability they could get run over and so forth. Long story short, he convinced me to keep them indoors if I wanted them to have the longest life possible. So I followed his advice duly. I did enjoy the interaction—that is about as far as it went, but anyway. Suffice to say it was a good moment.

I am probably providing way too much information, but I do love my pets dearly. I love the zoomies. I love the morning rituals. They are non-judgemental. And I can relate to Mr Finn with regard to the hair—all over everything every day. But I tell you what, it is all worth it, isn't it, because just about nothing on earth can replace that incredible love that they share with you. No matter what you look like, no matter what mood you are in, they are there. They are mostly considerate. Sometimes they get a little grumpy—no, they are not always considerate. But that is what we love, that unpredictability. It is a beautiful part of our world.

Mr MEDDICK (Western Victoria) (14:55): I am pleased to rise to speak to the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021. Before I move into the substantive part of what I would like to speak about this afternoon towards the bill, I do just also want to make some observations and recommendations, if I may, so I seek the house's patience on that. This week in particular the house has shown just how terrible we can all be to each other. The interjections and the abuse that have flown across this chamber are an example of the reason why the general public have such low regard for what happens here and for our jobs and why there is such consternation around politicians in the broader arena today.

Just when you think there is no light at the end of the tunnel, along comes a bill like this, and here we are. Every single person has stood and they have related a story about companion animals, about what they have meant to them. Some of those stories have been wonderful and heartwarming, and others have been highly distressing. This is exactly what these animals mean. It is important for me to note that my *raison d'être* here is to raise the profile and the consciousness of every single member of this chamber, and then the broader public, about the lives of these animals—not what they mean to us but what they mean to them, because for every animal, be they a domestic cat or dog, horse, cow, pig, chicken, their life has value, not the value that we place on it but the value that is intrinsic to themselves, and it is high time that we recognise that. That is all I have been asking for since I came into this place.

I want to touch on puppy farms. Puppy farms and kitten mills are without doubt some of the most horrendous, horrific systemic abuse systems that we have created for our own indulgence, for our own purposes—to buy the perfect dog, the perfect cat, the ultimate fashion accessory; a living, breathing handbag. Yet practices that we abhor, that we have outlawed in this state, we ignore when they are perpetrated on other animals.

I will quote a man who I greatly admire, a man whose life's work, along with his amazing wife, Trix, has been to elevate human consciousness in how we view all animals. He has been on a crusade to spend his personal fortune so that by the time he dies he is broke, and he has ploughed that into humanitarian projects around the world. He is one of the financiers of *Sea Shepherd*, and it speaks volumes of Philip Wollen OAM. He has this simple saying:

I discovered when we suffer, we suffer as equals.

And in their capacity to suffer, a dog is a pig is a bear ... is a boy.

That is true, and that is all I ask—that we recognise those animals too.

This house passed a motion that I brought on 28 October 2020, where I noted the community concern about the treatment of companion animals in Victorian pounds and shelters. If I may divert for one second, I want to take up a point that Mr Finn made about how when he went to the pound it just so happened, by happenstance, that the dog that he was able to choose was one that was going to be killed the next day. There is no way to fluff this up. There is no way to make it sound okay, like 'put him to sleep' or anything like that. This dog was going to be killed. So I want to issue a challenge to every

single Victorian. The comments I made about puppy farms and kitten mills before—please, it is quite often the case that when you go to a pound or shelter you are going to find that dog or cat that you are actually looking for, that you are looking to purchase elsewhere. But I want you to go to those places, and I want you to ask the question. If you are looking for a new companion animal to fulfil your family at home, ask them the question, ‘Who’s next? Who’s tomorrow?’, and adopt that dog or cat. And further, if you can find it in your heart, ask the question, ‘Who’s the oldest? Is there a dog or cat here that doesn’t have long to go?’, because those animals should not have to spend their last days in a strange place. It will not mean perhaps too much to us, but to them if we take them home and we make their last days full of love and care and attention, that is the greatest gift that we can give to them so that when they pass they are not scared and they are not alone.

In the passing of that motion I called on the government to, among other things, commit to implementing the immediate reuniting of missing companion animals through vet clinics to stop the unnecessary process of going through the pound system. And I know that the house, having passed my motion overwhelmingly, will be broadly pleased to see this bill brought to Parliament. When our beloved companion animals go missing it can be a terrible time, and they do go missing. A left-open gate, a hole in the fence, fireworks on New Year’s Eve—misadventure happens and worse. It is the worst that we most fear. Even in the best case we know our furry friends are probably scared, helpless and at the mercy of strangers, people hopefully with good intentions but people our companions do not know, heightening their anxiety.

Most people will do whatever they can to advertise their missing companions and track down where they might be. And sometimes community kindness delivers them to a local vet clinic or rescue group, especially so as vets are often open six or seven days a week, are often prominently positioned and will be familiar to most people. Right now three-quarters of vets will be unable to scan their microchip and deliver them back to their carer. It is illegal unless they have what is commonly known as an 84Y agreement, as has been said many times today, with their council. Even if they know the owner, who is a customer of the vet, they cannot legally return their dog or cat to them. Instead, for reasons that be once made sense but certainly do not now, they must deliver the animal into the pound system for them to be housed, fed and maintained until such time as their human companion can be contacted or calls in. In many cases this only prolongs the amount of time that both the animal and the carer might be in distress.

I note that veterinarians through the Australian Veterinary Association are highly supportive of this bill. They reminded me that in caring for our companion animals their relationship and insight into the carer and their family is critical. Sometimes to give an animal their best life it takes the whole family and their vet working together. This relationship can be harmed by the current arrangements. Where a vet is unable by law to return an animal, people can feel betrayed and let down even though the vet is simply complying with the imperfect law we have had to date and trying to avoid a fine of over \$800. Some vets have received abuse and threats for complying with this current law. This abuse of vets, vet nurses and their practices is not only misguided but also adds to the burdens that they bear in their vocation and is a contributing factor to many leaving their profession, putting further pressure on those that stay and on the system itself.

This bill allows the straightforward and obvious use of identifying tags or chips on an animal to lead to its immediate return to its carer. This allows vets to maintain the bonds of trust with their clients that are essential to good practice. I also note that this service now to be provided by vets is often not financially rewarded. Along with their commitment to helping native wildlife, especially during emergencies, and many vets helping with the teaching of responsible pet ownership in schools, this is yet another community service obligation that they are expected to provide. Given that we know we currently have a crisis in the mental health of our veterinarians and consequently major attrition from the industry, something will need to be done to ensure this sector can continue to thrive.

The management of stray animals is a significant challenge for Victoria. Figures from 2018 indicate that more than 53 000 stray animals are impounded across our state each year. Of those, approximately

21 600 are reclaimed: 17 885 dogs and 3734 cats. If the proportion of reclaimed animals that are registered is representative of the overall rate of registration within the community—approximately 68 per cent of dogs and 21 per cent of cats—we can conclude that as many as 12 174 registered dogs and 791 registered cats are being needlessly impounded each year. I note that RSPCA Victoria advocated for this change in the lead-up to the 2018 Victorian state election and commitments were sought from all sides of politics. They tell me that they wholeheartedly support this bill as a very positive step for animal welfare.

The RSPCA also provided the following example that simply illustrates how this law can help. Recently a dog we will call by the code name ‘B’, a staffy, was found as a stray and taken to a vet in the north-eastern suburbs by a member of the public just last month, January. Due to legislative requirements the vet clinic had to send this poor staffy to the RSPCA’s Epping animal welfare facility. When she arrived, the staff found that while B’s microchip was up to date her council registration had lapsed. Furthermore, B’s carer’s wife was in hospital so he was unable to come and collect her straightaway. It would have been much better for B and much easier for her carer if the law had allowed B to be collected directly from the vet clinic. Instead, she had to spend a night at the vet and another night at the shelter.

The RSPCA provide care for many animals, but they also know that the shelter is never the ideal place for an animal. The RSPCA waived B’s reclaim fees due to the circumstances, but this all-too-common case highlights the inefficiency of the current system and the unnecessary stress for animals and their owners and the increased workload for shelters and pounds. In some cases, particularly in regional Victoria, the council pound is actually hundreds of kilometres from the council area. This means that a ranger must pick up and transport lost animals long distances unnecessarily when an owner is likely to be only minutes away from the vet clinic they were handed in to.

This bill is common sense. It streamlines a process in a way that most Victorians would applaud. Enabling vets and other animal shelters to legally return stray animals directly to their owners will reduce the period of separation, avoid additional transporting of the animal, reduce the load on pounds and potentially lower rates of euthanasia. This will have a significant positive welfare impact on animals found at large while also providing a further benefit of pet registration. Pet registration is compulsory but not universally complied with. This change will provide another excellent argument to convince people to get their companion animals registered. Companion animals and their carers, animal shelters and pounds, rescue and rehoming groups will all benefit from this positive change.

This bill also brings a number of refinements to other mechanisms associated with companion animals, and we note that the requirement for non-racing greyhounds to wear muzzles when on a lead is going. It is about time this breed-specific legislation went. We have long argued against it in my party, in particular when we lobbied the government to end the breed-specific legislation against other dogs that the government had implemented in the previous parliamentary term. And just to be clear: while we love to see greyhounds rehomed wherever possible, the source of this excess of dogs, a cruel racing industry carried on with government support, should be ended. Already this year—and it is only February—11 dogs have been killed on the track in Victoria and a great many more have been killed off it by this terrible industry.

This bill brings a number of other minor amendments to clarify, update and streamline the existing laws pertaining to domestic animals. We broadly speaking support them and thank the government for their consultation with us and a broad range of stakeholders on these matters. Correcting these imperfections in the law concerning companion animals is well and truly due. I applaud the government for understanding and undertaking this work and for providing the time of the Parliament to correct these legal flaws, and as such I commend the bill to the house.

Mr TARLAMIS (South Eastern Metropolitan)**Incorporated pursuant to order of Council of 7 September 2021:**

I am also pleased to contribute to the Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill 2021.

Losing a pet is an emotional and stressful experience for both them and those that take care of them.

As anyone who has been fortunate enough to have been blessed with a pet would know, it's not simply about owning an object, it's about accepting and welcoming another member into your family—or at least it should be!

Having had many and varied pets throughout my life, I understand the important role that pets play within our homes on a firsthand basis.

They are always there to comfort and support you when you're feeling low, to provide companionship when you're lonely and to make you smile and laugh as they trip over themselves trying to get to you as quickly as they can to greet you when you get home.

Our family has our own very special furry friend that we all love and cherish—her name is Bootsie.

Bootsie is our beloved dog, who has for many years been the centre of our family's lives.

She is loved immensely by us all, so much so that she was part of our wedding party, and we advised the wedding reception venue that Bootsie had to be present during the ceremony or we would take our business elsewhere.

Clearly, she has taken up a very special place in our hearts and is well and truly considered a member of our family.

Bootsie is loved not only by us, but by the community around her.

She often accompanies my wife and her sister to work and has become a cherished mascot for their business, with customers at times coming in exclusively to pay Bootsie a visit.

It's fair to say that Bootsie knows how to pose for a photo and is never shy about dressing up either—and has an extensive wardrobe.

Bootsie is just one of the hundreds of thousands of pets that are adored and cared for by Victorian households.

Whilst pets play varied roles within each home, their importance to those who love them the most is undeniable.

The COVID-19 pandemic has seen a surge in pet ownership around the state, with our animals having kept us company during the most trying of times.

Now more than ever, it is important that we feel our pets can be kept safe, even in the event they go missing.

They are, for the most part, unable to protect themselves in these scenarios—and for this reason it is so important that we advocate for our pets on their behalf.

By supporting this bill, Labor is recognising just how important pets are to Victorians by taking the necessary steps forward to ensure their safety.

We have identified that the process of pet reunification needs to be reformed, and we are taking proactive steps forward to enable this.

The need for these reforms is undeniable, and the numbers prove it.

Data from the RSPCA estimates that 53 000 animals are lost every year and of these 53 000, only 21 600 are able to be reunited with their owners.

This leaves thousands of pets stranded in pounds and removed from their families.

We want to fix this and get pets out of shelters and back home to their loved ones.

The Andrews government made a commitment in 2018 to deliver for animal welfare, and deliver is what we are doing this year.

This Domestic Animals Amendment (Reuniting Pets and Other Matters) Bill will deliver necessary reforms to the current pet reunification process.

Currently, lost domestic animals can be handed in only to local council officers or authorised veterinary clinics before they can be reunited with their caretakers.

However, the list of authorised vets is not easily accessible to the general public and only approximately 23 per cent of all Victorian veterinary clinics are authorised.

This results in a high number of pets spending time in pounds or shelters while waiting to be reunited with their families.

The current system is tedious and ineffective, creating significant barriers to all parties involved in the pet reunification process.

This reform will enable vets to be able to directly return pets to their owners, alleviating the burden that is currently placed on local councils to reunite pets.

Further, it will solidify the reunification process by adding a verification process that will ensure pets are united with the correct owners.

The extra verification process will allow us to identify when animals, in the interest of ensuring their welfare, should be returned to a local council instead of their owners.

This bill will allow the current gap that exists within animal welfare laws to be bridged, a sentiment that is mirrored by the community.

This change provides vets and animal shelters with a more streamlined and efficient process for reuniting lost pets, while maintaining important community safety standards.

As I said earlier, pets are cherished members of our family, and when they are lost it is a distressing and stressful experience for both the owner and the pet.

And pounds can be especially stressful for our cats and dogs, so it is important that we minimise the amount of time they spend there or, even better, reunite them with their owners before they get there in the first place.

The bill was formulated upon significant consultation with the community, which was then compiled in the reuniting lost pets review.

As part of the review, we surveyed those most central to this issue, including all 79 Victorian councils, animal rescue groups, registered animal shelters and the Municipal Association of Victoria.

We wanted to hear from those closely affected by this issue.

The interested groups provided us with invaluable feedback and suggestions that the government took on wholeheartedly.

We are proud to say that these reforms were drafted based on the firsthand, expert knowledge of such groups.

This bill is the product of direct consultation with the community, allowing us to ensure that we formulate relevant, effective reforms.

The bill before us today is a continuation of Labor's dedication towards ensuring animal welfare.

It is with great pride that I can recount how Labor have worked towards optimising animal welfare in recent years:

- We established Animal Welfare Victoria, an agency that encompasses a multitude of animal-related areas of interest.
- We recognised the inhumane nature of puppy farms and passed landmark legislation to end their operation and existence.
- We have further invested significantly in Animal Welfare Victoria, with \$1.5 million in grants currently available through the Animal Welfare Fund.
- This funding is part of the \$3.2 million that the Andrews Labor government have invested into the fund since 2014, and we've committed a further \$7.5 million towards the program in the 2021–22 Victorian budget.

Thanks to these investments, the Animal Welfare Fund is supporting a broad range of organisations and initiatives across different streams, including:

- grants for organisations to provide free or low-cost desexing of cats and dogs for vulnerable and/or disadvantaged Victorians
- grants for horse and pony rescue, rehabilitation and rehoming organisations, providing for the purchase of equipment or professional services, or to upgrade or expand their services
- grants to support equipment upgrades and expansion of services for animal shelters, community foster carers and veterinary clinics offering low-cost services, to support an improved quality of domestic dog and cat welfare across Victoria, and
- an exciting new program launched earlier this year to support community foster care networks and other rehoming organisations like the Lost Dogs Home and RSPCA which provides funding for each

individual cat or dog rehomed—helping cover costs such as desexing, deworming, vaccinations and behavioural rehabilitation to get animals ready to be rehomed.

Through the fund, \$200 000 in grants has allowed us to expand the Lort Smith Animal Hospital, a renowned animal welfare establishment that provides low-cost veterinary services.

And we've been able to build a second campus for the hospital in Campbellfield—providing the hospital's fantastic services to northern Victoria.

This bill will have great benefits for not only pets and their families, but also the individuals and organisations that facilitate pet reunification.

It will help to ease the burden of responsibility currently placed on local councils and selected veterinary clinics and streamline the process to be timely and effective.

I am proud to support this bill because it will make a meaningful contribution to the lives of many members within my electorate and others around the state.

It will minimise the stress experienced when families and individuals lose their beloved pets and improve their chances of reunification.

This bill is a necessary step forward for Labor to continue our unwavering commitment to animal welfare for the state.

It will allow us to deliver on our promises and secure the safety of our beloved furry friends.

The essence of what this bill will deliver for Victorians is simple yet effective, and I look forward to the fantastic improvement it will make to the lives of hundreds of thousands of Victorians and their much-loved pets.

And that's why it has been so widely supported and welcomed by the animal welfare sector and by my constituents.

The RSPCA has worked for many years to advocate for these reforms, including prior to the last election when Labor gave its commitment to implement them, so they were very pleased to welcome the introduction of this legislation.

In a media release, RSPCA Victoria's CEO Dr Liz Walker called the legislation 'a great outcome for animal welfare and for pet owners in Victoria'.

She also said:

Enabling vet clinics and animal shelters to directly reunite animals with their owners without the need for an 84Y agreement with local councils will reduce the period of separation, avoid additional transferring of the animal and reduce the load on pounds.

Allowing pets to be reunited with owners directly will have a positive welfare impact for animals found wandering, while also lowering operational costs for local councils.

This bill continues Labor's proud and unwavering record of reform to protect and enhance animal welfare in this state.

And there's plenty more to come as we continue to work to modernise animal welfare legislation and support our beloved pets and other animals—great and small.

And I want to take this opportunity to acknowledge the final report handed down in December last year by the Taskforce on Rehoming Pets, comprising the member for Western Victoria Andy Meddick, who chaired the task force, and members in the other place; the member for Bendigo West, Maree Edwards; and the member for Narre Warren South, Garry Maas.

This comprehensive report makes 17 recommendations to support the welfare of dogs and cats requiring rehoming, including improvements to the regulatory framework for rehoming pets. The report recommends increased transparency in the movement of animals, better reporting of data and further grants to support the pet rehoming sector.

The Labor government will consider the task force's recommendations to inform future reforms as part of its animal care and protection agenda, and I thank the members of the task force for this comprehensive and important work that will guide future reforms.

In concluding, with this bill we're delivering on yet another of our election commitments—because Victorians know they can trust this government to get things done.

I commend this bill to the house and wish it a speedy passage.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (15:11): I thank members for their contributions today and look forward to seeing this legislation progress. This is important reform. It was a commitment of the Andrews Labor government prior to the 2018 election, and it is pleasing to see yet another commitment being delivered. As we have heard today, these reforms will assist vets and animal shelters to reunite lost pets with their owners more effectively, providing a more consistent, streamlined process for all involved.

Extensive consultation has been undertaken with stakeholders and with the broader Victorian community to inform the design of this bill, ensuring that the reforms retain or improve animal welfare, compliance, privacy and community safety standards. Importantly, vets were at the centre of this consultation to ensure that these reforms do not place an undue burden on the great work that they do. Mr Barton in his contribution raised his concerns for vets amid the high workloads that they face, the stressful nature of their work and the shortages the industry is experiencing. The government has been very mindful of these issues in developing these reforms, working with vets and their peak body, the Australian Veterinary Association. This scheme is voluntary for vets and not mandated in any way. If a veterinarian is unable to provide a lost pet reunion service, they do not have to provide this service and can simply refer members of the public to other participating vets, shelter facilities or council. Mr Barton also might be interested to know that the government has also added certificate IV in vet nursing as a free TAFE course.

In her contribution Ms Bath indicated that she had some questions about the detail of the bill, and I look forward to having those conversations with her. But in regard to the record-keeping and reporting requirements for participating vets, it is important to note that the local councils, as the primary regulators for domestic animal management, maintain oversight of animal movements within their municipality. The record-keeping and reporting details are to be drafted in consultation with stakeholders and will be prescribed in the Domestic Animals Regulations 2015. It will be a simple, supported process for all participating vets and shelters that will likely require the collection and reporting of information such as the name and phone number of persons handing in the lost pet, the date and time the animal was handed in, the pet's microchip number, the name and phone number of the person collecting the pet, the owner's address and details, and the date and time the pet was collected. The government has already commenced consultations with stakeholders to develop the supporting regulations, which will be finalised to align with the bill's commencement on or before 1 October 2022.

To ensure pets are returned to their lawful owner the bill includes a process to ensure appropriate ownership verification. Shelters and participating vets must scan the pet for a microchip and make a reasonable effort to compare microchip information with council pet registration data. Shelters and participating vets must always request proof of ownership and be satisfied that the right person is collecting the pet. If the ownership is unclear, the pet must go to the council to determine the ownership.

I would also like to correct Ms Bath's claims around the consultation on this bill. While Ms Bath claimed there was not sufficient consultation, I would refer her to the second-reading speech, which makes clear the extensive amount of consultation undertaken on this reform. All councils were offered the opportunity to participate in consultation on the bill, and in total 1066 submissions were received from councils, the community, vets, rescue groups and other stakeholders. The consultation on this important reform will continue with key stakeholders while we consider the necessary supporting regulatory changes, in particular with councils, vets and the Australian Veterinary Association, the RSPCA Victoria and Greyhound Racing Victoria.

Mr Atkinson raised the issue of assistance animals, and I am pleased to advise that the Victorian government is currently reviewing the issue of assistance dog regulation and recognition. The review

is being conducted in accordance with the *Absolutely Everyone: State Disability Plan 2017–2020*. Action 23 of the plan proposes that the Victorian government review options for:

- defining assistance dogs within the Domestic Animals Act
- establishing a registration scheme for dogs trained through an approved organisation
- developing a ministerial approval scheme ...

for assistance dogs. This review is underway, and I can also advise that a national working group has been established to develop national consistency for assistance animals in Australia.

Mr Bourman had indicated his interest in an amendment to require councils and other authorised officers to scan deceased cats and dogs for microchips and subsequently inform owners. The government thanks Mr Bourman for his proposal and his constructive approach in raising this matter with the government. While we are supportive of the principle and the intent behind Mr Bourman's proposal, we do believe that it does require consultation with key groups to ensure that it can be designed so as to avoid any unintended consequences. Victoria's 79 local government areas have a key role under the Domestic Animals Act 1994, and the government has sought to ensure that they have been thoroughly consulted in the development of this bill. The government would seek to ensure that councils are similarly given the opportunity of consultation before implementing further changes such as those as proposed by Mr Bourman.

The government also notes that the existing Domestic Animals Act provisions do enable councils to contact the owner of a deceased pet. The Domestic Animals Act requires councils to develop a domestic animal management plan every four years in consultation with their local community. These plans are reviewed annually, and residents are able to raise service needs through the DAMP process, enabling councils to tailor their animal management services to address community needs. The notification of owners of dead cats and dogs collected by councils could be incorporated into these plans.

In addition, it should be noted that all pets should be responsibly confined to their owner's property. If outside the owners' properties, they must be wearing a council registration tag. Responsible owners will ensure their pets are always wearing a tag when off their property. In the circumstances of a pet escaping or wandering and being unfortunate enough to be killed, registration tags provide a mechanism to identify and notify the owner. Council staff could collect the tag or tag's information and pass the details on to local law officers to search a council's pet registration database and notify the owner. Some metropolitan councils already use council tags or microchips to notify owners of deceased pets. This type of service depends on the domestic animal management plan, policies, priorities, time, resources and community needs of the specific council.

Mandating that all councils must scan for a microchip on all deceased pets without adequate stakeholder consultation may result in unintended consequences. Some of the factors that require further consideration include the scope of any changes, as councils are only responsible for collecting dead pets on council property; the ability to locate a microchip on a deceased pet; impacts on other domestic animal management services for living pets due to reprioritisation of efforts; obviously the costs, both financial and resourcing, of councils; and of course there are safety risks for staff handling dead animals in places like busy roads et cetera. Noting these considerations, the government will undertake to consult with councils and other stakeholders and subsequently implement Mr Bourman's proposal this year. With that I commend this bill to the house and look forward to our conversation in committee.

Motion agreed to.

Read second time.

Committed.

*Committee***Clause 1 (15:22)**

Mr BOURMAN: Just as a statement more than anything, as the government has undertaken to address my concerns this year, I am not going to move my amendment.

The DEPUTY PRESIDENT: Thank you, Mr Bourman.

Ms BATH: Thank you, Minister, for summing up and responding to some of the statistical-type questions that I had. In no way do I have a need or wish to verbal your response, but I have been having a conversation this afternoon again with Mark Menze from Animal Aid. Animal Aid runs seven aid centres, five in Coldstream, one in Sale and one in Bairnsdale. He said that he has had some conversations with Mr Meddick with regard to the rehoming pets task force but he has not had any great communication—or any communication, they are his words to me—from government or government departments et cetera. He does also say that he has 6000 animals that would pass through his centres and he has some concerns. The first one we will look at is just in relation to the discussion of regulations, and he wants to make sure that either somebody communicates with him or there is public consultation via the Engage Victoria website. So will there be a platform where he can deliver all of his concerns, or can there be some direct conversation with him? That is my first question.

Ms TIERNEY: There has been extensive consultation, Ms Bath, and I do understand what you are saying—there is a constituent of yours that does not feel as if there has been, but is it a shelter that operates under the 84Y?

Ms BATH: Yes, it is.

Ms TIERNEY: So this does not apply.

Ms BATH: Thanks, Minister. On that point I seek to understand whether 84Y will remain and the regulations and this legislation will operate in a parallel manner. Or is 84Y going to become redundant, and all of the veterinary clinics and animal shelters that wish to opt in will be part of this legislation? So will 84Y be then redundant?

Ms TIERNEY: So 84Y agreements have been retained, and that is to allow councils to enter into arrangements with organisations for services more complex than just reuniting pets. This is pertinent to councils that conduct pound services and animal shelters, as 84Y agreements allow the two parties to agree on procedures, fees and other matters associated with pet reunification or rehoming. These tailored arrangements could include a fee structure for animal management services as well as requirements to ensure a lost pet is desexed or registered with council before it is returned to its owner. Also 84Y agreements are important to facilitate the movement of pets from a pound or a shelter into foster care in order to rehabilitate them in a home environment and prepare them for adoption. Does that help?

Ms BATH: It does. I might loop back, Minister, but I will go to the question that relates to veterinary clinics being able to provide an invoice for services in the collection of the animal and if that animal needed any attention. Could you go into a little bit more detail around those sorts of bills. Can they be capped? I think the bill says that the owner, once they have received the animal and the invoice, is not compelled to pay. Could you go through some of those? Is it going to be capped? Is there an indication for the vet clinic? What is some of the structure around that in the regulations, and how will they be identified?

Ms TIERNEY: Given vets run private practices and businesses, the bill enables vets to request a nominal fee if they choose to provide pet reuniting services. Vets cannot compel payment or make reunification contingent on the payment. If a lost pet is cared for by a pound facility, fees to collect the pet would also apply. The bill and regulations do not propose to set a benchmark fee, nor was a benchmark fee recommended by vets during the consultation process or by the Australian Veterinary

Association in its submission on this reform. The AVA in fact recommended that vet clinics have discretion as to whether fees are charged to an owner collecting the lost pet. Animal Welfare Victoria (AWV) communications will encourage members of the public to consider paying the nominal fee to help vets to continue to provide this important reunification service. If a pet is unlucky enough to be injured whilst lost, it may require urgent veterinary treatment. Vets have a duty of care to provide what they consider to be urgent first aid. However, if a pet requires any veterinary treatment that is not considered first aid, a vet will discuss options with its owner before providing treatment. This includes an agreement on treatment and costs. The veterinary treatment costs are not related to the reunification fee.

Ms BATH: Thank you, Minister. My next question goes back to Mr Mark Menze. I may as well read it so there is no opaqueness about it. He said:

There will be many complexities that vets have to face—what happens when there is a complaint levelled at a vet who has reunited the pet with the ‘wrong’ owner ...

He was quite clear in that sometimes a pet is registered to somebody but the microchip is outdated. Can the minister respond to what would happen to the vet and what the complaint process is? If the vet is targeted, what happens in that situation?

Ms TIERNEY: Firstly, in the summing up I said that if there is confusion about the ownership or a lack of clarity, then the pet needs to go to the council. So there is that.

The second question was—can you repeat that, please, Ms Bath?

Ms BATH: I think he was relating that he is concerned that if there is misinformation—i.e. the pet is given to the wrong person, even the ex-husband or whatever that looks like—the owner may come back and abuse the vet. I guess he is trying to look for some support for the decency of the vet, who is providing it with the best of their intentions. Is there any support for the vet or is there any pathway, I guess, to have some sort of redress for protection around the vet?

Ms TIERNEY: Again, Ms Bath, in terms of the summing up, this was in respect of the information that is collected and the importance of that information. So if it is unfortunately given to someone else in the family and the family unit is not functioning as well as it could be, at least the council will know who else is in the family because of the information that will be collected. Then they can take the next steps.

Ms BATH: Thanks, Minister. I know that you have said—and it is part of the Domestic Animals Act 1994—that any animal being rehomed must be registered. I think that is a stipulation. The question is, if an animal comes in that is microchipped but unregistered, will vets have the option to be able to register it or does it have to be only through council? Does an animal shelter have the option to be able to register it or is it only through council?

Ms TIERNEY: The primary role of the vet or of the shelter is to essentially give the pet back. In terms of the need for registration or further steps, again, it is the council, not the vet.

Ms BATH: Thanks, Minister. I have got a list of questions that really are around statistics. I am happy if you want to present these to the Parliament; I am in your hands. They may also be on a website, so I am happy to see, but if you could provide some information, I have had constituents want to know this. What percentage of companion animal owners within Victoria have their pets microchipped, and what percentage have them microchipped and registered? There might be some challenges in getting this information. What percentage of the total number of animals—cats and dogs—end up in local pounds, and how many of those are reunited through the microchipping or council registration process? I guess it is about some stats around that.

Ms TIERNEY: I will seek some advice in respect to whether that information is readily available.

There are a couple of things. In terms of the data collected, that is held by the individual shelter, council et cetera. In terms of microchipping, all animals that are registered are microchipped. And there was another question you had. I think that was, 'How many have been reunited?'. There is no data on that.

Ms BATH: That is fine. This is probably one of my last questions, Minister. You said that section 84Y will continue—those agreements—and then there is an opt-in arrangement with the regulation. Can there be migration from one to the other—one clinic migrating from an opt-in to an 84Y agreement? Is there an expectation of that, and would there be communication for that to happen, even for the 84Y clinics to migrate to the opt-in agreement? They are going to run in parallel by the sound of it.

Ms TIERNEY: My understanding is that you can only have one—that is, opt-in, opt-out or an 84Y.

Ms BATH: That is all right. My question was whether somebody could stop their 84Y and then opt in, and I guess that is an option if they wish to pursue it.

Dr CUMMING: Minister, in your summing-up earlier you mentioned a lot of members' contributions, but there was no mention of my contribution. I raised concerns during my contribution, which were that through the motion that the government agreed upon in August 2019 there was a commitment from this government to actually look at the centralisation of pet registration. Minister, could you tell me where that is at?

Ms TIERNEY: I am sorry that my comments did not go as far as some of the issues that you raised, Dr Cumming. It was an issue of time, but it was also because I became familiar with the fact that the Minister for Agriculture provided you with a letter. Yesterday?

Dr CUMMING: This morning.

Ms TIERNEY: This morning. That essentially gives you an indication as to why we have some difficulties in terms of a national register at this moment, and that is because there have been significant difficulties experienced in New South Wales and South Australia.

Dr CUMMING: Thank you, Minister. This government only this week was talking about the Service Victoria app and how I could actually go get a fishing licence. I understand that this act is from 1994. We are in 2022. It would seem that the government are quite quick to actually do something when they need to. It was very clear in my contribution, it is sitting there in *Hansard*: this government has sat on its hands for the last couple of years, since August 2019. I understand that this bill goes some of the way to what I was hoping for, because I mentioned in my contribution on my motion in August 2019 that in my 21 years of experience there has been a gap in making sure animals get back to their owners, especially within veterinary clinics. So this would seem to go some of the way to acknowledging my contribution from that time. But the contribution around having a centralised and standardised system to reduce the confusion within the community in relation to local and state community expectation—I fail to see what progress has been made on that.

Ms TIERNEY: I will take that as a statement.

Dr CUMMING: I will rephrase that as a question. What has this government done to move that forward? The motion was agreed upon in August 2019. Apart from an email that I received this morning about New South Wales and South Australia, what has been done in the last couple of years? It would be a simple app, a centralised, standardised system to unite all of our animals across Victoria—a database of sorts. Every animal would be there, so it would be a simple thing where, if the dog or cat has a microchip, it is scanned wherever it is and then it could be reunited with its owner.

Ms TIERNEY: As the correspondence from Minister Thomas to you indicates, there are learnings from the New South Wales and South Australian exercises. We think it is a laudable objective; that is not the issue. But at the moment there are several implementation issues, as I understand it, which are

mentioned in the correspondence, and there have also been some reasonably significant budget overruns. The systems essentially have not delivered on community expectations.

So the government is still looking at it, but at this point in time there are some overwhelming barriers in a very practical way that are preventing us from prioritising it.

Dr CUMMING: Minister, I enjoyed the vast majority of your response until you said ‘prioritising it’—everything that you had said. I believe that it is the community’s expectation that we have a centralised and standardised system. We are in 2022. We have the Service Victoria app. In the way of the learnings and the barriers that could possibly be had, being that it would be a shift of systems of sorts—if it is that—currently each council collects a different amount of money to have a different amount of animal management officers with different budgets, offering a different level of service across different councils. I do understand each council is unique in some ways, with the number of animals and the amount of money collected, but there are some glaring, obvious disparities, being that there are some councils that receive a large amount of money that do not really pass on that service and then there are other councils that have low registration fees and high demands.

I put that aside. I get that—collecting fees and providing an animal service is on a council-by-council basis—but we are talking about pet registration and identification and making sure that we actually have a Victorian centralised, standardised system that we can all upload and collect data into, ideally across the imaginary council barriers, which would not be there anymore, so we can actually reunite animals much more quickly. Within this legislation it actually states that when a council officer—or a vet or whoever—has the tools to run a machine over an animal and identify it there should be immediate steps. It is pretty clear that the first thing they should do if they can identify the animal is take it immediately to that person’s property, not necessarily to the pound, because that is what it would seem is the majority of the community’s expectation: a simple service. But what seems to have happened across this system is that an animal is found and for whatever reason it ends up in the pound, even if the council has collected it. The reuniting aspect of it has been lost. That is what everyone wants to believe—that that should be the immediate system.

So, Minister, I am just wanting to gauge that from this government. I received an email, but that is not what I wanted. I did not want that. I wanted action. This government actually said they were going to do something. Is this government going to do something in the way of centralised and standardised systems for our animals and for reuniting them, and could that even be done under the Service Victoria app?

Ms TIERNEY: The correspondence with the member basically indicates that we are still working on this. It is not that we are not working on it, but what we are saying is that there have been some significant problems in some other states and that any changes in Victoria would need to be carefully developed to avoid similar difficulties. In the meantime we are doing important work, like we are today, in making sure that we have got a proper, well-understood process for reuniting pets with their owners.

Dr CUMMING: Minister, thank you for your response. It gives me some comfort to know that the government is still working on this. I look forward to the government doing something promptly and before the next election, which is in November of 2022. I would hope that the minister, Mary-Anne Thomas, would contact me promptly so we can work on this quickly so that all Victorians actually have the centralised, standardised system that they expect.

Clause agreed to; clauses 2 to 40 agreed to.

Reported to house without amendment.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (15:51): 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) (15:51): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Ms CROZIER (Southern Metropolitan) (15:52): I am very pleased to be able to finally get to speak to this bill, which is an important bill that we are debating this afternoon. It is important because it is around patient safety and quality within our health services. The bill does a number of things. It introduces a duty of candour. I want to go to that in a minute, but it also has been brought about because of the number of occurrences of sentinel events in our hospital system. I know of many issues—too many issues—but I do understand that some of these issues do occur from time to time and that the government is trying to address some of those issues by providing for the Secretary of the Department of Health to appoint a chief quality and safety officer. This new officer will be responsible for conducting quality and safety reviews of health and ambulance services. They will be looking at the systemic issues rather than any individual incident that might have occurred as a result of something adverse that has happened to a patient under a health service's care.

The bill also provides that the health services may conduct a serious adverse patient safety event review—what is referred to as a SAPSE review—when one or more individuals are harmed and that harm falls under a class of events prescribed in the regulations that will be put in place. The bill protects members of review panels and those providing information to reviews against any liability, and I will have questions to the minister around this when we get to that. I thank the government for the briefing on this some time ago, but I do have some questions that I would like to ask in committee in relation to some of these aspects.

If I can just put on record that Mr Grimley unfortunately has had to leave the Parliament. He was very interested in this bill. We have spoken about it, and there are some issues that he also has in relation to the bill. I think it is fair to say that he is disappointed that he cannot be here to speak on it, but I will also put those questions that his office has provided to me in the committee stage when we get to that point. They are around some of those issues in relation to what a patient who has been adversely affected and their family can do.

The bill also introduces a new duty of candour that requires health and ambulance services to inform patients and/or their families when harm has occurred to a patient during their treatment. The health

and ambulance services are therefore required to apologise to those who that harm has occurred to. The definition of 'statutory duty of candour' is:

... a legal obligation to ensure that consumers of healthcare and their families are apologised to, and communicated with, openly and honestly when things have gone wrong in their care.

Now, on the face of it that can look like, 'Well, what happens when an adverse event happens? Where do people go? What recourse is there for patients who have had a tragic outcome, and where do their families go?'. We can talk about that further in the committee stage, and I think the government will be able to provide some assurances around those aspects.

When the government did speak to us in the briefing they actually referred to a case that I am familiar with because I spoke to the patient's parents. They came to my office. It is a very sad case—it was a tragic case of events—and quite rightly the parents of Antoinette O'Brien were so concerned about what had happened to their daughter, and they felt that there was nowhere for them to go. I did have significant correspondence with them, and they have provided, I think, some very good information on the issues around Safer Care Victoria. The parents of Antoinette came to me—I think it was in 2019—and I did correspond with them. I said to them in a letter that I wrote to them after they came to see me in November of 2019 that Safer Care Victoria, in my understanding, did acknowledge that legislative changes were being considered by the government and it noted that private hospital regulations were to come into effect on 1 July 2018, so this was a year prior to when they had come to see me. The health services regulations were amended in 2018 specifically around the issue around compelling private hospitals to provide the Secretary of the Department of Health and Human Services with information relating to sentinel events, so I think there was some work being done by the department. And with some of those issues that have arisen out of that, hopefully this piece of legislation will address some of those issues. But this was, as I said, a tragic case. It was a very, very sad case of events that occurred. I do not need to go into those details, but I do think that a significant amount of work has been done off the back of what has been provided by those that were involved in that case.

The other thing that I wanted to raise was that this piece of legislation came out of a reform that came from *Targeting Zero: Supporting the Victorian Hospital System to Eliminate Avoidable Harm and Strengthen Quality of Care*, and recommendation 5.3 was the recommendation to bring in a statutory duty of candour. Now, that recommendation in that report states:

That a statutory Duty of Candour be introduced that requires all hospitals to ensure that any person harmed while receiving care is informed of this fact and apologised to by an appropriately trained professional in a manner consistent with the national Open Disclosure Framework.

Sitting suspended 4.00 pm until 4.18 pm.

Ms CROZIER: Now that we have resumed, as I was saying prior to that short adjournment, the recommendation from this task force committee was to have that statutory duty of candour. There were other aspects in that report, and it goes on to speak about how improved transparency will not just provide a greater ability to have accountability for the health services but foster an environment to enable people to come forward. I note that the *Report of the Review of Hospital Safety and Quality Assurance in Victoria* does say:

There is significant appetite in the hospital sector for greater transparency, and a strong belief that members of the public are entitled to it. Nevertheless, the transition is likely to be a difficult one.

I think that is an important aspect, because people will understandably want to understand what their rights are, what they can do, where they go to, whether an apology is enough and how that protects them if there is a serious event where they need to take out legal proceedings. And I want to tease that

out in committee with the minister, who is aware that I will be asking those questions. I note this report that was provided also says:

In addition to these steps, the department should ensure that its own approach to hospital performance reflects a just culture.

It is looking at striking the balance between accountability and how it can be managed.

Now, I have no doubt that over the last two years there have been record numbers of sentinel events. I do not know what those numbers are—I would like to understand how many events have occurred—but I know from what I have heard from patients' families and from nurses that have contacted me, concerned about what has happened, of very significant events where people have suicided in hospital. These are serious issues where those frontline workers have felt that they have not been supported, that they have not been able to be there for their patients. So I do feel that there are a number of these issues that have not been spoken about publicly. I do not know the details, so I cannot go into those events per se—I mean, only the details I have been told, of course—but what I am saying is: what recourse is there for those people that have these very adverse events and tragically end up dying in a health service? What recourse do their family members have in relation to that?

Now, as I mentioned previously, I know that Mr Grimley had some questions. He said that under the bill, if duty-of-candour documents, apart from the apology itself or other documents outlined in the bill, are given to a patient or their family, these cannot be used in legal proceedings, in FOIs or accessed from My Health Record, and that includes those SAPSE reports that I spoke about earlier. So what recourse will a family member or a patient have in those instances where this bill protects all of that? As I said, I want to have that teased out, and I will ask further questions around that.

What I do think is the intent here is that the government is trying to address some of those issues where family members have struggled to get answers out of Safer Care Victoria. I am certainly aware of family members who have had tragic outcomes who have felt very, very stifled by Safer Care Victoria. They have felt that they have not got the answers that they deserve, and they are still fighting to get the answers. This is years after a sentinel event and very sad circumstances. I do feel for those patients. I do want to understand what rights they will have and what the obligations of the health services are if an apology is given and a family member cannot access those health records. Equally I do understand that there are incidents in our hospitals and health services that do occur and are no-one's fault. Some of these incidents just happen, and in those cases this bill will provide that ability to acknowledge that something has gone wrong, that there was a one-off issue, and the hospital or the health service can give that apology and hopefully give some closure to a patient or a family member. So I do understand where this is coming from with that balance, what this bill is trying to achieve. I do also think that there have been some other concerns that people need to have an ability to seek the redress that they want.

Now, there are cases, and I have got one case from a constituent who wrote to me after they were aware this bill was coming into the Parliament, and their claims are very serious. They want to know, 'Well, where can I go?', in relation to what they feel: that mistakes were made and that the events in the hospital—their issue, what happened to them—were not recorded properly or appropriately. And I do think that there are cases that are legitimate where this has occurred, and there are mechanisms through the Australian Health Practitioner Regulation Agency or the health complaints commissioner, if it is a patient, that people can go to; however, some of these do get dragged out for a very long time and people still do not have that experience that they feel that they deserve. So I do hope that this bill will allow those people to pursue avenues to get the answers that they need, is probably what I am saying.

And whilst I am on it, health services have been under enormous pressure over the last two years. We all know that. There has been a lack of planning and preparation for many of the issues that we are currently experiencing, and I have spoken in this place extensively around the suspension of elective surgeries and the pressure that is on patients. Some of the stories that I am hearing around basic care

in our hospitals really quite horrify me, and there are issues in our hospitals. There is no denying it. I am hearing of where patients are not being attended to, they are not getting the necessary basic nursing care, because there are just not enough staff.

I spoke to a gentleman on Sunday who said his daughter was delivering babies. Well, she has not delivered a baby for many, many years. She works in a highly specialised area, and she has been put into that area to deliver babies. Again, when we have got the government saying, ‘We’re training up staff in four days to work in intensive care’, these issues are going to happen. Sentinel events are going to happen. Tragic issues are going to arise, and I am concerned about that. So much has gone on, so much where our health services are struggling—and this is not just because of COVID, these issues were there bubbling along prior to COVID. COVID has exacerbated them. We know that there is pressure on the system. There is absolutely, and everyone will tell you that.

I am concerned about the amalgamations of our hospitals in country areas and taking away some local input, because that provides a very good overview in terms of local community members who can provide some expertise on their hospital boards, and what this government is doing is amalgamating some of those health services. I find that concerning—just getting a very big machine. We have got a big government. They love big government, and I think that we have got to be very, very careful about how we manage this. We saw the localised delivery of services through COVID in the first year in 2020 in Colac and how those local systems came into play, and it really actually helped Colac manage that outbreak when they had that in mid-2020. Having a broad-spread big machine I am not sure is quite the way to go in all of these aspects, but I will have more to say about that at some other opportunity.

To get back to this bill, this bill is an important bill because of what it is asking patients, their family members and hospital and health services to do to provide that we do have high-quality care in this state. It has slipped. I hate saying this, because I have come out of the system. I am a proud former clinician who thinks that we do have a fantastic health service, but it has slipped. There is no denying that the services are not as good as what they could be and should be, and that is not any reflection on those people that work in the health services—far from it. They are doing everything they can. It is because of policy decisions and underinvestment over many, many years, and that is what I am concerned about. I do not want the quality of our health services to fall any further. Equally, I want people to be able to be supported when they have got concerns and I want those that work in our health service to be able to speak out freely. I do not think they can at the moment. I think some of them are too afraid—too afraid to speak to me as the Shadow Minister for Health, because they are frightened they might lose their jobs because of what the government might think. I find it just extraordinary in this day and age that people feel so intimidated that they cannot come and speak to somebody like me as their shadow health minister or their local MP because of the intimidation and threats that are there.

In this report that I referred to earlier it says the department must invest in the measurement of safety culture. It talks about the People Matter survey of hospital staff, but the uptake is so poor. What this survey does is gauge staff opinion on a range of organisational issues, including management, retention and bullying, and it has a number of questions specific to safety culture, but as this report says, ‘Unfortunately, staff participation in the survey is often low’. We have to give support to those staff members to be able to speak freely and to speak out about the problems, because there are problems. It is not a bed of roses like the government continues to paint it. Of course there are challenges. Understandably there are challenges and there are failings. Some of those failings could have been avoided if there had been better decisions made and better and more investment in the right areas—not just now but years ago. That is what I am critical about, and I will continue to question and point those failings out. I will continue to do that. I make no bones about it. But if this bill does provide some clarity around identifying gaps and systemic issues and enabling our health services to improve the quality and safety of patient care, then I do hope that what this bill says it will do it does do exactly.

Ms WATT (Northern Metropolitan) (16:32): I too, like Ms Crozier, am keen to make my contribution to this bill, because we have seen very much that what is to be debated today is incredibly important. I myself have seen firsthand the difference that governments can make in people's lives, and the Health Legislation Amendment (Quality and Safety) Bill 2021 we are debating today is just another example of the Andrews Labor government delivering on our commitment to improve the quality and safety of Victoria's health system.

Since we were elected in 2014 the Andrews Labor government has worked tirelessly to invest in our health system at unprecedented levels. We are creating stronger nurse-to-patient ratios, building world-class hospitals, legislating free dental care in schools, and we commissioned Australia's first royal commission into mental health. The global coronavirus pandemic has also shown the world just how valuable and important health workers are. I would like to just take a quick moment to acknowledge and thank everyone who has worked—and continues to work around the clock—to keep our community safe and well during these past couple of years.

What this bill represents is the final stage of legislative reform arising from the 2016 report *Targeting Zero*, the review of hospital safety and quality assurance in Victoria led by Professor Stephen Duckett. *Targeting Zero* was commissioned by the then Minister for Health following the discovery of a cluster of tragically avoidable perinatal deaths in Djerriwarrh Health Services. The *Targeting Zero* review provided us with a detailed and extensive analysis of how the Department of Health oversees and supports quality and safety of care across the Victorian health system. It captured the views and experiences of patients, clinicians, hospital managers and boards about how to make Victoria's healthcare system safer. Gaps and failings in quality and safety systems were highlighted as well as the need for action and leadership to achieve change and prioritise the safety of patients.

On 14 October 2016 the then Minister for Health committed in principle to adopting all the recommendations of the *Targeting Zero* report, including those which require legislative change. These reforms are the most significant overhaul of Victoria's health system in decades. An extensive consultation process has been undertaken with relevant stakeholders and 43 key organisations in the field, including health service providers, regulators, unions and professional associations, insurers, legal firms, ombudsmen, commissioners and peak bodies representing both providers and consumers. The expert working group appointed by the then Minister for Health to advise on legislative reforms arising from the *Targeting Zero* report recommended a high-level duty-of-candour law where health services must apologise to any person seriously harmed while receiving care and explain what has gone wrong and what actions will be taken, complementing existing requirements under the Australian Commission on Safety and Quality in Health Care's open disclosure framework and statutory protections for apologies and serious adverse patient safety event (SAPSE) reviews, as are currently in place in New South Wales, South Australia and Queensland.

The *Targeting Zero* report has also helped improve the Victorian health system with quality and safety monitoring, clinical governance and also reporting, and of the 179 recommendations well over 70 per cent have been fully completed. Previous legislative changes arising from the report were implemented in the Health Legislation Amendment (Quality and Safety) Act 2017, and information-sharing provisions were implemented in the Health Legislation Amendment and Repeal Act 2019. What this bill does is help to improve the quality and safety of health services in Victoria and facilitate more patient-focused and accountable service provision by increasing Safer Care Victoria's ability to identify and assess quality and safety risks and support remediation, mitigation and improvement where risks are found; encouraging and facilitating full and frank participation in candour and SAPSE review processes to drive continuous improvement of quality and safety; helping to foster an open and honest culture in health services by elevating obligations for open disclosure, candour and apologies; and ensuring the Victorian Perioperative Consultative Council has prerequisite independent powers and protections to operate effectively to reduce perioperative mortality.

There is indeed strong evidence of sector support for this bill, with public consultation in 2020–21 demonstrating 86 per cent support for the proposal for Victorian candour and open disclosure

guidelines and 90 per cent support for the proposal to implement legal protections for serious adverse patient safety reviews. Our hardworking nurses, doctors, paramedics and other healthcare workers provide all Victorians with high-quality care, but there is always more that can be done. This bill will help to ensure that in those few instances where something does go wrong patients will always get the answers they need and lessons are always learned.

I am glad to see included in this bill a strengthening of the role of Safer Care Victoria. The Andrews Labor government created Safer Care Victoria in 2017 to improve the oversight of quality and safety in Victoria's hospitals and health services. Since it commenced, Safer Care Victoria has played a significant role in championing world-class quality and safety systems. Their work has included monitoring patient safety risks, overseeing health service reviews of sentinel events, conducting complex safety reviews and issuing high-level alerts to mitigate safety risks in Victorian health care. As someone who has undertaken significant training delivered by Safer Care Victoria as a member of various clinical governance committees across Victorian health services, for health services across our state I speak with much respect for the clinical governance specialists in both health service operations and also on our boards. So thank you to them for all that they have done. Some names particularly come to mind, but I will not share them here today without their express permission. There are some real champions of clinical governance reform in our state, and I thank them for their continued leadership.

This bill will amend the Health Services Act 1988 to strengthen Safer Care Victoria's functions, including establishing the statutory office of chief quality and safety officer and creating the authorising environment required for them to conduct quality and safety reviews of health services, including authorisation to inspect and audit hospitals—something which I indeed welcome. Despite what might be claimed by those opposite, the amendments in this bill do not create a new government agency; rather they formalise and strengthen the current working arrangements between the Department of Health, Safer Care Victoria and health service entities, with greater oversight and requirements for quality and safety review processes. The amendments in this bill are in line with the intent that Safer Care Victoria be viewed as an independent leader in clinical expertise. The need to increase transparency underpins many of the amendments in this bill, and as such Safer Care Victoria will continue to publish their annual sentinel events report, and a summary and high-level overview of the quality and safety reviews conducted by the chief quality and safety officer will also be included in the Safer Care Victoria annual report.

What the *Targeting Zero* report also makes clear is that discouraging disclosure and honest discussion of errors and other health system safety issues can result in dangerous outcomes that extend harm on to patients. It creates an environment that disrupts mitigation of risks and acts as a barrier to continuous improvement, thereby perpetrating and extending harm to patients. As quoted in the report:

... 'the open, honest, and timely disclosure of medical error to patients ... is ethically, morally, and professionally expected of clinicians ... [it] should be a "no brainer"' ...

There was extensive consultation undertaken, which revealed a significant appetite in the health sector for greater transparency and a strong belief that members of the Victorian public are entitled to it.

The *Targeting Zero* report found a lack of open disclosure with patients, and almost half of hospital board members were not familiar with the national framework. To restore the community's trust in the Victorian health system, health services will now have a legislated duty, regardless of whether a complaint has been made or a patient has made inquiries, to issue an apology, a description of their response and steps taken to prevent recurrence, provided that the patient has not opted out of receiving this information.

The fundamental purpose of a statutory duty of candour and open disclosure in general is to engender a culture of honesty and openness in our hospitals and to improve the quality of health care, with the focus on safety and person-centredness. Open and honest communication with consumers and their families and carers following healthcare incidents ensures a patient-centred approach, thereby

improving patient experience, patient outcomes and the quality of service provision. The provisions in this bill complement health services' existing non-legislative obligation to conduct an open disclosure process with patients.

The advantage of establishing a duty of candour in statute is that it elevates the importance of open disclosure practice to all those involved in health care, most particularly to boards and managers of health services. In Victoria the duty of candour will apply to public health services, public hospitals, multipurpose services, denominational hospitals, private hospitals, day procedure hospitals, ambulance services, non-emergency patient transport services, the Victorian Institute of Forensic Mental Health and other entities as set out in regulations that provide health services. In making their recommendations for a statutory duty the expert working group recognised, as did the authors of *Targeting Zero*, the influence of organisational culture and the need to establish a just culture within the health service environment. Elevating responsibility for candour to the board level will help us drive this cultural change.

To meet the objectives of providing certainty and supporting good practice while at the same time avoiding unnecessary inflexibility, the statutory duty of candour in this bill is purposely high level. Safer Care Victoria will undertake further consultation with the sector to develop the Victorian candour and open disclosure guidelines over the coming months to support practical implementation, providing clear guidance and support to health services to understand how they can comply with their obligations under the new reforms.

The statutory duty of candour will ensure accountability across Victoria, drive cultural change in health services and enable greater transparency. This transparency around sharing information with patients will allow health services to further recognise the value of and incorporate the perspectives and experiences of patients. We will continue to engage with Victorian health service entities to encourage transparency through making metrics on the number of apologies and SAPSE reviews conducted available to the public. Victorian health services will continue to report sentinel events to Safer Care Victoria, and high-level insights and metrics will be available to the public in Safer Care Victoria's annual sentinel events report and online public databases.

Another amendment in this bill is encouraging and facilitating full and frank participation in service reviews. We know that most errors are committed by good, hardworking people trying to do the right thing. Therefore the traditional focus on identifying who is at fault is a distraction. It is far more productive to identify error-prone situations and settings and to implement systems that prevent errors, catch errors, before they cause harm or mitigate harm from errors that do reach patients.

As I mentioned earlier, this bill ensures that the Victorian Perioperative Consultative Council has prerequisite independent powers and protections to operate effectively to reduce perioperative mortality. These changes will ensure a high level of legal protection for case and event analysis and review, strengthen escalation processes for mandatory rather than voluntary public interest reporting of avoidable harm and require a report to be provided to the Secretary of the Department of Health any time the council determines an event of perioperative mortality or severe morbidity is likely to have been preventable. Importantly, the Victorian Perioperative Consultative Council will now be able to engage in two-way feedback with health services who report morbidity and mortality cases to them. This will improve the publication of guidelines and the prevention and response to adverse perioperative quality and safety events in Victoria, another important step in Victoria in creating a culture in our health system that prioritises the sharing of learnings to create systemic change and minimise any future harm. The Victorian Perioperative Consultative Council was established in response to the identified need for an independent, coherent and unified system for hospital safety reporting and mortality review, specifically in perioperative settings, and this bill helps the council to continue to do just that. This bill will endow the Victorian Perioperative Consultative Council with similar provisions to those that apply to the Consultative Council on Obstetric and Paediatric Mortality and Morbidity, for which amendments were made in 2019 to the Public Health and Wellbeing Act 2008.

Victoria should also always strive to be at the forefront of health care in Australia and internationally. Many prerequisites for high-quality and safe care are already in place here, but we know that we can do better. Inherent complexity and risk in health is why our healthcare system needs strong mechanisms to prevent, detect and address adverse events and to improve the baseline level of care. The goal of zero avoidable harm is an ambitious target but one we must have an obligation to do everything we can to achieve. World-class care must be matched by a world-class quality and safety system, and that is exactly what the reforms in this bill will deliver. I commend them.

Dr KIEU (South Eastern Metropolitan) (16:47): I rise to speak to and support the Health Legislation Amendment (Quality and Safety) Bill 2021. This is yet another example of our government delivering on our commitment to improve the quality and also the safety of our state health system. We have strived and have been at the forefront of health care in Australia and internationally, but it is not always that honest mistakes and adverse events are avoidable. However, they are rarely the result of individual incompetence or malice. This bill is a step towards the goal of zero avoidable harm, which is a very ambitious target but one that we have an obligation to do everything we can to achieve.

I just want to emphasise the key message of the bill, which is to foster an open and honest culture in the health services via the duty of candour. It has been reported and highlighted that discouraging disclosure and honest discussion of errors, mistakes and other health system safety issues is very dangerous. It could create an environment that disrupts the mitigation of risk and could act as a barrier to continuous improvement and as a result perpetuate and extend harm to patients. This bill will create a statutory duty of candour that will (1) apply to incidents of a high severity rating, (2) complement existing obligations under the Australian open disclosure framework and (3) be supported by the Victorian candour and open disclosure guidelines that will offer detailed instructions to the health services on apologies, explanations and also details of preventative action to be taken.

The advantage of establishing the duty of candour is that it elevates the importance of open disclosure practice to all those involved in health care, particularly toward managers of the health services. An apology will be a mandatory requirement of the statutory duty of candour. This bill will create protections so that an apology does not necessarily constitute an admission of fault and that the health services will be protected from respective litigations. In the health service context that means that an apology will be an expression of sympathy, of regret and of compassion, but I want to emphasise that immunity protections in this bill do not extend to professional misconduct and criminal offences. The compliance and enforcement actions for these offences of course will be available and still be managed by appropriate law enforcement agencies and regulatory bodies.

Following the discovery of a cluster of tragically avoidable perinatal deaths at the Djerriwarrh Health Services the Minister for Health commissioned the *Targeting Zero* inquiry, and since the report of *Targeting Zero* the health system has improved on quality and safety monitoring, clinical governance and reporting. Previous legislative changes arising from the report were implemented in the Health Legislation Amendment (Quality and Safety) Act 2017 and the information-sharing provisions implemented by the Health Legislation Amendment and Repeal Act 2019. I am proud that this bill will result in the further implementation of the recommendations from the *Targeting Zero* report, strengthening the role of Safer Care Victoria to drive statewide improvement and achieving the important balance between transparency, accountability and protections to prevent harm through robust quality and safety reviews. These reforms will also make Victoria the first jurisdiction in Australia to introduce a duty-of-candour law as well as introduce protection for patient safety reviews, which are based on models already in existence in Queensland, New South Wales and South Australia.

Our hardworking nurses, doctors, paramedics and other healthcare workers provide all Victorians with high-quality care, but there is always more that we can do. This bill will ensure that in these few instances when something does go wrong the patient will always get the answer they need and lessons are always learned from those adverse events. In Victoria to restore community trust in the health system and the health services now we have a legislated duty, regardless of whether a complaint has

been made or not or a patient has made an inquiry or not, that the issuance of an apology is mandatory as well as a description of the response and steps taken to prevent the reoccurrences, provided that the patient has not opted out of this information.

In Victoria the duty of candour will apply to public health services, public hospitals, multipurpose services, denominational hospitals, private hospitals, day procedure services, ambulance services, non-emergency patient transport services, the Victorian Institute of Forensic Mental Health and other entities that are set out in the regulations that provide health services.

So we are committing to our commitment to improve the quality and also the safety of our health system and make this apology mandatory so that we can have a change of culture and also make it clear that cases of malpractice or malice, if this is the case, will still be pursued by the compliance and other agencies as required by law. I therefore commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (16:57)

Ms CROZIER: Minister, could you explain to the committee: is this bill an admission that policies and procedures in place at health services and across the health sector are insufficient to deal with patient treatment problems?

Ms SYMES: Ms Crozier, it is fair to say that we anticipate that these changes will improve the complaint-making processes for patients, for families and for people who want to question health practices. As you would appreciate, the duty of candour is a particularly facilitative process that will ensure that people can have candid conversations about incidents to provide full information. The more information a patient or family has about an incident, the more likely it is that they will have a full understanding of what has happened and therefore be able to either be comfortable with the advice they are given or consider perhaps what further action may need to be taken.

Ms CROZIER: Thank you for that response. Could I ask, Attorney: I know that there are a number of complaints and reports that go to Safer Care Victoria or the health complaints commissioner, so do you think that that will also assist in the process? Have they been so bogged down with complaints that the government feels that this bill, like you just explained, will hopefully prevent some of those complaints coming forward? Or have they not been able to complete all of the complaints—Safer Care Victoria and the health complaints commissioner? Have they had difficulty in completing those reports around complaints?

Ms SYMES: Ms Crozier, demand has remained stable in relation to the complaints that go into those bodies. This is not in order to prevent complaints being made because of too many complaints being made, but it is fair to say that some complaints that are made could be avoided at the pointy end if more people were provided with more information at the start of the process. We anticipate that there will be a reduction in complaints, but the motivation for it is to provide people with more information, to be fully aware of the circumstances and to make determinations about whether they want to proceed with any complaints or other actions once they are in receipt of that information.

Ms CROZIER: Thank you for that response. That is helpful. You can take this on notice because I do not know that you will have it: how many sentinel events have there been at public health services across Victoria in the past year? We do have some of those in the annual reports, but as I said in my debate I have been aware of some very significant ones, so I am just wanting to understand what those numbers are and how many of those sentinel events have actually ended up in patients dying. So I am happy for you to take those questions on notice.

With the ability to have that frank discussion—and I will come to the reference in clause 5, but if I can just get this on the record for Mr Grimley; he is not here but he asked me to ask you—are there any provisions in the bill that require a representative of the health service, including their legal representatives, to inform a patient or their families about legal ramifications of a duty of candour?

Ms SYMES: Yes. Thanks, Ms Crozier, for that question from Mr Grimley. It is the guidelines that will include a requirement for health services to provide information about consumer rights prior to the issuing of an apology—for example, that a complaint could be made to a health complaints commissioner or to a notification to the Australian Health Practitioner Regulation Agency (AHPRA) and/or any legal redress.

Ms CROZIER: Thank you for that. I know that we are sort of going into clause 5 where I wanted to go with some of my questions around this. That will be in the guidelines. So will that be mandated that a health service will be required to do that? Will that be part of what will be in the guidelines? When the health service is providing that information to the patient or the patient's family around the duty of candour and the representatives, will that be in the guidelines? Will it be automatic that the health service must provide that information around legal representation and the ability for a patient to pursue different avenues? That is where I am going to.

Ms SYMES: Yes.

Ms CROZIER: I know that you said that you were hoping for better outcomes for patients. I made reference to the report that talked about the people matters survey in which the uptake by staff is often low—that was in that report. Does the government think with this bill that there will be a reduced number of sentinel events, that the staff will also have an ability to speak frankly and to get to what the bill aims to do, to have better quality and safety measures in place?

Ms SYMES: Yes, that would be an anticipated benefit of a new process involving a duty of candour, because a lot of the experiences of people who seek information in relation to an adverse or sentinel event are that they want to make sure that such things do not happen to anyone else. So being able to have an open discussion, free-flowing sharing of information from a health service and the ability to learn from past incidents are certainly things that you would anticipate would bring out better outcomes overall.

Ms CROZIER: Thank you, Attorney. I referenced in my debate some of the assistance I was providing in the outcome of a very sad case of some parents whose daughter tragically died. The bill briefing referenced those events. I am very familiar with that. When I wrote to the parents I actually did say that the regulations that were amended in July 2018 around the Health Services (Health Service Establishments) Regulations compel private hospitals to provide the Secretary of the Department of Health with information relating to sentinel events. Is that happening?

Ms SYMES: Ms Crozier, my advice from the experts in the box is that the answer to that is yes.

Ms CROZIER: Thank you very much, and I am pleased that that is happening because I actually do think that will give confidence to consumers—patients and their families—but also to those providers. So that is very good.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5 (17:06)

Ms CROZIER: Attorney, new part 5A, division 3, section 128G—this clause concerns protected quality and safety reviews. It provides that:

The Chief Quality and Safety Officer may prepare a summary of a protected quality and safety review report prepared under section 128D(1).

Why is 'may' used as a term instead of 'must'?

Ms SYMES: Because of the privacy or public safety concerns from release.

Ms CROZIER: Okay. So they then determine what information is then released to the patient or the patient's family based on that? Am I right in saying that—or to the health services rather?

Ms SYMES: The family or the person requesting it can get a summary report.

Ms CROZIER: Thank you, Attorney, for that response. If I could move to sections 128I and 128J. Proposed section 128I prevents the current or former chief quality and safety officers and the current or former authorised quality and safety officers from disclosing information pertaining to a protected quality and safety review, including to any court or tribunal, board, agency or any other person. It also exempts such reviews from freedom-of-information requests, and these provisions are also in section 128J. I am just wondering: what is the government's rationale for prohibiting such information from being disclosed?

Ms SYMES: Ms Crozier, protected reviews are the exception, and it is to promote openness, accountability and candour, coming back to our earlier conversation about the benefits of having a system that enables people to freely talk about incidents, the factors that perhaps led up to outcomes, so that families and patients can be fully apprised of all of the information and there is no hindrance on health services to provide such information.

Ms CROZIER: And in our previous discussion you actually said there was an obligation through those guidelines that a hospital or health service had to provide the legal rights for the patient, so I think that covers off that. Could I then ask: are there any legal proceedings underway against the Department of Health concerning systemic issues that you are aware of at present?

Ms SYMES: Ms Crozier, I am not aware of any cases involving Safer Care Victoria that have come against the department, no.

Ms CROZIER: Thank you—that is good to know. So there are no systemic issues at Victorian health services that are currently being dealt with—very good. Could I move to new section 128ZD, which prevents an apology made as part of the duty of candour being used in civil proceedings as an admission of liability. Does this section prevent a patient or their family from using documents produced as part of the duty of candour in civil proceedings?

Ms SYMES: Yes. Isn't that what you said? You said 'civil' twice, in both examples.

Ms CROZIER: This prevents an apology made as part of the duty of candour being used in civil proceedings as an admission of liability, so I am just getting on the record that this prevents a patient or family member from using any documents that—

Ms SYMES: Oh, sorry. While an apology will be a mandatory requirement of the statutory duty of candour, the bill will create protections so an apology does not constitute an admission of fault and health services will be protected from retrospective litigation. In a health service context this means that an apology will be an expression of sympathy, regret or compassion. We know that there may be concerns that consumers will be restricted in seeking legal redress for harm that they have experienced; however, factual explanations of what has occurred, which will not be required to be provided in writing under the duty of candour, will not be protected and can be used as evidence in any legal proceedings—so factual information. Consumers will also have access to information on what occurred during the course of their treatment in a number of other ways—personal health records and the like—and changes to apology protections do not restrict the use of that information in any medicolegal claim.

Clause agreed to; clauses 6 to 33 agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:14): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:14): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022

Introduction and first reading

The DEPUTY PRESIDENT (17:15): 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 **Alpine Resorts (Management) Act 1997** to repeal the establishment of the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council by that Act, to establish Alpine Resorts Victoria, to make consequential and related amendments to that Act and other Acts and for other purposes’.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:15): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the ‘Charter’), I make this Statement of Compatibility with respect to the Alpine Resorts Legislation Amendment Bill 2022.

In my opinion, the Alpine Resorts Legislation Amendment Bill 2022 (the Bill), as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Alpine Resorts (Management) Act 1997* to repeal the establishment of the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council by that Act and to establish Alpine Resorts Victoria. The Bill also makes related amendments to the *Emergency Management Act 2013*, *Forests Act 1958* and the *Circular Economy (Waste Reduction and Recycling Act 2021)* to address the establishment of the new entity.

Human Rights Issues

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

The Charter sets out the rights, freedoms and responsibilities of people in Victoria. The Bill establishes a new government entity and sets out the governance arrangements, functions, powers and duties of Alpine Resorts Victoria and the management of, and strategic planning for, Victoria’s six alpine resorts.

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

- The right to take part in public life in section 18 of the Charter; and
- Cultural rights in section 19 of the Charter.

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

Section 18 [Taking part in public life]

Section 18 of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right and is to have the opportunity, without discrimination to have access, on general terms of equality, to the Victorian public service and public office.

Clause 16, which inserts a new proposed Part 3 into the Act, provides for the appointment of directors to the board. In determining appointments, the Minister is to consider a person's skills, qualifications, knowledge and experience. Clause 16 of the Bill also provides for the circumstances in which a member of the board can resign, be removed or the office becomes vacant. The appointment requirements outlined in the Bill are reasonable, objective and do not engage any attribute protected against discrimination or conduct constituting discrimination under the *Equal Opportunity Act 2010* that is also discrimination under the Charter. Further, although clause 16 may be viewed as restricting a person's right to take part in public life, any limitation imposed by these provisions are justified in that they facilitate good corporate governance and hold members to account for their responsibilities as members of the board.

Accordingly, the Bill is compatible with the right to take part in public life under section 18 of the Charter.

Section 19 [Cultural rights]

Section 19 of the Charter recognises that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community to enjoy their identity and culture, maintain and use their language, maintain their kinship ties and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under tradition laws and customs.

Clause 5 of the Bill recognises traditional owners as the original custodians in the land in alpine resorts and their spiritual, social cultural and economic relationship with that land. While the Bill makes it clear that the new provision is not intended to provide for any additional rights or give rise to any civil cause of action, neither does it impact on the rights of aboriginal people under the Charter.

As the Bill does not adversely engage any human rights protected by the Charter, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

**Hon Shaun Leane MP,
Minister for Local Government
Minister for Suburban Development
Minister for Veterans**

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:15): 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:

Traditional Owners

I acknowledge all Traditional Owners and First Nations peoples and I pay my respects to their Elders past and present.

I also acknowledge the close cultural and spiritual connection to Victoria's alpine country maintained by Victoria's first peoples. Groups with formal recognition and Registered Aboriginal Party status over the areas of Victoria's six alpine resorts are:

- Gunaikurnai Land and Waters Aboriginal Corporation
- Taungurung Land and Waters Council
- Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

Other groups that care for and have connection to the Victorian high country include the:

- Dhudhuroa Waywurru Nations Aboriginal Corporation
- Duduroa Dhargal Aboriginal Corporation
- Dalka Warra Mittung Aboriginal Corporation
- Jaithmathang Traditional Ancestral Bloodline Original Owners First Nation Aboriginal Corporation

The resorts are unique

Victoria's six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling—are unique places that make an extraordinary contribution to our state and to our regional communities.

They are places where more than a million visitors each year come to participate in one-of-a-kind experiences while enjoying breathtaking scenery and precious alpine environments. Visitors can experience a full range of snow-based activities in the winter months and are increasingly enjoying the resorts in the warmer months, for activities such as bushwalking, mountain biking and food and music festivals.

Each resort has its own history and special places, its own stakeholders and regular visitors, its own strengths and its own challenges.

Collectively, the six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling—are significant recreational and tourism assets for this state, contributing nearly \$1.1 billion each year to the Victorian economy and sustaining nearly ten thousand jobs.

Challenges and opportunities

The very qualities that make alpine resorts such enjoyable places to visit—their remoteness, their exposure to the elements and their location high in the Victorian alps—also present challenges.

The cost of establishing infrastructure or operating a business in resorts is high when compared to other towns or regions that primarily depend on tourism.

Alpine areas are particularly vulnerable to the effects of climate change. Whether through reduced snowfall or more frequent and more intense weather events such as storms and bushfires, we need to be managing Victoria's alpine resorts in a way that addresses these challenges head on and safeguards the resorts for future generations of visitors to enjoy.

Snow making and other snow management techniques provide a buffer against these impacts but cannot completely address all the risks associated with a changing climate.

Climate change is a pervasive, long-term challenge that requires a coordinated approach.

Over the past few years, the Victorian alpine resorts have been undertaking various adaptive approaches to ensure long term sustainable operations across 12 months of the year. This has included working with local businesses to provide an increasingly wide variety of green season products, services, events and activities designed to encourage Victorians to visit the alpine regions in the summer months.

Whilst this has long been an aspiration of the alpine resorts, to truly unlock their potential as year-round tourism destinations requires improved coordination, strategic planning and significant investment.

In 2020 and 2021 the alpine industry was particularly badly affected by the impacts of the coronavirus (COVID-19) pandemic. Restrictions to safeguard public health led to significantly reduced visitation during the winter months, the period when resorts and businesses are usually at their busiest and most profitable.

As a result, all alpine resort management boards have drawn down on their cash reserves and are now dependent on support from the Victorian Government. The Victorian Government also worked quickly to provide targeted support programs and relief schemes for alpine businesses.

Alpine Resorts Victoria

The Victorian Government is committed to supporting the economic recovery and long term financial sustainability of the alpine sector.

The Alpine Resorts Management Legislation Amendment Bill 2022 will establish a single entity, Alpine Resorts Victoria, to manage all six resorts and provide strategic leadership to the sector as a whole.

The establishment of Alpine Resorts Victoria will achieve savings through improved coordination, efficiencies of scale and reduction of duplication. It will build capability to undertake integrated, strategic and sector-wide planning for the common challenges faced by the resorts, including those associated with climate change, and help the sector recover from the pandemic and recent bushfires.

Timely and effective adaptation to climate change will help minimise the social and economic impact of climate change in resort communities and realise the economic benefits of new opportunities for alpine businesses, positioning alpine resorts as attractive places to visit, invest and live all year round.

Overview of the Bill

The primary purpose of this Bill is to amend the *Alpine Resorts (Management) Act 1997* to establish Alpine Resorts Victoria as the entity responsible for managing Victoria's six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling.

The Bill proposes the inclusion of a new clause recognising the intrinsic connection of Victoria's First Peoples to the land and waters covered by alpine resorts.

Alpine Resorts Victoria is to be governed by a board of up to nine members, appointed on the basis of their collective skills, qualifications, knowledge and experience. Importantly, the Bill proposes that the board must include cultural knowledge and authority arising from experience as a traditional owner of land in alpine resorts.

Alpine Resorts Victoria's functions will be broadly comparable to those of existing alpine resort management boards. It will assume responsibility for the periodic development of an alpine resort strategic plan from the Alpine Resorts Co-ordinating Council.

New principles have been developed to which Alpine Resorts Victoria must have regard when performing their functions or exercising their powers under the Act. Amongst other matters, these principles emphasise the importance of protecting the unique environmental, social, cultural and economic characteristics of each alpine resort, adapting and responding to the impacts and risks of climate change, diversifying the tourism and recreation experiences on offer and partnering with Traditional Owners in policy development, planning and decision making.

To ensure Alpine Resorts Victoria works effectively with alpine businesses and stakeholders, the Bill requires Alpine Resorts Victoria to establish a stakeholder consultative committee at each resort. Amongst other matters, the Bill requires Alpine Resorts Victoria to seek input from stakeholder consultative committees on matters relating to contributions for service charges and fees.

The responsible Minister will be able to issue Alpine Resorts Victoria with a ministerial direction or issue a statement of obligations. Any such instrument will be required to be published in the Government Gazette and on the ARV website in the interests of transparency.

Necessarily, the legislation provides for the abolition of the four existing boards, the Mount Buller and Mount Stirling Alpine Resort Management Board, the Falls Creek Alpine Resort Board, the Mount Hotham Alpine Resort Management Board and the Southern Alpine Resort Management Board that manages both Lake Mountain and Mount Baw Baw. I thank all current and past board members for their service.

The Alpine Resorts Co-ordinating Council will also be abolished and again I would like to thank all current and past Council members for their service. The functions of the Alpine Resorts Co-ordinating Council will be undertaken by the Department of Environment, Land, Water and Planning and by Alpine Resorts Victoria as required.

The Bill provides for various sundry matters to support a smooth transition to the new entity. All rights, property, assets, liabilities, obligations and staff of the alpine resort management boards will transfer to Alpine Resorts Victoria. This includes any leases, contracts and agreements entered into by those entities.

Summary

In summary, alpine resort management arrangements are currently fragmented and lack coordination, with no over-arching plan or single authority to provide strategic leadership to the sector.

This Bill seeks to establish a single, modern and fit-for-purpose entity to manage Victoria's six alpine resorts, building the financial sustainability of this important sector as it responds to the impact of climate change on alpine communities.

The proposed amendments have been developed in consultation with a range of stakeholders, including existing alpine resort management boards, alpine businesses, Traditional Owners, local governments and tourism bodies. I would like to thank all those people and organisations for sharing their insights and ideas and I look forward to that continued engagement as we transition to the new Alpine Resorts Victoria.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:16): I move, on behalf of my colleague Mr Davis:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022

Introduction and first reading

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

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Public Health and Wellbeing Act 2008** and the **Livestock Disease Control Act 1994** and for other purposes’.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:17): 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) (17:17): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Public Health and Wellbeing Amendment Bill 2022 (the **Bill**).

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

Overview of the Bill

The Bill amends the *Public Health and Wellbeing Act 2008* (the **Act**) to:

- provide statutory immunity for certain officers;
- promote equality by repealing references to HIV and Hepatitis C which cause stigma and discrimination;
- expand the Chief Health Officer’s powers to make examination and testing orders under section 113;
- expanded testing data collection and further analysis powers; and
- provide for other miscellaneous matters.

Human rights issues

The Bill engages a range of human rights under the Charter, discussed below. However, to the extent that the Bill limits any Charter rights, such limits are reasonable and justifiable in accordance with section 7(2) of the Charter.

The Bill also promotes the right to equality by removing all direct references to HIV and Hepatitis C from the Act, which has the effect of removing stigma.

Certain officers are immune from liability when exercising powers under the Act

The Bill inserts new section 227AA into the Act, which establishes that the Chief Health Officer, a delegate of the Chief Health Officer, an authorised officer and a detention review officer are not subject to personal

liability for their acts, decisions and omissions conducted in good faith under the Act. In circumstances that give rise to a civil claim, liability is transferred to the State.

Right to a fair hearing (s 24)

Section 24(1) of the Charter provides that a person who is party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The term ‘civil proceeding’ in section 24(1) has been interpreted as encompassing proceedings that are determinative of private rights and interests in a broad sense, including some administrative proceedings.

The fair hearing right is relevant to new section 227AA as the right has been held to encompass a right of access to the courts to have one’s civil claims submitted to a judge for determination. Ordinarily, statutory immunity would operate to abolish a cause of action, abrogating the right. However, the new section 227AA(2) provides that where actions or omissions of the relevant Officer give rise to a civil claim, liability is transferred to the Crown. Accordingly, the exclusion from personal liability under the provision will not interfere with the right to a fair hearing, because parties seeking redress are instead able to bring a claim against the State. The provision also serves a necessary purpose by ensuring that officers are able to exercise their duties effectively without the threat of significant personal repercussions and overall interference that responding to court claims has. Additionally, the officers will still remain personally liable for any conduct not performed in good faith. Accordingly, this provision does not limit the right to a fair hearing under the Charter.

Chief Health Officer’s powers to make examination and testing orders to test if a person is likely to transmit an infectious disease

Section 113 of the Act allows the Chief Health Officer to make an examination and testing order, in relation to a person who has or may have an infectious disease and who is, as a result, a serious risk to public health, if the making of the order is necessary to ascertain whether the person has the infectious disease. The Bill substitutes new section 113(1)(d) into the Act which expands the purposes for making such an examination and testing order to include testing to determine if a person is likely to transmit an infectious disease (rather than merely whether they have an infectious disease). This is relevant to the rights to privacy, to not be subjected to medical treatment without consent and equality.

Right to privacy (s 13)

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

The expansion of the scope of the s 113 powers are relevant to a person’s right to bodily privacy, as the powers require a person to undergo one or more specified examination or test and permits a police officer to use reasonable force to detain a person to take them to a place for the examination and testing order to be carried out. It also permits a magistrate to issue a warrant for the person’s arrest. The provision also involves the compelled gathering of health information. The prohibition on arbitrariness requires that any interference with privacy must be reasonable and proportionate to the law’s legitimate purpose. Expanding the purpose for making these orders is necessary to conform with advancements in laboratory methods and treatments of infectious diseases, to ensure these mechanisms are fit for the important purpose of management and control of infectious diseases. In order to determine if a person is a serious risk to public health, in addition to knowing whether the person has the infectious disease, it is sometimes also necessary to know whether they are able to transmit the disease. For example, a person living with an infectious disease may be unable to transmit it to other persons if they have an undetectable viral load. A range of tests can be undertaken to ascertain transmissibility and the type of tests required will vary depending on the condition and course of an individual’s infection. Ascertaining if someone has an infectious disease only (without regard to their capacity to transmit) is no longer sufficient to make an assessment whether that person constitutes a risk to public health.

Making the Chief Health Officer aware of any potential risk of transmission serves a public health purpose. It enhances the Chief Health Officer’s ability to manage people known to have the disease, which increases the Chief Health Officer’s capacity to effectively respond to the risk. Further, granting the Chief Health Officer the power to ascertain likelihood of transmission enhances the ability to manage people already known to have an infectious disease in a less restrictive way, in line with best practice guidance. By better understanding transmissibility risks, the Chief Health Officer can tailor the use of public health orders according to the relevant information, and in some cases orders may not be required at all. In this way, providing these powers to the Chief Health Officer may safeguard individuals’ rights, as the use of public health orders will be guided and informed by a more accurate risk profile.

Finally, I note that the expanded section 113 powers remain subject to the safeguards in sections 111 and 112, which require, in giving effect to examination and testing orders under the Act, that the least restrictive measures should be used on the rights of any person.

In my view the amendment is therefore compatible with the right to privacy.

Right not to be subjected to medical treatment without consent (s 10)

Section 10(1)(c) of the Charter protects a person's right not to be subjected to medical treatment unless the person has given their full and free informed consent. In this context 'medical treatment' includes examinations and testing.

The right not to be subjected to unwanted medical treatment is not, however, an absolute right in international human rights law. It is accepted that it may be legitimate to require a person to undergo medical treatment in exceptional circumstances, including where it is necessary for the prevention and control of infectious diseases.

New subsection 113(1)(d) engages the right not to be subjected to medical treatment without full, free and informed consent because it expands the purposes for which the Chief Health Officer may make an order to require a person to undergo an examination and/or testing. However, for the reasons advanced above, any limits are justified to achieve the overarching purpose of infectious disease management and control, by being better able to ascertain the actual risk a person, with an infectious disease, poses of transmitting that disease, and thus better able to take less restrictive measures in minimising that risk required by the Act. Accordingly, in my view the amendment is compatible with this right.

The right to equality (s 8)

Section 8(3) provides that every person is equal before the law and is entitled to equal protection of the law without discrimination.

The expansion of the purposes for which s 113 can be exercised is relevant to the right to equality, in that the powers are exercised in relation to a person who has an infectious disease or has been exposed to an infectious disease, and therefore directly discriminates against people on the basis of a protected attribute (disability). However, I note that the *Equal Opportunity Act 2010* provides that it is lawful for discrimination to occur on the basis of disability or physical features where it is reasonably necessary to protect health and safety of any person or the public generally. Accordingly, for the public health reasons advanced above relating to management and control of infectious diseases, I consider that any limits on the right to equality caused by the expansion of this power would be reasonably justified.

Repeal of references to HIV and Hepatitis C

The right to equality (s 8)

The Bill promotes the right to recognition and equality before law by the repeal of references to HIV and Hepatitis C in the Act. The repeal of these references removes structural stigma for people living with the respective viruses, which unnecessarily singled out such persons and contributed to their discrimination. Repealing the relevant sections has the effect of HIV being more appropriately treated like any other blood-borne virus or medical condition. Further, it ensures a principles-based approach is adopted to achieve legislation that is agnostic of disease.

Information gathering on testing data

The right to privacy (s 13)

The Bill amends section 128(1)(c) of the Act to include a requirement that the Secretary be notified of data collected by a pathology service if the test relates to a notifiable condition.

The amendment provides access to all data that includes, but is not limited to, both negative and positive results. It expands the powers of notification as they currently stand under the Act, where the Secretary is only notified if a person has, or may have, a notifiable condition. The amendment of the section is relevant to the right to privacy as the Secretary has greater access to data relating to notifiable health conditions, which may include personal and health information. However, in my opinion the expansion of this power is reasonable and proportionate. In order to determine the risk to public health, in addition to knowing whether the person has a notifiable condition, it is sometimes necessary to know related information such as negative test results. All testing data is important in informing the public health interventions and managing outbreak response. Further, having all testing data is important in outbreak management and response, as it improves that ability of policy makers and public health practitioners to develop, monitor and evaluate prevention and control activities. Accordingly, in my view the amendment is compatible with the right to privacy.

Jaclyn Symes MLC

Attorney-General

Minister for Emergency Services

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:17): 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 *Public Health and Wellbeing Act 2008* is a comprehensive framework designed to protect the health and wellbeing of Victorians across businesses and our community.

I am proud to bring this Bill to the House today, which:

- responds to cross portfolio commitments relating to prescribed accommodation
- enables expanded testing data collection to improve infectious disease management and expands how we undertake further analysis to precisely identify infectious diseases
- expands the circumstances in which the Chief Health Officer may make an examination and testing order to better understand the risks to public health
- removes references to HIV and Hepatitis C to remove stigma
- provides statutory immunity to the Chief Health Officer and certain other officers acting in good faith.

The Bill also makes consequential amendments to the *Livestock Disease Control Act 1994* and some minor administrative changes.

Prescribed Accommodation—Labour hire accommodation

This Bill progresses one element of the Government's broader reform package to improve the regulation of the labour hire industry.

In 2016, the Forsyth Inquiry into the Labour Hire Industry and Insecure Work found that the public health regulatory framework did not capture substandard accommodation associated with labour hire arrangements, such as overcrowded conditions and insufficient amenities. In some instances, labour hire workers are being housed in substandard accommodation through arrangements designed to avoid the regulatory framework. The Inquiry recommended that we strengthen the definition of prescribed accommodation to address this problem.

The Bill extends the definition of prescribed accommodation to broaden the circumstances in which accommodation can be prescribed. The definition will include accommodation provided to a worker under, or in connection with, a labour hire arrangement, whether or not that worker pays for the accommodation. This will enable labour hire accommodation to be prescribed in regulations as a class of accommodation and require the accommodation proprietor to register the accommodation and meet public health standards.

Regulation will improve living conditions to protect the health and wellbeing of vulnerable labour hire workers who support critical Victorian agricultural industries, such as fruit picking and harvesting. It will also serve to reduce exploitation and align Victoria's labour hire licensing and public health regulatory frameworks.

This Bill also strengthens the definition of proprietor, as it relates to labour hire accommodation, responding to various arrangements where the responsibility for providing and managing the accommodation may be unclear. Strengthening this definition will attribute responsibility and accountability, and support councils and the Labour Hire Licensing Authority to monitor and enforce compliance.

To give full operational effect to our objective to regulate labour hire accommodation, the Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 will also be amended to prescribe and clearly capture labour hire accommodation arrangements. We will consult with key stakeholders to amend these regulations to ensure they are fit-for-purpose.

To give sufficient time for the industry to prepare, it is intended that these changes commence in February 2023. The reforms will complement our significant investment to support the Victorian agricultural industry to meet workforce challenges.

Reducing burden—Creating a lower-risk prescribed accommodation framework

In 2018, the *Small Business Regulation Review (Visitor Economy) Action Statement* identified reforms to reduce the regulatory burden for small business visitor accommodation. This included enabling one-off registration for bed and breakfasts, guest houses and farm stays, which may be captured under the prescribed accommodation regulatory framework. These small businesses present low public health risks due to their nature and market forces. However, they face disproportionate regulatory burden.

As a necessary first step, the Bill creates a definition and category of registration for lower risk prescribed accommodation, which requires an ongoing registration, rather than a periodic registration. An ongoing or a once-off registration will reduce regulatory burden such as paying annual fees and completing paperwork. The new definition is based on prescribing lower-risk accommodation in regulations. Failure to register a lower-risk prescribed accommodation will be an offence commensurate with existing provisions.

To give effect to the Action Statement, there is a need to prescribe and define lower-risk prescribed accommodation in regulations. To guide this process, we will consult with key stakeholders after several cross-portfolio reviews are completed and consider criteria and other factors.

Control and management of infectious diseases—expanded testing data collection

During the pandemic, all Victorians have come to recognise and appreciate the importance of testing data collection and the vital role that pathology and laboratory services, epidemiologists, researchers and others play in the public health response.

Under the Act, mandatory notification of notifiable conditions and micro-organisms is the foundation for how we manage and control an array of infectious diseases and medical conditions. The Public Health and Wellbeing Regulations 2019 currently prescribes 79 notifiable conditions and 10 notifiable micro-organisms. It sets out the testing details and results needed, urgency and the way notification is to occur. Additionally, the Governor in Council can also declare an infectious disease to be a notifiable condition and specify details required.

Currently, the trigger for a pathology service to notify a notifiable condition is a suspected or positive result. However, at the moment we are not being fully informed by the available testing data. Negative test results and aggregate results provide valuable information about infectious disease. As such, we are only obtaining half the story.

We all clearly understand the need and rationale for testing data collection. Unequivocally, expanded testing data collection supports surveillance, identifying emerging trends and informs prevention and control measures. For example, aggregate data about influenza enables us to monitor trends, deliver responses to rising cases, improve how we assess the timing and peak of flu season and improve our preparedness activities.

The Bill expands the notification requirement for pathology services to enable the collection of all testing data that relates to notifiable conditions, not only suspected or positive cases of notifiable conditions. Regulations need to be made to give effect to expanded testing data collection; the regulations will specify the conditions, details and timing. We will consult with stakeholders to balance the impacts of the regulations and are cognisant of current demand on pathology services as a result of the COVID-19 pandemic. Consultation will allow for the determination of what information is required to boost our ability to analyse infectious diseases and develop, monitor and evaluate public health measures. Ultimately, this will help reduce the detrimental health, social and economic impacts of infectious diseases in Victoria.

Control and management of infectious diseases—Further analysis

Fundamental to our public health response is the need to refer samples or isolates of infectious diseases and microorganisms to other laboratory services for further analysis. This is needed to support case classification (whether an infection is chronic or acute), case characterisation (whether the infection is type or strain) or case clearance (whether it is no longer infectious). This information optimises our ability to provide appropriate, targeted and rapid responses to illness and outbreaks.

Pathology and laboratory services often forward samples and isolates to other reference laboratories, which are suitably equipped to perform further and more complex testing. However, this practice occurs voluntarily, either routinely or at the request of the Department. The voluntary nature is due to limitations in the current regulation-making powers and there is a need to safeguard this crucial practice.

Therefore, the Bill strengthens the regulation-making powers in relation to the forwarding of samples or isolates and further analysis for the purposes of the Act. It will provide greater flexibility to make regulations covering a broader range of tests and analysis as well as the laboratories and pathology services that can perform these functions. The Bill helps safeguard our practice to obtain the most up-to-date and robust evidence to inform the public health response. Again, we are very aware of current demand on pathology services and will duly consult to inform implementation.

Additionally, the Bill will enable the Chief Health Officer to request in writing a person transfer a sample or isolate to a specified laboratory for further analysis or conduct further analysis of a sample or isolate. The request can be made if the Chief Health Officer considers these further investigations are necessary to investigate whether there is a risk to public health, or for the management or control of a risk to public health. This new power will support investigations into exotic disease agents and other environmental samples where public health risks may exist.

To complement this power, the Bill amends the *Livestock Disease Control Act 1994* to ensure the legislative frameworks operate harmoniously.

Control and management of infectious diseases—Examination and testing powers

The Act currently provides for the Chief Health Officer to make an examination and testing order, in relation to a person who has or may have an infectious disease and who may pose a serious risk to public health. As such, the making of an order is necessary to ascertain whether a person has an infectious disease, which informs the action needed to protect public health.

With the advances in treatment, many infectious diseases have a reduced risk or no risk of transmission. To keep in step with these advances, the Bill expands the circumstances in which the Chief Health Officer can make an examination and testing order to include likelihood of transmission. It will also enable the making of an order necessary to ascertain the likelihood of a person transmitting an infectious disease if the person is known to already have that infectious disease. Determining the likelihood of transmission will inform a more targeted and potentially less restrictive response for the individual involved.

Removal of HIV and Hep C

References to HIV and Hepatitis C in the Act unnecessarily stigmatise and highlight these conditions when there is avenue to prescribe specific diseases in regulations. We are heartened to announce that the Bill removes references to HIV and Hepatitis C in the Act, which is another important step to reduce structural stigma and discrimination experienced by people living with these conditions.

We expect that those living with these conditions and key stakeholders will welcome these changes. In particular, it will help us achieve Victoria's strategies to ensure that Victorians are free from HIV- and hepatitis-C-related stigma and discrimination.

The amendments will not alter the operation of the Act as all diseases to which the provisions apply will be prescribed in regulations.

Statutory immunity

All other Australian jurisdictions include protection from personal liability for their Chief Health Officer and other officers who perform functions in good faith under their respective public health legislation. Our intent is to bring Victoria in line with other jurisdictions to protect officers acting in good faith so they are not distracted or dissuaded from performing critical public health functions.

Litigation against individual officers acting in good faith can impede them from performing critical public health functions needed to protect our community. Additionally, the threat of being personally named in litigation remains, and this impacts relevant officers acting in good faith to pursue functions without fear of reprisal.

The Bill creates a statutory immunity for the Chief Health Officer and delegates, Detention Review Officers and certain authorised officers.

Statutory immunity means individuals performing these roles will not be personally liable for actions or omissions undertaken in good faith, when they exercise powers or discharge functions. Any liability is instead transferred to the State. Additionally, statutory immunity is contingent on acting in good faith. It will not apply to criminal liability.

Administrative amendments

The Bill also makes some minor amendments to update terminology and remove redundancies.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:18): I move, on behalf of my colleague Ms Crozier:

That debate on this matter be adjourned for one week.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:18): On 8 February 2022 the Public Health and Wellbeing Amendment Bill 2022 was introduced into the Legislative Assembly. Following the second reading of the bill on

9 February an anomaly was identified in the bill with the term ‘detention review officer’ used instead of the correct term ‘detention appeals officer’, and the term ‘detention review officer’ is now redundant. To rectify this anomaly in line with the bill’s original intent an amendment has been made in the Legislative Assembly to ensure that the term ‘detention appeals officer’ is used instead of ‘detention review officer’. It is a minor clarification to ensure that these officers can effectively respond outside of a pandemic context. An example of this could be a biological threat or an agent with high transmissibility and mortality such as smallpox.

Motion agreed to and debate adjourned for one week.

WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021

Introduction and first reading

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

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Accident Compensation Act 1985**, the **Dangerous Goods Act 1985**, the **Equipment (Public Safety) Act 1994**, the **Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**, the **Legal Profession Uniform Law Application Act 2014**, the **Occupational Health and Safety Act 2004**, the **Workplace Injury Rehabilitation and Compensation Act 2013** and the **Victims of Crime Assistance Act 1996** and for other purposes’.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:20): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms PULFORD: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:21): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Workplace Safety Legislation and Other Matters Amendment Bill 2021 (the **Bill**).

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

Overview of the Bill

Relevant to human rights, the Bill:

- amends the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to improve compensation arrangements for workers with certain work-related injuries that are progressive in nature and improve compensation entitlements for family members of deceased workers;
- amends the *Occupational Health and Safety Act 2004* (**OHS Act**) in relation to notifiable incidents and prohibition notices;

- amends the *Victims of Crime Assistance Act 1996* in relation to the conduct of hearings by the Victims of Crime Assistance Tribunal;
- amends the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* to expand the presumptive right to compensation to eligible vehicle and equipment maintenance employees; and
- relevant to human rights, the Bill amends the *Legal Profession Uniform Law Application Act 2014* strengthen governance arrangements for the Victorian Legal Services Board (VLSB).

Human rights issues

Improved compensation arrangements and entitlements

The Bill makes a number of amendments to various Acts to improve compensation arrangements for workers with certain work-related injuries that are progressive in nature as well as improve compensation entitlements for family members of deceased workers. These amendments follow a review by WorkSafe that found that some injured workers who make claims for impairment benefit (IB) compensation or seek damages at common law may experience undesirable outcomes under the current legislation. This is due to the current legislative framework not fully accounting for the progressive nature of some silica-related diseases and the uncertainty as to any further silica-related diseases the injured worker may develop over their lifetime.

The proposed amendments make the following changes to the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013*:

- prescribing certain progressive diseases which are to be eligible for a revised (IB) entitlement;
- allowing for IB payments to be made for injured workers with eligible progressive diseases that have not stabilised;
- providing that injured workers requiring a lung transplant are entitled to a minimum level of assessed impairment;
- allowing injured workers with eligible progressive diseases who experience further an increase in whole person impairment (WPI) associated with their condition to make subsequent IB claims;
- enabling injured workers with silica-related diseases to make one subsequent application for common law damages if they develop a subsequent silica-related disease;
- extending eligibility for family counselling services to family members of workers who are diagnosed with an eligible progressive disease;
- extending the duration of a pension for a dependant child under a disability from 16 years to 25 years;
- allowing for a provisional payment following a work related death to be made to the guardian of a dependant spouse or partner;
- providing for the payment of burial, cremation and funeral expenses incurred outside of Australia; and
- providing for continuation of household help services after death for a period of three months.

General promotion of Charter rights

While these amendments principally promote economic and social rights (such as the right to work and entitlement to access adequate worker compensation), which are ordinarily beyond the scope of the civil and political rights protected by the Charter, improving outcomes and access to schemes which support injured workers (and their families) are relevant to the promotion of a number of rights in Charter, including:

- the right to equality (s 8), to be discussed in more detail below relating to reducing discrimination;
- the right to life (s 9), which encompasses a general obligation on the State to take positive steps to protect life, including by enacting schemes that uphold public welfare and safety;
- the right to privacy (s 13), which is wide in scope, and includes protecting a person's interest in the freedom of their personal and social sphere, including their personal development, identity, social relations and psychological integrity, personal security and mental stability - all components that may be affected by workplace injury;
- the right to protection of family (s 17(1)), including the positive requirement on the State to provide protection to families as the fundamental group unit of society, and ensuring families are not deprived of support in unreasonable circumstances; and
- the right to fair hearing (s 24), including the right to access a court to seek redress, through the amendments to remove a bar on seeking common law damages in relation to subsequent development of disease and align common law statutory timeframes to reflect civil jurisdiction operations.

I note that in order to ensure that the scheme is able to accurately anticipate the volume and value of claims made under these revised provisions and to be consistent with the proposed inclusion of cancers as it relates to the *Firefighters' Presumptive Rights Compensation Act 2019*, the Bill limits these new entitlements to applying to any eligible disease diagnosed on or after 1 July 2016. This limit is necessary to ensure these proposed changes to compensation entitlements can be costed with certainty and implemented effectively without any risks to the ongoing viability of the scheme. The scheme's experience with silicosis claims suggests the majority of claims presenting for IB compensation will not be excluded.

Removing unfairness and discrimination

The Bill makes a number of amendments that have the effect of alleviating unfairness and potential discrimination in accessing compensation entitlements, including:

- extending the weekly pension for children with a disability from the age of 16 to the age of 25 regardless of their ability to engage in full time education or an apprenticeship, in recognition of their additional needs by way of their disability;
- providing for compensation payments to a minor or disabled person to be paid to a trustee, which facilitates the delivery of better services to families of deceased workers; and
- removing existing limits on payment of overseas costs for burial, cremation or repatriation, which increases access to compensation for families of culturally diverse workers or those with no enduring entitlement to residency or citizenship.

These amendments promote the right to equality.

Right to equality (s 8(3))

Section 8(3) provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. This right provides that all laws and policies are applied equally, and do not have a discriminatory effect. 'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010*, which includes the attribute of disability, age and race. Direct discrimination occurs where a person treats a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute, and that is not reasonable.

The above amendments reduce disadvantage on persons with an attribute by removing legislative barriers and other obstacles that prevented compensation from being paid in certain circumstances. Accordingly, these amendments promote the right to equality.

Expanding workplace incident notification obligations

Clause 47 amends s 37 of the OHS Act to provide, among other things, that an incident constituted by the illness (as prescribed by the regulations) of a person is an incident to which Part 5 of the OHS Act applies. This will oblige an employer or self-employed person to notify the Authority of such incidents.

In addition, the amendments also amend the threshold for incident notification under s 37(2) from incidents which expose a person 'in the immediate vicinity to an immediate risk' to that of exposing a person 'to a serious risk to the person's health or safety emanating from an immediate or imminent exposure to' a listed incident. This is expected to require duty holders to report a greater variety of dangerous incidents to the Authority.

The amendments relating to illnesses may require an employer to disclose personal information, including health information about an individual to the Authority and thus is relevant to the rights to privacy (s 13) and the freedom of expression (s 15).

Right to privacy (s 13)

Section 13(a) provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This includes a right to informational privacy in relation to personal affairs, including information about a person's health status and/or exposure to disease.

An interference will be lawful if it is permitted by a precise and appropriately circumscribed law. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

In my view, these amendments are reasonable and appropriate to the legitimate aim sought. Exposure to highly contagious and potentially serious diseases, which could cause serious illnesses or pose a serious health and safety risk have the potential to place employees and others at serious risk of harm. The objective of the amendment is to protect workers and other persons from harm by requiring duty holders to report illnesses which may be acquired at the workplace. This will give effect to the rights of others, including the right to protection of life, and will align Victoria with the model national laws on workplace safety. Any personal

information provided to the Authority will be subject to existing restrictions on disclosure of information to ensure privacy is protected to the greatest extent possible. Accordingly, I consider that the right to privacy is not limited by these amendments.

Right to freedom of expression (s 15)

Section 15 of the Charter Act provides that all persons have the right to freedom of expression, which includes a right not to impart information.

The powers to compel duty holders to provide the type of information discussed above engages the right to freedom of expression, however, it is my opinion that these powers would fall within the exceptions to the right in section 15(3) of the Charter, as reasonably necessary to respect the rights of other persons, and for the protection of public health.

As discussed above, the amendments are necessary to protect workplace health and safety and to facilitate the Authority to monitor the operation of measures taken and arrangements put in place to ensure occupational health, safety and welfare, to monitor and enforce compliance with the OHS Act, and to better understand emerging trends and better target the relevant duty holders with education and compliance activities. The current limitation of the notification provisions which does not capture certain incidents posing a serious risk impedes the Authority's ability to proactively expose serious health and safety risks before a person is placed at risk of harm or these incidents cause a serious injury or death. Accordingly, I consider these amendments to the incident notification requirement to be compatible with the right to freedom of expression.

Power to issue prohibition notice

Under section 112 of the OHS Act, inspectors may issue a prohibition notice where they reasonably believe that an activity is occurring or may occur in a workplace that involves or will involve an immediate risk to the health and safety of a person. Clause 49 amends s 112 by amending the scope of circumstances in which the power can be exercised from activities posing 'an immediate risk' to activities posing 'a serious risk' to the health or safety of a person emanating from an immediate or imminent exposure to a hazard. As a prohibition notice prohibits the carrying on of the activity, or the carrying on of the activity in a specified way, until an inspector has certified in writing that the matters giving rise to the risk have been remedied, this is relevant to the rights to privacy and property. Clause 50 makes similar amendments to the power of an inspector to give directions to a person at a workplace pursuant to s 120 of the OHS Act, empowering such directions to be made where reasonably necessary to do so because of a serious risk (as opposed to an 'immediate risk') to the health or safety of any person emanating from an immediate or imminent exposure to a hazard. Clauses 54 and 55 make similar amendments to the thresholds requirements for issuing prohibition notices or giving directions in relation to failures to comply with COVID-19 directions made under the *Public Health and Wellbeing Act 2008*.

Rights to privacy (s 13) and property (s 20)

As discussed above, s 13(a) of the Charter provides that a person has the right not to have their privacy or home unlawfully or arbitrarily interfered with, which may include their freedom to engage in activities to which a prohibition notice or directions may be issued to prevent. Similarly, s 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. Deprivation of property can include any interference with a person's enjoyment of their property rights, which may be caused by a prohibition notice or direction issued by an inspector.

However, I am of the view that any additionally interference with rights, through expanding the circumstances in which prohibition notices and directions can be issued, will be reasonable and justified. The objective serves an important public welfare purpose by allowing the issuing of prohibition notices where inspectors are able to form the reasonable belief that an activity is occurring or which may occur at a workplace which involves a non-immediate yet serious risk to the health or safety of a person.

This will provide further protection to workers and other persons engaging in workplace activities who may be exposed to serious risks to their health or safety in circumstances where the relevant activity may not necessarily involve an immediate risk to health or safety despite posing a serious risk. Such circumstances could include but are not limited to silicosis arising from exposure to crystalline silica, infectious diseases such as COVID-19, and psychosocial hazards (e.g. bullying in the workplace). The amendments will also ensure that the Victoria OHS scheme is aligned with model national law on workplace safety. Any person served with a prohibition notice may still seek review of the issue of the notice, and a notice will cease to have effect once an inspector has certified that the matters that give rise to the risk have been remedied. I am satisfied that there are no less restrictive means available to achieve this important purpose of safeguarding safety, noting that the existing threshold for serving prohibition notices or giving directions have meant that some activities posing serious risks to employee safety were not being prohibited or prevented in circumstances where the risk was serious, but not immediate.

Extending time period for internal review of decisions

Section 127 of the OHS Act provides for review of specified decisions under the Act, including inspector decisions that may limit a person's human rights such as the issue of a prohibition or improvement notice.

Currently, s 128(4) of the OHS Act requires the Authority to make a decision on an application for review within a period of 14 days (or 7 days for prohibition notices and improvement notices). The existing provisions do not provide for any additional time for review in circumstances where the Authority requests further information from the applicant.

Clause 52 amends s 128 to provide for the cessation of the decision review period in circumstances where the Authority seeks further information from the applicant, until the applicant provides the further information requested. This may have the effect of increasing existing limits on rights impacted by decisions made pursuant to existing powers under the OHS Act, by extending the period of time before a decision is affirmed, varied or set aside by the Authority.

However, I consider any increase in the extent of limitations on rights to be reasonably justified. The amendments will ensure the Authority has sufficient time and information to provide a comprehensive review of a decision, including requesting further information when appropriate to do so, and where the complexity of a matter requires. This will ultimately enhance the procedural fairness of the process by ensuring that any new information is able to be properly taken into account by the Authority. It also aligns the review process with the model national laws on workplace safety. Importantly, once an applicant has provided the requested information, the review period recommences, which protects against any undue delay. It will also reduce the occurrence of arbitrary outcomes such as where a decision is deemed to be affirmed due to the expiry of the review period in circumstances where the Authority was awaiting the provision of further relevant information. Accordingly, I consider this amendment to the review time period to be compatible with the Charter.

Reforms to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019

The Bill will amend the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 (FPRC Act)* to extend the presumptive rights coverage to Fire Rescue Victoria (FRV) and Country Fire Authority (CFA) vehicle and equipment maintenance employees.

Right to privacy (section 13)

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. An interference with privacy will not be unlawful where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances. The proposed amendment to the FPRC Act may engage the right to privacy, as WorkSafe will request for an expert opinion from the advisory committee to determine whether a vehicle and maintenance employee has attended fires to the extent reasonably expected. Any engagement of the right to privacy would be reasonable and consistent with section 13 of the Charter.

Right to recognition and equality before the law (section 8)

Section 8(3) of the Charter provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. 'Discrimination' under the Charter means discrimination within the meaning of the *Equal Opportunity Act 2010*, on the basis of a protected attribute set out in section 6 of the *Equal Opportunity Act 2010*, which includes employment activity.

Under section 8 of that *Equal Opportunity Act 2010*, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Section 9 of the *Equal Opportunity Act 2010* provides that indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons on the basis of a protected attribute, and that is not reasonable.

The proposed amendments will provide an additional benefit to certain individuals based on their employment as a vehicle and equipment maintenance employee. Employment activity is protected within section 6 of the *Equal Opportunity Act 2010*. The additional benefit provided to this cohort of individuals is justified based on evidence that attending at fires is associated with an increased risk of developing cancer.

Further, the proposed amendments will also enable career, volunteer, vehicle and equipment employees to count part years of service as full years, ensuring that employees are not disadvantaged by the seasonal nature of their work.

Amendments to the Victims of Crime Assistance Act 1996

The amendments to the *Victims of Crime Assistance Act 1996* (VOCA Act) engage the following human rights under the Charter:

- The right to equality before the law (section 8(3))
- The right to reputation (section 13(b))
- The right to a fair and public hearing (section 24(1))

Right to equality before the law (s 8)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The amendments may limit the right to equal protection of the law of alleged offenders in family violence and sexual assault matters, in that they reduce their prospects of being notified of a Victims of Crime Assistance Tribunal (Tribunal) hearing and participating in that hearing—compared to alleged offenders in other types of matters.

Such a limit is likely reasonable by a compelling policy justification that victims in such matters are more likely to be distressed or harmed by the notification, or attendance of, offenders at Tribunal hearings. The Victorian Law Reform Commission (VLRC) review indicated that there are widespread concerns that the prospect of offenders being notified of hearings can be enough to discourage victims from applying for assistance. Avoiding these consequences may provide a compelling justification for limits on offenders' rights.

In my opinion, any limitation of the right is reasonable and justified under section 7(2) of the Charter to enable victim survivors of family violence and sexual offences to seek the support they need from the Tribunal without the fear of the alleged offender being notified of, or attending, hearings.

Right to reputation (s 13)

Section 13(b) of the Charter provides that a person has the right not to have his or her reputation unlawfully attacked.

The proposed amendments may reduce the ability of some alleged offenders to refute allegations made against them and therefore limit their reputational right. However, in current practice, the Tribunal already has the discretion to not notify an alleged offender of a hearing, and also has the discretion to not allow alleged offenders to attend. This means that under the current VOCA Act, alleged offenders are not guaranteed the ability raise issues about the impact on their reputation.

The VOCA Act prohibits materials related to a hearing from being published. However, the VOCA Act does not (and is not able to) prohibit people from having conversations with each other, such as a victim sharing information with their friends or family. Alleged offenders retain the right to seek recourse under defamation laws should they wish to raise issues about the impact on their reputation.

In my opinion, any limitation of the right is reasonable and justified under section 7(2) of the Charter because of the benefit of furthering victims' interests and access to the Tribunal, and still allowing alleged offenders recourse under defamation laws.

Right to a fair and public hearing (s 24)

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

It could be argued that the proposed amendments do not limit the right to a fair and public hearing. Although the Tribunal proceedings are 'civil proceedings', generally, offenders will often not be a 'party' to those proceedings—unless the offender is deemed to be a party under section 35 of the VOCA Act, where the Tribunal considers that the offender has a 'substantial interest' in the matter. Even in this scenario, the position of an offender in such proceedings is not akin to a party in typical civil proceedings—whose legal rights and liability are directly affected by those proceedings. By contrast, as above, Tribunal proceedings may only affect an offender's interests by damaging their reputation.

It could be argued that this right is not limited because an offender is not truly a 'party to a civil proceeding' within the meaning of that right. In any event, if this right is engaged, a limit on this right is reasonable and justified under section 7(2) of the Charter by reference to the benefit of promoting victims' interests and access to financial assistance, which is the fundamental purpose of the Tribunal.

Amendments to the *Legal Profession Uniform Law Application Act 2014*

The Bill engages the right in section 18 of to participate in the conduct of public affairs. For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to section 7(2) of the Charter.

Right to participate in the conduct of public affairs

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through chosen representatives. Further, section 18(2)(b) provides that every eligible person has the right, and is to have the opportunity, without discrimination to have access, on general terms of equality, to the Victorian public service and public office.

The right to participate in public life lies at the core of democratic government. The conduct of public affairs covers all aspects of public administration, including the formulation and implications of policy at state levels.

This right is relevant in so far as the Bill will have implications for the membership of the VLSB, which is a public body that, along with the Legal Services Commissioner, is responsible for regulating the legal profession in Victoria.

Clauses 35, 37 and 44 of the Bill may engage this right on the basis that it provides that the Governor in Council can, on the advice of the Attorney-General, appoint a barrister and two solicitors as members of the VLSB. This represents a change from the current election process for lawyer members of the Board. The clause also specifies conditions of eligibility, including that the members be of not less than 5 years' standing, which was an existing requirement for lawyer members to stand for election.

In my opinion, clauses 35, 37 and 44 will not limit this right. The right protects the ability of eligible persons to access, without discrimination and on terms of equality, the Victorian public service. Clause 35 does not impose discriminatory conditions on appointment. The conditions simply go to a person's eligibility for appointment, which section 18(2)(b) recognises as a valid limit on the scope of the right. The conditions, which pertain to qualifications and experience, are appropriate to ensure that the VLSB is constituted by members with the skills and experience to regulate the legal profession. The Bill retains the ability of the profession to have input into the membership of the VLSB, given that appointees will be drawn from panels nominated by the Victorian Bar and the Law Institute of Victoria.

Clause 39 of the Bill may engage this right on the basis that it provides that the Governor in Council may remove a lawyer member or the Chairperson of the VLSB in the event of disciplinary action. However, in my opinion, clause 39 will not limit this right. The clause does not limit access to the public service or public office in a manner which discriminates on the basis of a protected attribute. Rather, this clause is intended to strengthen the integrity and public standing of the VLSB in circumstances where it has an important public role in regulating the legal profession.

The Hon Ingrid Stitt MLC
Minister for Workplace Safety

Second reading

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:21):
I move:

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

Motion agreed to.

Ms PULFORD: I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Bill makes a range of amendments to the *Occupational Health and Safety Act 2004*, *Dangerous Goods Act 1985*, *Equipment (Public Safety) Act 1994*, *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to:

- i. improve compensation arrangements for workers with silicosis and similar occupational diseases and deliver on aspects of the Government's silica action plan;

- ii. amend the threshold for issuing prohibition notices and directions to better capture serious risk activities;
- iii. include a broader range of matters to be notifiable incidents;
- iv. improve entitlements for the families of deceased workers;
- v. clarify that funds collected from infringement notices are to be paid into the WorkCover fund; and
- vi. make technical and procedural amendments to the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013*.

These amendments are designed to improve outcomes for injured workers and their families, enhance scheme operations and increase WorkSafe's ability to prevent and respond to workplace safety incidents.

The Bill also makes changes to the *Victims of Crime Assistance Act 1996* to remove barriers for people applying to the Victims of Crime Assistance Tribunal (VOCAT) scheme by prohibiting alleged offenders from being notified of, or attending, any VOCAT hearing in matters related to family violence or sexual offences, before the establishment of a new victims of crime Financial Assistance Scheme.

The Bill will amend the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (the FPRC Act) to:

- i. amend extend presumptive rights coverage under the FPRC Act to Fire Rescue Victoria (FRV) and Country Fire Authority (CFA) vehicle and equipment maintenance employees;
- ii. change the method for calculating eligibility qualifying periods to count part year of service as a full year of service; and
- iii. allow periods of service as a FRV, CFA or forest firefighter or as a vehicle and equipment maintenance employee to be combined.

Finally, the Bill will amend the *Legal Profession Uniform Law Application Act 2014* (LPULA Act) to strengthen the integrity of the Victorian Legal Services Board (VLSB), ensuring lawyer members of the VLSB are not the subject of actual or potential disciplinary action at the time or their appointment and can be removed if they are subject to disciplinary action during their term of office.

I will now address each of these amendments in more detail, turning first to the workplace safety related amendments.

Disease Compensation Arrangements

The first element of the Bill delivers on an element of the Government's comprehensive action plan to address and prevent unsafe silica exposure. The Bill makes amendments to the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to improve compensation arrangements for workers with silicosis and similar occupational diseases and deliver on aspects of the Government's silica action plan. These amendments will allow injured workers with silica-related diseases to make a further common law application for damages if they develop a subsequent silica-related disease. These changes also improve access to impairment benefit compensation, including lump sum payments, for workers with silicosis and similar occupational diseases.

Workers suffering from silicosis are currently not able to pursue common law claims, where they developed further related silica diseases after an initial award. The current claims process also poses difficulties for workers with progressive diseases, such as silicosis, in accessing impairment benefit compensation due to the nature of their disease in not demonstrating stabilisation and being subject to rapid deterioration.

The Bill seeks to address the identified issues by allowing workers with certain occupational diseases which deteriorate over time and can progress quickly, to receive further compensation treatment.

The amendments made by the Bill allow for further impairment benefits to be made, where a worker has previously received a benefit and their condition deteriorates further. These changes also provide for waiving of the current requirement to demonstrate that a disease has stabilised for a period of 12 months for workers with specific diseases to access impairment benefit compensation. These eligible diseases are to be prescribed under a legislative instrument, which allows for flexibility if and when the state of knowledge evolves.

The Bill also makes further amendments to the impairment benefit assessment process, allowing workers who receive a lung transplant due to their work related injury to be entitled to a deemed minimum whole person impairment (WPI) assessment of 30 per cent. The amendments also allow for an assessment of WPI prior to the transplant occurring. Currently workers requiring a lung transplant due to their work-related injury or illness must wait until after the transplant has occurred and for their condition to stabilise before being assessed for impairment benefits, which can often result in a lower assessment. This change allows for consideration of the ongoing impacts of a transplant.

Importantly, the Bill will also allow for the provision of family counselling services to the families of workers with these eligible conditions.

Family Support Benefits

Currently, under worker's compensation legislation, a child with disability is not eligible to receive a child pension after the age of 16, whereas full time students or apprentices are eligible for the pension until they reach 25. To address this anomaly, the Bill makes amendments to the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to provide for improved compensation entitlements for the families of deceased workers.

The changes extend the current pension for children with disability from the age of 16 to the age of 25. This change will be partially retrospective and allow for eligible dependants who are between the ages of 16 to 25 years at commencement to receive back payments for the period they would have been entitled to.

These amendments will ensure persons with disability are eligible for provisional payments following a work-related death and that these payments can be made through an appointed guardian.

The Bill will also continue household help services payments already being received by a worker with an accepted claim where they die as a result of their work-related injury for six months after their death. Extending household help services will provide greater assistance with the family's transition.

The Family Support Benefits changes also allow for the payment for overseas funeral costs following a work-related death. Currently these costs are limited to those expenses incurred within Australia. This is in recognition of the many Victorian workers who are not born in Australia and may be repatriated overseas following their death.

The amendments relating to family support benefits and disease compensation are intended to commence on 1 July 2022, to allow sufficient time for implementation and system changes.

Prohibition Notices and Directions

The Bill will make amendments to the *Occupational Health and Safety Act 2004* to amend the threshold for issuing prohibition notices and directions by WorkSafe inspectors to better capture serious risk activities. These changes will allow inspectors to issue a prohibition notice, or give a direction, where they reasonably believe that an activity involves or will involve a serious risk to the health and safety of a person emanating from an immediate or imminent exposure to a hazard.

These changes will allow WorkSafe inspectors to prohibit or issue directions relating to certain activities which do not pose an immediate risk, yet could still lead to serious health and safety consequences. These changes also consider cumulative risk activities, such as those activities which can cause exposure to crystalline silica and can lead to serious life-long illnesses.

The Bill also amends COVID-19 temporary measures in the *Occupational Health and Safety Act 2004* to mirror the proposed changes to prohibition notices and directions. This means that inspectors will continue to be able to issue prohibition notices and give directions for failure to comply with a direction relating to the COVID-19 pandemic under the *Public Health and Wellbeing Act 2008* whilst the temporary measures are in effect.

Incident Notification

The Bill amends the *Occupational Health and Safety Act 2004* to include a broader range of matters considered to be notifiable incidents. These amendments will allow for a broader range of serious risks to be brought to WorkSafe attention and ensure that WorkSafe is empowered to respond to these risks and prevent serious injury or illness in the workplace.

To achieve this, the Bill seeks to amend the list of notifiable incidents to allow for prescribing illnesses, to which an incident constituted by the illness of a person will be notifiable.

The Bill will also provide that incidents relating to the failure or damage of certain plant will also be notifiable where the plant is prescribed under regulations.

Consistent with the threshold changes for prohibition notices and directions, the Bill will make amendments to capture incidents that expose a person to a serious risk to the person's health or safety emanating from an immediate or imminent exposure to certain circumstances (near miss incidents).

Consultation with relevant stakeholders will occur on the development of the regulations relating to notification of serious illnesses and matters relating to specific plant.

Infringement Notice Funding

Delivering on the Victorian Government's election commitment to introduce infringement notices for certain offences under the *Occupational Health and Safety Act 2004* and Regulations, from 31 July 2021, WorkSafe

inspectors can issue infringement notices to duty holders who are alleged to have committed any of the prescribed offences in the regulations.

The Bill inserts a provision into the *Occupational Health and Safety Act 2004*, *Dangerous Goods Act 1985* and *Equipment (Public Safety) Act 1994* respectively to specify that funds from infringement notices collected under each of these Acts are to be paid into the WorkCover Authority Fund. This amendment provides certainty about where these funds are directed and supports the operation of the infringements scheme introduced in July 2021.

Technical and Procedural Amendments

Finally, in respect of the Workplace Safety portfolio, the Bill will make a number of technical and procedural amendments to the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013*. These changes allow for a suspension of time during pre-trial proceedings in common law processes over the end of year shutdown period; provide that references to party and party costs within the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* are amended to provide for payment of legal costs on a standard basis, update the relevant period test in the deemed contractor provisions which will allow for WorkSafe to consider contracts which occur over two or more financial years, ensure injured workers with no current work capacity residing overseas are no longer paid in arrears and are paid in the same manner as local workers and correct a cross referencing error in the *Workplace Injury Rehabilitation and Compensation Act 2013* to the *Tax Administration Act 1997*.

Firefighter's Presumptive Rights Amendments

Vehicle and equipment maintenance workers are an integral part of Victoria's fire services, maintaining and repairing firefighting equipment, including at the fireground where they are exposed to the same carcinogens that career and volunteer firefighters are exposed to.

Currently, this cohort of employees is not entitled to rely on the existing presumptive right to compensation available under the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (FPRC Act).

The amendments in the Bill will enable vehicle and equipment maintenance employees, who suffer from specified cancers, to rely on a presumption that their employment caused the cancer, in the absence of evidence to the contrary. The amendments will apply to those employees, employed by Fire Rescue Victoria (FRV) and Country Fire Authority (CFA), who have duties involving the mechanical, auto electrical or fitting and turning maintenance and repair of firefighting vehicles and equipment.

The Bill will also include amendments to ensure consistency and appropriate integration between the FPRC Act and the presumptive rights amendments under the *Forests Act 1958*, which were recently passed by this Parliament.

The recent presumptive rights amendments to the *Forests Act 1958*, will enable a part year of service to count as a full year for the purposes of calculating whether a forest firefighter has served for the requisite qualifying period. This provision recognises that a significant number of forest firefighters work seasonally. To ensure equity between the *Forests Act* framework and the FPRC Act framework, this Bill makes an amendment to the FPRC Act to ensure that a part year of service also counts as a full year for career and volunteer firefighters and vehicle and equipment maintenance workers.

This Bill also introduces amendments to enable claimants to combine their periods of service as a career firefighter, volunteer firefighter, forest firefighter and a vehicle and equipment maintenance employee in order to demonstrate they have served the required qualifying period. The amendments will ensure that claimants are not disadvantaged if they have served in a number of different capacities.

Amendments to the *Victims of Crime Assistance Act 1996*

The Victims of Crime Assistance Tribunal (Tribunal) provides financial assistance to victims of violent crime under the *Victims of Crime Assistance Act 1996* (VOCA Act).

Currently, the Tribunal may notify alleged offenders and allow them to appear at hearings where they have a 'legitimate interest' or 'substantial interest' in a victim's application for assistance. In 2018, the Victorian Law Reform Commission (VLRC) reported on its review into the VOCA Act.

The VLRC report provided extensive commentary about the problem of offender notification, particularly in regard to the chilling effect it has on survivors of sexual assault or family violence in making an application to the Tribunal. This finding also aligns with the findings of the Royal Commission into Family Violence.

Accordingly, the Bill amends the VOCA Act with the aim of prohibiting alleged offenders from being notified of, and attending, hearings for matters that involve family violence or sexual offences.

These changes will be of great significance to family violence and sexual assault survivors and send a strong public message that we support them. Survivors should no longer be fearful of making an application to the Tribunal.

The amendments bring forward a key finding of both the VLRC report and the Royal Commission into Family Violence before the establishment of a new Financial Assistance Scheme which is currently being developed. The amendments make a start on one of the things that matter most to the wellbeing and safety of victim survivors who already face significant barriers to accessing justice.

Victorian Legal Services Board appointment of lawyer Board members

The Victorian Legal Services Board (VLSB) together with the Victorian Legal Services Commissioner (VLSC) is responsible for regulating the legal profession in Victoria. At present, there is a real risk that lawyers who are subject to integrity concerns or disciplinary action by the VLSC may be elected to the VLSB.

The Bill will strengthen the VLSB's governance arrangements to ensure that lawyer members of the VLSB are subject to the same robust probity checks as non-lawyer members and that they are not the subject of actual or potential disciplinary action at the time of their appointment to the VLSB and can be removed if they are subject to disciplinary action during their term of office.

The amendments to the *Legal Profession Uniform Law Application Act 2014*, replace the current process of electing lawyer members to the VLSB with an appointment process similar to the one used to appoint non-lawyer members to the VLSB (who are currently appointed by the Governor in Council on the recommendation of the Attorney-General). To preserve the legal profession's interest in VLSB appointees, the Law Institute of Victoria and the Victorian Bar will be asked to nominate candidates for appointment.

Consistent with the appointment process, the amendments will also allow the Governor in Council to remove lawyer members from the VLSB if they become the subject of disciplinary action during their term of office.

Conclusion

To conclude, this Bill makes a number of changes to Victoria's workplace safety and compensation framework that are necessary to improve compensation outcomes for Victorian workers and their families, ensure the effective operation of Victoria's workplace health and safety laws and supports WorkSafe to improve operations and deliver on its objectives. These amendments will take effect from Royal Assent, except for the disease compensation and family support changes which are intended to come into operation on 1 July 2022.

The Bill also ensures that survivors of family violence and sexual assault are not subject to further trauma when seeking assistance.

This Bill will also expand the existing presumptive rights framework to provide coverage to eligible vehicle and equipment maintenance workers suffering from cancer and strengthen the VLSB's governance arrangements.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:21): I move:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022

Introduction and first reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:22): By leave, can I ask that we do the Alpine Resorts Legislation Amendment Bill again, just for the avoidance of doubt. If we missed a step, I think it will make the clerks' lives easier. I think a step has been missed, so I would prefer to rectify that now rather than in two weeks time.

The DEPUTY PRESIDENT (17:22): We will just do the whole thing again:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Alpine Resorts (Management) Act 1997** to repeal the establishment of the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council by that Act, to establish Alpine Resorts Victoria, to make consequential and related amendments to that Act and other Acts and for other purposes'.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:23): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms PULFORD: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:23): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the ‘Charter’), I make this Statement of Compatibility with respect to the Alpine Resorts Legislation Amendment Bill 2022.

In my opinion, the Alpine Resorts Legislation Amendment Bill 2022 (the Bill), as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Alpine Resorts (Management) Act 1997* to repeal the establishment of the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council by that Act and to establish Alpine Resorts Victoria. The Bill also makes related amendments to the *Emergency Management Act 2013*, *Forests Act 1958* and the *Circular Economy (Waste Reduction and Recycling Act 2021* to address the establishment of the new entity.

Human Rights Issues

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

The Charter sets out the rights, freedoms and responsibilities of people in Victoria. The Bill establishes a new government entity and sets out the governance arrangements, functions, powers and duties of Alpine Resorts Victoria and the management of, and strategic planning for, Victoria’s six alpine resorts.

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

- The right to take part in public life in section 18 of the Charter; and
- Cultural rights in section 19 of the Charter.

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

Section 18 [Taking part in public life]

Section 18 of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right and is to have the opportunity, without discrimination to have access, on general terms of equality, to the Victorian public service and public office.

Clause 16, which inserts a new proposed Part 3 into the Act, provides for the appointment of directors to the board. In determining appointments, the Minister is to consider a person’s skills, qualifications, knowledge and experience. Clause 16 of the Bill also provides for the circumstances in which a member of the board can resign, be removed or the office becomes vacant. The appointment requirements outlined in the Bill are reasonable, objective and do not engage any attribute protected against discrimination or conduct constituting discrimination under the *Equal Opportunity Act 2010* that is also discrimination under the Charter. Further, although clause 16 may be viewed as restricting a person’s right to take part in public life, any limitation

imposed by these provisions are justified in that they facilitate good corporate governance and hold members to account for their responsibilities as members of the board.

Accordingly, the Bill is compatible with the right to take part in public life under section 18 of the Charter.

Section 19 [Cultural rights]

Section 19 of the Charter recognises that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community to enjoy their identity and culture, maintain and use their language, maintain their kinship ties and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under tradition laws and customs.

Clause 5 of the Bill recognises traditional owners as the original custodians in the land in alpine resorts and their spiritual, social cultural and economic relationship with that land. While the Bill makes it clear that the new provision is not intended to provide for any additional rights or give rise to any civil cause of action, neither does it impact on the rights of aboriginal people under the Charter.

As the Bill does not adversely engage any human rights protected by the Charter, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

**Hon Shaun Leane MP,
Minister for Local Government
Minister for Suburban Development
Minister for Veterans**

Second reading

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:23):
I move:

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

Motion agreed to.

Ms PULFORD: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Traditional Owners

I acknowledge all Traditional Owners and First Nations peoples and I pay my respects to their Elders past and present.

I also acknowledge the close cultural and spiritual connection to Victoria's alpine country maintained by Victoria's first peoples. Groups with formal recognition and Registered Aboriginal Party status over the areas of Victoria's six alpine resorts are:

- Gunaikurnai Land and Waters Aboriginal Corporation
- Taungurung Land and Waters Council
- Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

Other groups that care for and have connection to the Victorian high country include the:

- Dhudhuroa Waywurru Nations Aboriginal Corporation
- Duduroa Dhargal Aboriginal Corporation
- Dalka Warra Mittung Aboriginal Corporation
- Jaithmathang Traditional Ancestral Bloodline Original Owners First Nation Aboriginal Corporation

The resorts are unique

Victoria's six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling—are unique places that make an extraordinary contribution to our state and to our regional communities.

They are places where more than a million visitors each year come to participate in one-of-a-kind experiences while enjoying breathtaking scenery and precious alpine environments. Visitors can experience a full range of snow-based activities in the winter months and are increasingly enjoying the resorts in the warmer months, for activities such as bushwalking, mountain biking and food and music festivals.

Each resort has its own history and special places, its own stakeholders and regular visitors, its own strengths and its own challenges.

Collectively, the six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling—are significant recreational and tourism assets for this state, contributing nearly \$1.1 billion each year to the Victorian economy and sustaining nearly ten thousand jobs.

Challenges and opportunities

The very qualities that make alpine resorts such enjoyable places to visit—their remoteness, their exposure to the elements and their location high in the Victorian alps—also present challenges.

The cost of establishing infrastructure or operating a business in resorts is high when compared to other towns or regions that primarily depend on tourism.

Alpine areas are particularly vulnerable to the effects of climate change. Whether through reduced snowfall or more frequent and more intense weather events such as storms and bushfires, we need to be managing Victoria's alpine resorts in a way that addresses these challenges head on and safeguards the resorts for future generations of visitors to enjoy.

Snow making and other snow management techniques provide a buffer against these impacts but cannot completely address all the risks associated with a changing climate.

Climate change is a pervasive, long-term challenge that requires a coordinated approach.

Over the past few years, the Victorian alpine resorts have been undertaking various adaptive approaches to ensure long term sustainable operations across 12 months of the year. This has included working with local businesses to provide an increasingly wide variety of green season products, services, events and activities designed to encourage Victorians to visit the alpine regions in the summer months.

Whilst this has long been an aspiration of the alpine resorts, to truly unlock their potential as year-round tourism destinations requires improved coordination, strategic planning and significant investment.

In 2020 and 2021 the alpine industry was particularly badly affected by the impacts of the coronavirus (COVID-19) pandemic. Restrictions to safeguard public health led to significantly reduced visitation during the winter months, the period when resorts and businesses are usually at their busiest and most profitable.

As a result, all alpine resort management boards have drawn down on their cash reserves and are now dependent on support from the Victorian Government. The Victorian Government also worked quickly to provide targeted support programs and relief schemes for alpine businesses.

Alpine Resorts Victoria

The Victorian Government is committed to supporting the economic recovery and long term financial sustainability of the alpine sector.

The Alpine Resorts Management Legislation Amendment Bill 2022 will establish a single entity, Alpine Resorts Victoria, to manage all six resorts and provide strategic leadership to the sector as a whole.

The establishment of Alpine Resorts Victoria will achieve savings through improved coordination, efficiencies of scale and reduction of duplication. It will build capability to undertake integrated, strategic and sector-wide planning for the common challenges faced by the resorts, including those associated with climate change, and help the sector recover from the pandemic and recent bushfires.

Timely and effective adaptation to climate change will help minimise the social and economic impact of climate change in resort communities and realise the economic benefits of new opportunities for alpine businesses, positioning alpine resorts as attractive places to visit, invest and live all year round.

Overview of the Bill

The primary purpose of this Bill is to amend the *Alpine Resorts (Management) Act 1997* to establish Alpine Resorts Victoria as the entity responsible for managing Victoria's six alpine resorts—Falls Creek, Lake Mountain, Mount Baw Baw, Mount Buller, Mount Hotham and Mount Stirling.

The Bill proposes the inclusion of a new clause recognising the intrinsic connection of Victoria's First Peoples to the land and waters covered by alpine resorts.

Alpine Resorts Victoria is to be governed by a board of up to nine members, appointed on the basis of their collective skills, qualifications, knowledge and experience. Importantly, the Bill proposes that the board must

include cultural knowledge and authority arising from experience as a traditional owner of land in alpine resorts.

Alpine Resorts Victoria's functions will be broadly comparable to those of existing alpine resort management boards. It will assume responsibility for the periodic development of an alpine resort strategic plan from the Alpine Resorts Co-ordinating Council.

New principles have been developed to which Alpine Resorts Victoria must have regard when performing their functions or exercising their powers under the Act. Amongst other matters, these principles emphasise the importance of protecting the unique environmental, social, cultural and economic characteristics of each alpine resort, adapting and responding to the impacts and risks of climate change, diversifying the tourism and recreation experiences on offer and partnering with Traditional Owners in policy development, planning and decision making.

To ensure Alpine Resorts Victoria works effectively with alpine businesses and stakeholders, the Bill requires Alpine Resorts Victoria to establish a stakeholder consultative committee at each resort. Amongst other matters, the Bill requires Alpine Resorts Victoria to seek input from stakeholder consultative committees on matters relating to contributions for service charges and fees.

The responsible Minister will be able to issue Alpine Resorts Victoria with a ministerial direction or issue a statement of obligations. Any such instrument will be required to be published in the Government Gazette and on the ARV website in the interests of transparency.

Necessarily, the legislation provides for the abolition of the four existing boards, the Mount Buller and Mount Stirling Alpine Resort Management Board, the Falls Creek Alpine Resort Board, the Mount Hotham Alpine Resort Management Board and the Southern Alpine Resort Management Board that manages both Lake Mountain and Mount Baw Baw. I thank all current and past board members for their service.

The Alpine Resorts Co-ordinating Council will also be abolished and again I would like to thank all current and past Council members for their service. The functions of the Alpine Resorts Co-ordinating Council will be undertaken by the Department of Environment, Land, Water and Planning and by Alpine Resorts Victoria as required.

The Bill provides for various sundry matters to support a smooth transition to the new entity. All rights, property, assets, liabilities, obligations and staff of the alpine resort management boards will transfer to Alpine Resorts Victoria. This includes any leases, contracts and agreements entered into by those entities.

Summary

In summary, alpine resort management arrangements are currently fragmented and lack coordination, with no over-arching plan or single authority to provide strategic leadership to the sector.

This Bill seeks to establish a single, modern and fit-for-purpose entity to manage Victoria's six alpine resorts, building the financial sustainability of this important sector as it responds to the impact of climate change on alpine communities.

The proposed amendments have been developed in consultation with a range of stakeholders, including existing alpine resort management boards, alpine businesses, Traditional Owners, local governments and tourism bodies. I would like to thank all those people and organisations for sharing their insights and ideas and I look forward to that continued engagement as we transition to the new Alpine Resorts Victoria.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:23): I move, on behalf of my colleague Mr Davis:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:25): I move:

That the house do now adjourn.

MICKLEHAM AND SOMERTON ROADS, GREENVALE

Mr ONDARCHIE (Northern Metropolitan) (17:25): (1771) My adjournment matter this afternoon is for the Minister for Transport Infrastructure. Greenvale residents have been left wondering why the roadworks where Somerton Road meets Mickleham Road were not done during the lockdowns as opposed to now—in an election year. Last week I was grateful to be invited by local advocate Mennan Yelkenci and Councillor Jim Overend to meet with Greenvale residents to hear their concerns. Residents raised issues about pedestrian crossings, illegal rubbish dumping and a lot about congestion. They reported about the choked Mickleham Road and Somerton Road. It is just a nightmare out there. The Somerton Road–Mickleham Road intersection roadworks are being done at the wrong time. They should have been done when we were locked down during COVID for two years, but they have just started them now. That intersection, if you listen to the morning traffic reports, is going to be closed until April this year. It is just a nightmare. And who would have thought? In the two years where not much traffic was moving around we could have done it then.

A member interjected.

Mr ONDARCHIE: Well, they might have been working from home. The money allocated in the 2020–21 state budget to upgrade those roads is less than a tenth of what it takes to fix them. It is pure tokenism. It is an insult to the locals, and they will not be fooled by this con job in this election year. My residents need to spend less time in traffic and more time with their families. The action I seek from the minister, by way of directing their department, is to duplicate Mickleham Road to Destination Drive and bring forward the Somerton Road upgrade immediately. It should have been done by now. It was promised eight years ago.

CENTRE FOR HIGHER EDUCATION STUDIES

Ms TAYLOR (Southern Metropolitan) (17:26): (1772) My adjournment matter is for the Deputy Premier and Minister for Education. The action I seek is for the minister to provide me with an update on the progress of delivering the Centre for Higher Education Studies in South Yarra. Today, 24 February, is the one-year anniversary of the appointment of Figurehead Construction to build the Centre for Higher Education Studies. It is also one year since I joined the minister in releasing the final designs for the state-of-the-art learning centre in my electorate.

This whole process has been years in the making. In the 2016–17 budget our Victorian government allocated \$12 million to schools across the state for planning. This included funding for the Centre for Higher Education Studies. In the 2018–19 state budget \$27.5 million was allocated to build the centre. The Centre for Higher Education Studies will further improve educational outcomes for high-achieving and high-ability senior secondary school students across Victoria. CHES students will be able to study first-year university courses and select VCE subjects accompanied by an enrichment program. This head start on tertiary courses allows Victoria's most capable students to undertake study aligned with their skills and interests which contributes to their ATAR, all the while gaining university credits. All of these programs will be completely accessible for our rural and regional students, with virtual platforms to complement onsite learning. I look forward to the minister's update.

SMALL BUSINESS COVID HARDSHIP FUND

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (17:28): (1773) My matter for the adjournment is for the Minister for Small Business, and it relates to Cameron Bradley of SE Bathrooms Pty Ltd, a small business man who has had a terrible time. He has been seeking to access the Small Business COVID Hardship Fund, and he submitted first on 23 August 2021. He wrote:

The reason why I am emailing you is to see if I can either get ... help with finally getting paid the hardship fund or ... advice of what I can do ... I still have not received any payment or any information at all to see if I will be receiving anything.

His accountant has been heavily involved. He was initially told that they could not verify his WorkCover number. That has since been verified, including by his insurer. He went on:

We have both done everything that the Labour government has asked of us from being fully vaccinated, staying within our 5km range, wearing masks everywhere ... Due to these lockdowns we have been hit extremely hard financially and mentally and we are still playing by the rules ...

Myself and my accountant are really over not getting any information out of whoever is looking after the small business hardship fund and we are sick of being told that it is in the hands of the escalating team ...

It is a story that many of us are familiar with, difficulties with access to the fund. It needs to be the case that in fact the department helps people, rather than blocks their progress, to get the assistance that they need.

I wonder if you would take this case on. It is something that needs to be dealt with. To be honest we have heard too many of these sorts of cases, and some have been brought to the chamber. The truth is these small business people have suffered very significantly, and they have in many ways borne the brunt of COVID on behalf of everyone. I think we owe them not only the step forward of getting out of these restrictions now but a recognition of the sacrifices that they have made effectively on behalf of all of us.

SEX WORK REGULATION

Dr CUMMING (Western Metropolitan) (17:30): (1774) My adjournment matter is to the Minister for Workplace Safety, and the action that I seek is for the minister to ensure that a course is developed to provide accreditation for the health and safety practices within the sex work industry. Many industries have training in health and safety practices, especially those that may involve bodily fluids. Hairdressers undergo it as part of their training, beauticians undergo it as part of their training and as a doctor of Chinese medicine I studied infection control as part of my degree. People working in hospitality have to gain a qualification in food handling, and all of these industries and heaps of others have to go through regular inspections by health inspectors. Many other industries where safety is an issue have occupational health and safety advisers and are subject to inspections, yet we have sex workers that have no training and no occupational health and safety advisers responsible for not only their own health and safety but also that of their clients. Now, with the decriminalisation of the industry, we can expect an increase in home-based businesses, which means that the health and safety of other family members also need to be considered. Rather than just having a set of guidelines that are yet to be developed by the Department of Health, it seems logical to devise a course and accreditation for the industry for the health and safety of all Victorians.

COMPULSORY ACQUISITION

Ms BURNETT-WAKE (Eastern Victoria) (17:32): (1775) My adjournment request is for the Minister for Transport Infrastructure. The action I seek is for the minister to ensure and provide a commitment that proper face-to-face consultation occurs with all residents whose homes and properties are acquired to make way for state infrastructure projects. I recently met with several residents living on the outskirts of Pakenham whose properties are being acquired for the new Pakenham East train station to service a new 7200-home estate. What is shocking about their story is that the media were advised prior to the residents of the acquisitions. The media were advised at 4.00 pm on 10 February 2021. It was later that night, between 5.00 pm and 8.00 pm, that representatives from the Level Crossing Removal Authority doorknocked to inform affected home owners of the acquisitions. All these residents have worked hard for their properties. In one case the husband had worked seven days a week for 10 years to build their dream home. This couple's home was just three years old when they were told it would be demolished for the train station. They were not home when the representatives doorknocked and were instead notified via a late-night phone call. Their neighbours were left to find out through the front page of the newspaper the next morning. The fact that media were advised prior to the residents is outrageous. It appears the government prioritises getting brownie points for new infrastructure over the emotions of affected home owners.

Since then some residents have received an offer which they advise does not allow them to buy a comparable home. When one resident attempted to reach out to the level crossing authority about the mental and emotional impacts this was all having, she was sent the Lifeline number. This is not caring for the community, this is not listening or even supporting those affected, and a late-night phone call is not consultation. Others have written to the authority questioning placement of the station, which is almost 1 kilometre down the road from the estate it is designed to service. The authority said they could not undertake community consultation on the station location, as it is not an aspect of the project that community feedback can influence.

The issue was raised by my predecessor, the Honourable Edward O'Donohue, in April last year, and a response was received from the minister on 26 May. In her response the minister advised that the Level Crossing Removal Project had met with impacted residents and would continue to do so regularly as the project progresses. Nine months have now passed and the affected residents I spoke to have not once been visited by anyone involved in the project. They have received updates about their own lives via written correspondence. They are now being charged rent on their own homes that I am advised is more per month than their mortgage was, and they have been told to continue paying building insurance.

The process of acquiring property is life changing and should be treated that way. This lack of consultation cannot keep happening. Therefore the action that I seek is that the minister ensure and provide a commitment that proper face-to-face consultation occurs with all Victorian residents who are going to have their homes and property acquired to make way for state infrastructure projects. They must not read about their homes being acquired in the media and they must not read it in a note left in their letterbox.

WESTERN PORT HIGHWAY NOISE

Mr LIMBRICK (South Eastern Metropolitan) (17:35): (1776) My adjournment matter is for the Minister for Transport Infrastructure and the Minister for Roads and Road Safety. A constituent has contacted my office with concerns about the increasing traffic noise coming from the Western Port Highway, which they have lived near for a decade. They are concerned that the vehicle and engine brake noise is getting progressively worse and say it will only become worse once the Dandenong South Intermodal Terminal is finalised, as this highway will become a main arterial road to the terminal. This resident has discussed the issue with his neighbours and they are all in agreement. They have requested that traffic noise walls be installed along the Western Port Highway between the Northey Road on-ramp and Thompsons Road, where there are residential dwellings. The residents acknowledge that this will take some time and they are eager for the process to begin as soon as possible in the hope that works might be completed before the new intermodal terminal is operating, estimated to be in 2023. For the wellbeing of the residents, will the minister consider immediately implementing a ban on the use of engine brakes in the area and begin the work to assess if traffic noise walls will be an effective long-term solution along the Western Port Highway?

ALBURY WODONGA HEALTH PSYCHIATRIC SERVICES

Ms CROZIER (Southern Metropolitan) (17:36): (1777) My adjournment matter is for the attention of the Minister for Health, and it is regarding psychiatric services at Albury Wodonga Health. I have been informed by a number of very concerned practitioners or former practitioners about the lack of services for Albury Wodonga Health, and as one practising psychiatrist emailed me and said:

Over only a few years, the service has gone from a functioning service with dedicated staff to one in which many staff have left and those that are still there are demoralised and exhausted. This was happening well before COVID. Every local psychiatrist has left and many locums and international psychiatrists who have been brought in to fill the gaps have left ... due to working conditions and difficulties with management.

The local member, Bill Tilley, has spoken to me on several occasions about this. He has been raising issues. He is very concerned about the services and what is happening in his community and what is occurring at Albury Wodonga Health. As the psychiatrist said, this has not happened through COVID.

The bushfires ravaged that part of Victoria, as Ms Lovell knows only too well, through 2019. It was very demanding on some of these communities. These psychiatrists and these doctors and nurses who are committed to supporting their local community have been left high and dry. It is really serious, and it has gotten worse. These psychiatrists are saying that it is going from bad to worse where people are leaving, and as one also mentioned to me, Nolan House, the acute inpatient unit, has seen some horrendous issues arise, including where a serious incident happened in this facility—sadly, a suicide in April of last year. It is an area which needs urgent and major reform and rejuvenation. These staff are under pressure. They are leaving. They feel that they cannot speak out. They feel really as if there is nowhere to go. So many doctors have left, and they are leaving this community that has so many needs, not just from the bushfires of 2019 but also from COVID and the border closures. All of those incidents that were happening with the border closures have just been a tremendous burden on this community. So the action I seek is the minister's immediate intervention into this crisis that is occurring at Albury Wodonga Health and that he ensure that there are appropriate and adequate psychiatric services that will service that community.

CONUNDRUM HOLDINGS

Mr QUILTY (Northern Victoria) (17:39): (1778) My adjournment matter is for the Minister for Planning. Late last year I was contacted by Conundrum Holdings, a family-owned and operated quarry business that I have been working with for some time. They were upset after an attack on their business by a Liberal MP who represents the Northern Metropolitan Region, who posted a Facebook video calling on the people of Beveridge and Wallan to contact you, Minister, and voice their opposition to Conundrum's new quarry proposed for the area. Mr Ondarchie, the quarry is still in Northern Victoria Region, and you are poaching in my territory. The video is still publicly available online, dated 9 November with the hashtag #Fighting4MelbsNorth.

This has caused considerable grief for a family-owned business that is providing economic benefits to the region and the state. Ron Kerr, the business owner, was shocked that a political party that purports to stand for small business and free enterprise was targeting his business and their new quarry that is over 15 years in the planning. To be fair, I was not surprised. There is a reason that small businesses are abandoning the Liberal Party and coming to the Liberal Democrats. We are a party that has values and that does not abandon principles in a grubby hunt for nimby votes. Quarries are an essential part of our economy. You cannot purport to be a party of government when you are calling to shut down industries we need for jobs and buildings.

Fast-forward to January 2022, and the Mitchell Shire Council sent out quarry hate mail with their rates notices. I have a copy, but I am sure the minister has seen it as well. In their targeted campaign against the quarry, which this government has previously supported, they open with the headline 'Tell Minister Wynne to put quarry in bin'. They included a reply-paid form to send to the minister with a number of predetermined options for a resident to choose from to state why they oppose the quarry. This is an appalling use of ratepayers funds. We have seen hundreds of ratepayers who support the quarry and its economic benefits for Melbourne and northern Victoria. As the Minister for Planning, Mr Wynne should appreciate as much as I do—as apparently the Libs do not—the value that small to medium-sized quarries such as the one proposed at Wallan bring to our state, particularly in terms of planning, growth and development. I have been to Conundrum's existing quarry in Melbourne's north, and it is not intrusive, noisy or disruptive.

Life is tough enough for extractive industries in this state already. We need less restrictions, not more, to bring down the costs and create jobs. We need these quarries to keep pace with the ongoing development throughout our state and to power the government's Big Build. It may not be the biggest vote winner, but without quarries to extract these resources, where will our new houses, foundations, roads and bridges come from? Will we have them flat-packed to us from China? The action I seek is for the minister to publicly endorse and affirm his support for this quarry as well as all quarries in Victoria. Quarries provide the state with the resources needed to meet our current and future development needs.

SEVERE WEATHER EVENT

Ms LOVELL (Northern Victoria) (17:42): (1779) My adjournment matter is directed to the Minister for Emergency Services and concerns the government's recovery response to the June 2021 windstorms that ravaged the Yarra Ranges local government area. The action that I seek from the minister is for her to consult with the Yarra Ranges council and provide it with the funding necessary for the council to implement a comprehensive recovery plan that will support its communities still suffering the effects of the devastating windstorms that hit the shire in 2021.

The windstorms that hit Melbourne in June 2021 caused devastating property damage and untold heartbreak throughout many suburbs, including the Yarra Ranges LGA. Winds reached speeds of 120 kilometres an hour throughout the Yarra Ranges and the event destroyed 71 homes and severely damaged another 60 homes. As well as these displaced families, 32 000 residents lost power for more than a week and 3000 homes were without power and internet for more than a month. The area's drinking water was contaminated, and more than 25 000 trees fell across the Yarra Ranges LGA.

The government's recovery funding to Yarra Ranges council in response to this devastation has been completely inadequate, and more funding is desperately needed. I recently met with councillors and officers at the Yarra Ranges council, who outlined several key recovery initiatives. They require the state government to help them rebuild their local communities. No government funding has been made available to deliver wellbeing initiatives and programs, including making formal counselling available to victims and holding special events that would encourage community togetherness.

Funding is required to clear the estimated 2000 trees that remain felled on private land, causing a major bushfire threat across the shire. The terrain and the size of the trees mean that government assistance is needed to complete this work. Yarra Ranges council have identified that the state recovery model is built around bushfire events and the current model hinders the ability of authorities to properly respond to other natural disasters such as storms. Yarra Ranges councillors and officers indicated that every approach made to the state government for assistance is met with the same response each time: 'We have no money'. Obviously council finds this quite frustrating, but just as concerning is that current agreement regarding recovery between the Andrews Labor government and the Yarra Ranges council was just for one year and expires in the not-too-distant future. The one-year funding of \$3.5 million was clearly inadequate, and the prospect of this funding ending soon when council still has so much recovery work to undertake is extremely concerning and totally unacceptable.

BALLARAT AND WARRNAMBOOL RAIL LINES DISABILITY ACCESS

Mrs McARTHUR (Western Victoria) (17:45): (1780) My adjournment matter is for the Minister for Public Transport and concerns disability access for commuters on the Ballarat and Warrnambool rail lines. Despite spending \$28 million to upgrade the Ballarat railway station, it fails the most vulnerable members of the community who depend on public transport. Grampians DisAbility Advocacy has written to members of Parliament, including those opposite, to press the extraordinary situation that 'the Ballarat railway station is the only site on the Melbourne–Ballarat line that is not accessible to all people with a disability'. This is an appalling outcome. It is incomprehensible that \$28 million of taxpayers money can be spent and yet not one cent can be found to improve the access for people with mobility devices. It is staggering. I thank the Grampians advocacy's executive officer Deborah Verdon for her continued advocacy for our most vulnerable people. Ms Verdon says users of mobility devices take their lives in their hands when crossing between platforms because they are unable to use the heritage staircase.

This is not the first time I have spoken in this place about the need to improve transport services and accessibility for people with mobility and disability issues. Similar concerns are also being raised on the Warrnambool rail line, specifically in regard to wheelchair access on the trains. Such blatant failure of those in need reminds us what this government really cares about: itself and life inside the tram tracks. It cares about segregation based on medical procedures, putting masks on schoolchildren and stacking the bureaucracy with ALP comrades. This is a government that talks about inclusivity but

fails at the most basic levels. This is a government that demands more of others than it does of itself. It stipulates and legislates for private industry and businesses to spend millions of dollars adhering to accessibility codes and standards. As such, it would seem that we have one set of standards for the Andrews government and another for everyone else. So the action I seek from the minister is for this shameful disability access issue at Ballarat railway station and for the wheelchair access on Warrnambool trains to be remedied to ensure that the Victorian public transport system caters for every Victorian and not just those inside the tram tracks.

RETIREMENT HOUSING

Dr RATNAM (Northern Metropolitan) (1781)

Incorporated pursuant to order of Council of 7 September 2021:

My adjournment matter is for the minister representing the minister for consumer affairs, and my ask is that the minister expedite reforms to the retirement housing sector to introduce an independent housing dispute service.

Victoria's retirement housing sector has been overdue for reform for over five years now.

The LSIC inquiry into the retirement housing sector, which my Greens colleague Colleen Hartland referred in February 2016, investigated a wide range of issues within the sector, including long and unfair contracts, complicated exit fees, operators with little to no training in managing retirement housing, and difficulty resolving disputes.

The inquiry made a number of recommendations for reform, including a government review of the Retirement Villages Act and the introduction of a new dispute resolution service for the sector—as they described it, ‘a new alternative for low-cost, timely and binding resolution of disputes in the retirement housing sector’.

The government has begun a review of the Retirement Villages Act, which is also looking at internal and external dispute resolution processes and how these could be improved.

However, we're still waiting on the finalisation of that review and the introduction of a bill to reform the act—legislation which we were promised we'd see before the end of this term.

In that time, the issues within the retirement housing sector are ongoing, with residents still struggling to resolve disputes with their village and park management.

Many older people are living in housing with inadequate, intimidating, and unfair internal dispute resolution processes, where managers are easily able to manipulate or bully residents to stay quiet.

I've met with retirement housing residents who have told me about some really poor behaviour on the part of managers and operators of retirement housing. Examples of managers ignoring urgent requests for maintenance or bullying residents into accepting unfair contract terms are some of the really concerning stories I've heard.

If residents attempt to resolve their dispute externally by going to VCAT, they are then left to navigate a complicated tribunal system and rack up thousands in legal costs, and no guarantee of a timely or effective outcome.

There are also concerns that the review of the Retirement Villages Act may not produce reform for the whole of the sector, especially the many people who live in other types of retirement housing like residential parks, caravan parks, independent living units and rental villages.

In fact, the concerns about dispute resolution are widespread across the housing system as a whole. We know our renters are commonly in a similar situation when resolving disputes with their landlords and property managers, having to wait months at VCAT to get maintenance requests addressed.

And we've seen this especially in public housing, where the department has done a really poor job of responding to concerns from residents about their safety, security and quality of life.

Where there is a power imbalance in housing, there is almost always someone willing to exploit it.

We need an avenue for dispute resolution to address this, and empower our renters, public housing tenants and retirement housing residents to resolve issues in a low-cost, easily accessible way.

And for older Victorians in retirement housing, the solution needs to address the whole of the sector, not just the villages governed by the Retirement Villages Act.

I ask that the minister expedite reforms to the retirement housing sector to introduce an independent housing dispute service.

IVANHOE EAST PLANNING

Dr BACH (Eastern Metropolitan) (1782)

Incorporated pursuant to order of Council of 7 September 2021:

My adjournment matter tonight concerns planning matters in Ivanhoe East that many of my constituents are very concerned about. The action I seek is for the Minister for Planning to meet with my constituents in order to understand their grievances.

My office has received numerous pieces of correspondence from residents over the planning process regarding the 6293-square-metre site at 321 Lower Heidelberg Road. Their concerns are not just about the impact they believe this project will have on their community. Indeed, they are primarily about a process that they view as highly unusual and deeply flawed.

Initially, this project went through the usual processes and assessments that councils and governments have laboriously established over many decades of reform: processes and assessments that seek to balance the need for new development with community concerns. It is safe to say that this is a very delicate balance.

As a result of these initial processes I am advised that this project was rejected by Banyule City Council on 10 grounds. Yet the project is now being considered through a different mechanism—something that has been noted in correspondence to me with great concern.

My constituents feel they have been locked out of these processes and discussions. The local lower house member, Mr Carbines, should be advocating on their behalf to his Labor Party colleague—the minister.

In the absence of any action from him, I will certainly seek to fill the void.

The concerns of my constituents regarding this significant project are genuine, and deserve to be heard, respected, and responded to in full. Thus, I call on the Minister for Planning to meet and engage with my constituents.

RESPONSES

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:48): I thank all members who have contributed to the adjournment debate this evening, a range of issues from members for the attention of my ministerial colleagues. To Mr Ondarchie, Ms Taylor, Dr Cumming, Ms Burnett-Wake, Mr Limbrick, Ms Crozier, Ms Lovell and Mrs McArthur, I will seek a response as is the normal course of things from the respective ministers.

Mr Quilty's matter, I think, asked something of the Minister for Planning that is quite difficult for him to do given his obligations in the context of the legislation, but it very much falls within the responsibilities I have within the resources portfolio, so we will seek a written response from the planning minister. But I just wanted to reflect on your comments and your observations. Everybody loves a level crossing removal project and everybody loves a freeway upgrade. There is nothing quite as exciting as moving into a new home. These materials do not come from thin air, and so providing certainty for our quarrying industry is really important and is something I am very committed to doing. So I concur with many of the sentiments that you expressed in your contribution on behalf of one business in particular, but I think the same can be said of these businesses, many of which are small businesses, right across the state that do an incredibly important job in keeping the rest of us moving around and doing the things that we want to do. So thank you for your advocacy. I will invite the Minister for Planning to provide a response as it was right in the grey area between our two portfolios.

Mr Davis raised a matter for my attention in the small business portfolio from a gentleman, Cameron Bradley of SE Bathrooms, in relation to an outstanding query around the Small Business COVID Hardship Fund. I managed to grab Mr Davis before he left the chamber to take Mr Bradley's contact details, and my office is already in the process of following that up.

But I take this opportunity to thank Mr Bradley and his family and his workforce. Mr Davis made some comments about how they had done everything that had been asked of them throughout what has been a very challenging couple of years—restrictions, 5 kilometres, all kinds of things that have been difficult and hard. I just want to take this opportunity to acknowledge that and acknowledge that

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this family and this business have done everything that has been asked of them. With the Small Business COVID Hardship Fund most claims were able to be paid very, very quickly. There were a small number relative to the overall fund that had anomalies that needed to be attended to—numbers not matching, issues with registrations and some of the checks and balances that I think most members would agree are an important part of administering a fund of that scale supporting that many businesses. So what I would indicate to Mr Davis, through *Hansard* in his absence, but also to Mr Bradley is that if there is any way for us to determine that he is eligible for that grant, then we will get to that very quickly.

The PRESIDENT: The house stands adjourned.

House adjourned 5.51 pm until Tuesday, 8 March.