Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 2 May 2024

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)
Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew[1]	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira[2]	Western Metropolitan	IndLib	Ratnam, Samantha[5]	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina[3]	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David[4]	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard[6]	North-Eastern Metropolitan	Lib

[1] Resigned 7 December 2023
[2] Lib until 27 March 2023
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] Appointed 7 February 2024

Party abbreviations

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

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Thursday 2 May 2024

The PRESIDENT (Shaun Leane) took the chair at 9:31 am, read the prayer and made an acknowledgement of country.

Joint sitting of Parliament

Senate vacancy

The PRESIDENT (09:33): I have to report that the house met with the Legislative Assembly yesterday to choose a person to hold the seat in the Senate rendered vacant by the resignation of Senator Janet Rice and that Stephanie Hodgins-May was chosen to hold the vacant place in the Senate.

Petitions

Drug harm reduction

Sarah MANSFIELD (Western Victoria) presented a petition bearing 24 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that there were 4,887 overdose deaths in Victoria between 2013 and 2022. The overdose death rate per head of population in metropolitan Melbourne is very similar to the rate in regional Victoria. The number of overdose deaths involving illegal drugs has risen steadily over time, almost doubling between 2013 and 2022. The petition brings awareness to the increasing lack of capacity and effectiveness within the current AOD treatment services to prevent overdose deaths and overdose harm in our local communities.
>
> **The petitioners therefore request that the Legislative Council review the current harm reduction strategies and introduce overdose prevention rooms, (also known as medically supervised injecting rooms) alongside community Needle Syringe Programs in the Geelong region and/or any other location where drug use was affecting communities. These facilities need to be wrap-around services that act as a gateway to health and social services for people with addiction.**

Middle East conflict

Samantha RATNAM (Northern Metropolitan) presented a petition bearing 2079 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Victorian Labor Government formed a partnership with Elbit Systems, Israel's largest weapons manufacturer, in January 2021; signed a memorandum of understanding with the Israel Ministry of Defense in December 2022; and that leaders of the Victorian Labor Government in both Houses moved resolutions on 17 October 2023 declaring that it "stands with Israel and recognises its inherent right to defend itself" without any reference to international law or restraints on civilian casualties. Since these actions, the Israeli military has killed or wounded over 100,000 Palestinians and maintained a siege on Gaza, leading to an impending famine of nearly all 2.3 million Palestinians, according to the UN. The International Court of Justice made an interim finding that there is a plausible case for genocide of the Palestinian people by Israel. The UN has affirmed that all states that have acceded to the Genocide Convention have a responsibility to prevent genocide; as a signatory, Australia has clear obligations. The Victorian Government's partnership with Elbit Systems, which manufactured the drone that murdered Zomi Frankcom, risks implicating Victoria in the crime of genocide.
>
> **The petitioners therefore request the Legislative Council call on the Government to end its partnership with Elbit Systems and its memorandum of understanding with Israel's Ministry of Defense, and support an immediate embargo on military trade from Victoria to Israel.**

Samantha RATNAM: As this petition is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of next sitting week.

Ringwood East train station

Sonja TERPSTRA (North-Eastern Metropolitan) presented a petition bearing 1382 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the Victorian Big Build Level Crossing Removal Project in Dublin Road, Ringwood East which is currently under construction. However, this multi-million dollar upgrade does not include toilet facilities, which should be a basic right, the Government is missing the mark. This is an amazing opportunity to significantly improve the functionality, character and pride of place for Ringwood East's locals, visitors and businesses for years to come. This train station and public space must be better than before, designed to provide comfort, accessibility, safety, inclusiveness, health & wellbeing for all in our community. We fully anticipate more foot traffic from the new apartments and 460 car spaces at the new train station. This new public space must not be trapped in the past, it must change and adapt for the future. A newly designed concourse will connect the north and south residential areas, shops, health services and platforms, the missing piece of the puzzle is toilet facilities. All communities face challenging members, prioritising the needs of the majority over concerns that relate to the few is crucial. Located across from shops, this bustling concourse and forecourt will be filled with foot traffic everyday, evolving into a vibrant hub fostering community connectivity, economic growth, and local pride. As community members urgently seek restroom access from shops, resorting to makeshift solutions (trees, before construction removed them) and facing accidents in stores, the question becomes… if not now, then when?

The petitioners therefore request that the Legislative Council call on the Government to change the design of the development of the new Ringwood East Station to follow its own urban design principles and objectives, include toilet facilities and ensure that the design reflects the needs and aspirations of the community that it will serve for many years to come.

Papers

Papers

Tabled by Clerk:

Child Wellbeing and Safety Act 2005 – Review of Victoria's Reportable Conduct Scheme, under section 16ZN of the Act.

Parliamentary Committees Act 2003 – Government Response to the Public Accounts and Estimates Committee's Report on the 2023–24 Budget Estimates.

Subordinate Legislation Act 1994 –

Documents under section 15 in relation to Statutory Rule Nos. 27 and 28.

Legislative instruments and related documents under section 16B in respect of –

PrimeSafe meat industry licensing and fees determination 2024 for 1 July 2024 – 30 June 2025, under the Meat Industry Act 1993.

PrimeSafe seafood safety licensing and fees determination 2024 for 1 July 2024 – 30 June 2025, under the Seafood Safety Act 2003.

Business of the house

Notices

Notices of motion given.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (09:45): I move:

That the Council, at its rising, adjourn until Tuesday 14 May 2024.

Motion agreed to.

Committees

Economy and Infrastructure Committee

Membership

David LIMBRICK (South-Eastern Metropolitan) (09:45): I move, by leave:

That Mrs Deeming be a member of the Economy and Infrastructure Standing Committee.

Motion agreed to.

Motions

Middle East conflict

Samantha RATNAM (Northern Metropolitan) (09:45): I move, by leave:

That this house:

(1) notes that since the Legislative Council's resolution on 17 October 2023 concerning Israel and Gaza, which stated that this house 'stands with Israel', the following have occurred:

(a) over 100,000 Palestinians in Gaza have been killed, injured or are missing;

(b) a growing humanitarian catastrophe caused by the state of Israel's blockade, bombing and invasion of Gaza; and

(c) the state of Israel has indicated its intention to invade Rafah, where 1.2 million Palestinians are sheltering;

(2) recognises that the Victorian people are continuing to rise up in protest of Israel's war on Gaza from the streets to university campuses to outside weapons manufacturing companies;

(3) does not support the state of Israel's continued invasion of Gaza;

(4) supports calls for an immediate and permanent ceasefire; and

(5) calls on the Victorian government to advocate to the Australian government that it ends its support for the state of Israel's invasion of Gaza.

Leave refused.

Members statements

Portarlington Demons Football Netball Club

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:46): 2024 is a milestone year for the Portarlington Football Netball Club, the Portarlington Demons. On Good Friday the senior men's team broke a 68-game drought when they had a brilliant 31-point victory over Newcomb, which was followed hot on the heels by another victory over Ocean Grove. The energy and celebrations throughout Portarlington were contagious. It was just wonderful to see the community embrace the club's success on the field. The spirit and the determination of the club is just so strong. These are the qualities that underpin the club's deep history as it celebrates its 150th anniversary year. Their longevity highlights the integral role the club has played in our community for generations, continues to play now and will play for the future.

The Portarlington Demons netballers and footballers are driven by the spirit and unity that was on show on Anzac Day for the annual matches against Drysdale. Prior to the games, the service and parade were absolutely packed, and our schoolchildren marched with pride. The Portarlington A-grade netball team was shining as we savoured a two-point victory over Drysdale. The people are at the core of this great club, and the football and netball clubs are united. This unity is led by Steve Cogger and all of the board, who work tirelessly to ensure the club remains a treasure of the community. Football and netball clubs are at the heart of our regional communities and provide so much more than sport.

Northern Metropolitan Region multicultural events

Evan MULHOLLAND (Northern Metropolitan) (09:48): In the parliamentary break I had the great honour of attending many multicultural and faith celebrations in the north. It was great to be able to attend, with Leader of the Opposition John Pesutto, the Assyrian New Year festival 6774 at Craigieburn Anzac Park organised by Victoria's Assyrian Australian Association. I also attended the Akitu celebration at St George's Chaldean Catholic church in Campbellfield, organised by Vic.Talk, celebrating the start of the Babylonian Chaldean New Year 7234.

It also coincided with the month of Ramadan. I have had the great pleasure of attending many home iftars in the north. I attended the Muslim Welfare Trust of Victoria iftar in Somerton – with opposition leader John Pesutto once again – and countless other iftars, including Islamic Community Milli Gorus Meadow Heights mosque street iftar, the Suleymaniye Education and Cultural Centre iftar in Meadow Heights and the Turan Australia Association iftar in Roxburgh Park. I also want to shout out the Melbourne Centre for Multicultural Youth for inviting me to their fantastic Eid event.

It was great to go to the Sri Lankan New Year festival in Craigieburn put on by the North Victoria Sri Lankan Welfare and Cultural Association. I had the pleasure of joining many friends in the Nepalese community, alongside my colleague Trung Luu, at the Bishu Parva 2024 event in Brunswick by the Far Western Nepalese Society of Victoria, and the Nepalese Association of Victoria 2081 new year's celebrations at Coburg Lake Reserve. And I would like to thank Lebanese Forces for inviting me and my colleague Trung to the documentary film premiere of *Blood on the Church Altar* by Johnny el Zoghby in Broadmeadows.

Cannabis law reform

Rachel PAYNE (South-Eastern Metropolitan) (09:49): On Sunday 20 April I and many of my colleagues on the crossbench attended a 420 rally in Flagstaff Gardens. 420 is the international day of celebration for cannabis, when communities come together to advocate for change of unfair and unjust cannabis laws. This year we saw a crowd of about 300 in attendance enjoying the festivities, including comedy from Lucy Best and music by Zepha, Pauly Shaw and DJ MzRizk. The Craze Collective also had an iconic set-up with the theme 'Who are we hurting?' It was reported that this event was a peaceful gathering; however, a heavy police presence – including the dog squad – resulted in 36 arrests. Four were given a court summons while the remaining 32 were issued with cautions. What was unique about Melbourne's 420 event was it was the only 420 event across the country where arrests were made. In fact Chief Commissioner of Police Shane Patton said:

> … we enforce the law the way it is, not the way some people would like it to be … We will have a zero-tolerance approach.

When we have data coming out of the 2022–2023 national drug strategy household survey showing 80 per cent of Australians believe that cannabis should no longer be a criminal offence, I would argue that it is not just some people who would like these laws to change but the overwhelming majority of the broader community who think policing the personal use of cannabis is a complete waste of time. Police resources are scarce, and we know that. It beggars belief that this event was a priority for the commissioner. This is why we need cannabis law reform. Thank you to all who attended.

The Florey Institute of Neuroscience and Mental Health

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:51): My colleague Sheena Watt and I recently joined the Deputy Premier and Minister for Medical Research in the other place for a tour of and discussion with the Florey Institute of Neuroscience and Mental Health. Based at the University of Melbourne in Parkville, the Florey Institute is a world leader in research on motor neurone disease, dementia, epilepsy, stroke, alcohol use disorder and other brain-related conditions. Since the amalgamation of leading brain research institutes in Victoria, which led to the establishment of the Florey, the Allan Labor government has continued to support this groundbreaking research.

During our visit we had the opportunity to speak with the staff spearheading the projects. We also had the chance to learn more about the state-of-the-art equipment being used in this research. The team at the Florey Institute are collaborating with local and global partners to research new treatments and are improving life outcomes for people living with these diseases. This is world-leading research being done right here in Melbourne, and it will shape the future of treatment for brain-related conditions not only in Victoria and Australia but globally.

The Victorian government is proud to support the work through its operational infrastructure support program and the Victorian Medical Research Acceleration Fund. I just want to take this opportunity to thank everyone at the Florey Institute for the work they do, and I look forward to hearing more of their continued success going forward.

Floods

Wendy LOVELL (Northern Victoria) (09:52): During the regional sitting I asked the Minister for Children and Minister for Disability a question about the failure of the government or the department to contact Community Living and Respite Services in Echuca to offer assistance or inquire about clients that needed to be relocated due to the floods, including clients for whom the state is the guardian. The minister responded saying she rejected the premise of the question and that the department had very specific protocols to deal with these situations. During the lunchbreak Ms Crozier and I were both approached by a disability worker from another provider who confirmed that the service they work for had also not received any contact from the department or government.

Since the regional sitting I have also received an email from a worker in Shepparton that reads:

> Thank you for your questions to the minister for Disability today. I am saddened her reply was so automatic.
>
> I am a disability worker in Shepparton who evacuated and cared for 6 residents during the floods. Sometimes working back to back shifts as there was no staff available who could get there because of the floods.
>
> We got zero support even for those who are state supported. No contact from anyone.
>
> I agree with your comments wholeheartedly.

Clearly the government failed in its duty of care. The minister should apologise to the clients, the disability service providers and their staff and implement a review to establish why the state failed in its duty of care for vulnerable Victorians during the floods and provide a report to the Parliament.

Anzac Day

Rikkie-Lee TYRRELL (Northern Victoria) (09:54): I would like to dedicate my members statement this week to all of the service men and women and the fallen and surviving veterans who have served this great nation of ours. Having attended the dawn service at Wodonga and the Corryong day service this past Anzac Day I was humbled to be surrounded by proud Australians – Australians proud of the efforts and sacrifices our armed service people have made to ensure the liberties and lands we have today. I was lucky enough to be seated with a catafalque party at the Wodonga service and to listen to them talk about their work in the army. These genuinely hardworking and happy-go-lucky soldiers were the highlight of my day. They happily shared their plans for the future within the army and also taught me some new base jargon. To meet Aussies like the four I shared breakfast with gave me a surge of pride that these are the types of people our armed forces are moulding into our future soldiers. I would like to thank the Wodonga and Corryong sub-branches for welcoming me to their Anzac Day services this year.

East Grampians water supply

Jacinta ERMACORA (Western Victoria) (09:55): Last week I attended a sod turning at Lake Fyans for the East Grampians rural water supply project. This significant project will liberate producers from the inconsistencies of rainfall, especially in the face of climate change. The new pipeline scheme will increase productivity and diversity across the agricultural sectors, enhance

community wellbeing, safety and resilience and reduce pressures on already stressed catchments in the face of climate change. These projects are absolutely fantastic. Farmers and businesses will have the confidence to invest in the area, knowing that they have a secure water supply. This is not only good for the economy but also good for the mental health of the whole community – we know the impact of drought on farmers' mental health. I congratulate board chairs Caroline Welsh from Grampians Wimmera Mallee Water and Peter Hilbig from Wimmera Catchment Management Authority and their teams and also managing director Mark Williams and all the staff of Grampians Wimmera Mallee Water for their vision, their technical expertise and their consultation and advocacy to get the funding for this project up – it is funded by federal and state and the local community. I congratulate everybody involved.

Diabetes

Gaelle BROAD (Northern Victoria) (09:56): Earlier this year I hosted a round table in Bendigo to meet with people living with diabetes, as well as parents, a doctor, an educator and a researcher. Almost 400,000 people in Victoria have been diagnosed with diabetes, and many more are unaware that they have it. All types of diabetes are growing at an unprecedented rate. Around 90 people develop diabetes every day in Victoria, making it the fastest growing chronic condition. Research indicates that 30 to 40 per cent of people admitted to hospital have diabetes. Diabetes is the third leading driver of major health issues in northern Victoria, behind cardiovascular and cancer. Heart attack and stroke are up to four times more likely in people with diabetes. Diabetes is the leading cause of blindness in adults and a leading cause of kidney failure and amputation. Private care is expensive and public support services are lacking. More needs to be done to empower people with diabetes to self-manage their condition. More hospital admissions could be prevented by having a diabetes educator on call and providing peer support services, especially ones targeted at children. Our health system is buckling. I have seen up to 10 ambulances ramped at Bendigo Health, and it is happening right across the state. It is important that resources are allocated in the coming state budget to preventative health measures to support people with diabetes, to reduce hospital admissions and to reduce the pressure on Victoria's health system.

Anzac Day

Sonja TERPSTRA (North-Eastern Metropolitan) (09:58): I rise to update the house on recent Anzac Day commemorations. This year I attended three services in my electorate, starting with the dawn service at the Croydon RSL. But the fantastic thing I just want to update the house about with that is that since the level crossing removal authority has moved the cenotaph to a more convenient location, I have to say when attending the dawn service there were more people than the eye could see. It was a wonderful thing to see so many people now coming together to support our returned servicepeople, and it was one of the biggest services that I think I have ever seen. I had to walk for about 10 minutes even to get there; I could not get a park. So that was amazing, and I just want to give a shout-out to the Croydon RSL.

The next stop was down at the Templestowe service at Templestowe RSL, at the war memorial there – again another very well attended service, with so many local community members turning out to show their support and appreciation for our many returned servicepeople.

The last stop for the day was down at Warrandyte, where I was very pleased to participate in the march. They closed down the main street and we marched from the bottom all the way up through the main street to the cenotaph, and again I would say it was another very well attended service by locals. It just goes to show that this year more people than ever are feeling the need to show their support for our returned servicepeople. I just want to thank them for their service, and I look forward to seeing them all next year.

Anzac Day

Bev McARTHUR (Western Victoria) (10:00): I would like to begin by making an acknowledgement of service. I respectfully acknowledge soldiers of the Australian nation who lost their lives during the Gallipoli landing in 1915 and all those who have died in conflicts since. I pay my respects to all members of our Australian Defence Force past, present and emerging, who have kept us safe and continue to do so.

It was a great privilege to join the local community at the Terang RSL for their Anzac Day service. I was struck by the standing room only crowd that filled the RSL hall but also was so impressed by the many children who were present. I actually brought along my little grandson Edward for his first Anzac Day service. His great-grandfather Sir Gordon McArthur lost his leg at Ypres but went on to study and row at Cambridge and was later President of this Legislative Council. It was an honour to be asked to read the poem by Lieutenant Colonel John McCrae *In Flanders Fields*.

The Terang RSL is one of the few RSL sub-branches that own their own building and grounds, and Terang's facility is a treasure trove of fascinating memorabilia. It is essential that our children and grandchildren learn of the sacrifices made by those who gave their lives so that we could flourish in a democracy like Australia. Lest we forget. I pay particular respect to Pam Bell, who did a wonderful job organising the event.

Anzac Day

Michael GALEA (South-Eastern Metropolitan) (10:01): Last week I had the privilege of attending Berwick RSL's Anzac Day service. Despite inclement weather, hundreds of local residents came together for the annual march and service, with local cadets, service officers, police, SES and school groups parading through Gloucester Avenue to High Street, culminating at the cenotaph for what was a very poignant service. It was an honour to join my colleagues from the other place the members for Narre Warren South and Berwick alongside veterans and community members in laying wreaths at the cenotaph. Thank you to the Berwick RSL for such a dignified service.

With services held across the nation, we are all reminded of Anzac Day's dual nature – a reflection on the tragedy of war and a tribute to those who sacrificed so much for our country. Let us continue to hold dear these moments of commemoration, for they remind us of the values we cherish as a nation. Lest we forget.

Les Whitehead

Michael GALEA (South-Eastern Metropolitan) (10:02): I also want to take a moment to acknowledge the passing of a friend of mine, Les Whitehead. Les and I served together for many years on a local community centre committee of management. I served for a few years, but Les had served for well over a decade. He was one of the many tireless people that we all see in our communities who work day in, day out volunteering, and people like Les are truly the social backbone of our nation. Vale, Les Whitehead.

Glendal Primary School

Richard WELCH (North-Eastern Metropolitan) (10:03): Last Thursday I had the pleasure of meeting teachers and students of Glendal Primary School in my electorate. It felt like I entered a world of exploration and discovery. Thank you to Deborah Grossek firstly for the tour but mainly for her vision as the local principal. Her school has become a thriving hub of STEM education, igniting young minds with curiosity and innovation every day. Fifteen years ago Ms Grossek embarked on a bold mission to integrate STEM deeply into her school's culture, transforming classrooms into dynamic environments where learning is an adventure. Today Glendal Primary School is home to 900 eager learners, each exploring the vast possibilities of science, technology, robotics, engineering and maths. At Glendal robots are not just part of the imagination; they roam the halls and were built by the very hands of the students. These are our future engineers, and they need classrooms that are vibrant

workshops where subjects like mathematics and science leap from the pages of the textbooks into the real world, engaging and inspiring our students.

As an entrepreneur who built a successful business by leveraging the power of STEM, I can testify to the doors these fields of study open. Not just a pathway to promising careers, STEM skills are the keys to solving global challenges, from medical breakthroughs to technological innovations. Glendal proves it can be done and it can be done in primary schools. For the sake of Glendal Primary School and their exceptional STEM program, I hope this year's budget rewards their hard work and gives them the facilities they need to grow this amazing program.

Sandringham College

Ryan BATCHELOR (Southern Metropolitan) (10:04): Last week I had the privilege of representing the Minister for Education at the official opening of some truly spectacular new facilities at Sandringham College. The Victorian government has contributed $10.5 million, alongside $18 million from the City of Bayside and $4.7 million from the Commonwealth, to build some new indoor–outdoor basketball and netball courts, upgraded music, dance and drama facilities and a new canteen. Completed late last year, officially opened last week, it was great to be there at my old school to see the difference that this partnership between the Commonwealth and state governments has made to the students, and not only to the students but also to the broader Bayside community, particularly those who play netball. There are a dozen new netball courts on the site. It is a partnership between the school, who will get use of the facilities during the day, and the community, who will get them after hours and on weekends.

I was there with the mayor of the City of Bayside Fiona Stitfold, the federal member for Goldstein Zoe Daniel and Graham Scull from the Bayside & District Netball Association, but I particularly want to thank the Sandringham College principal Amy Porter and particularly the student leaders who showed us around and gave us a really clear understanding about just how important these new facilities are to them. Sandringham College is a great school. I look forward to working with Amy, the students and the rest of the school community in years to come.

Minister for Housing

Nick McGOWAN (North-Eastern Metropolitan) (10:06): Very often the public see the worst of us, so today I would like to do something a little bit different that is perhaps in keeping with the tenor of the contributions so far. On 27 March I wrote to the Minister for Housing Harriet Shing, and I am most grateful for the minister's response and for the efforts the minister's staff made – her personal staff no doubt but also the departmental staff – because the matter I wrote to the minister on was an important matter. It related to a parent and his three vulnerable children. I am exceptionally thankful to you, Minister, your department and your staff for responding in the way you did, so thank you very much for that.

Minister for Education

Nick McGOWAN (North-Eastern Metropolitan) (10:07): While I am thanking people on the other side, there is also a member in the other place, Minister Ben Carroll. On 7 April I wrote to Minister Carroll on what I again thought was an important matter, a very important matter. In fact young Xavier, who was and still is a preppy and continues to remain, very sadly, in the ICU at the Children's, had an accident at school. This is nothing that is not public already, which is why I am revealing all the details. He fell on a pencil and sustained significant injuries. His parents Melissa and Allan continue to cope with the consequences of that terrible tragedy. I would like to extend my thanks to Minister Carroll, his staff and the department, and in particular Karen Money – she may not even know that I know that she has been involved – for her assistance and compassion, for responding in the way that they did. I thank the minister too.

Anzac Day

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:07): Last Thursday at dawn I was at the airport in Mildura waiting for a flight back home after being in the Mallee for a couple of days, and as the sun rose and as the most beautiful light settled over that glorious part of the world, a number of us gathered around a television screen in the tiny airport terminal to watch a dawn service. The point that I make here is that Anzac Day, with rosemary, with poppies and with crowds gathered in the darkness, is an opportunity for us to reflect on how it is incumbent on us at the going down of the sun and in the morning not to forget but also to make sure that our actions match our sentiment. In remembering those who have passed, those who never came home, those who still bear the scars of conflict, of peacekeeping and of the costs sustained by them upon their return, we respect you and we recognise you. We thank you and we commit to making sure that we do better with support every year.

World Veterinary Day

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:09): I want to make reference to last Saturday, which was World Veterinary Day, and in doing so I want to acknowledge that veterinarians the world over are essential healthcare workers. So to every veterinarian across Victoria who responds in times of crisis, of natural disaster and of emergency and who deals with people at their most vulnerable – when those furry, feathered or scaled friends we know, we love and we call our own families are in times of increased vulnerability needing their expertise – thank you. Thank you to every vet and every vet nurse out there who makes a power of difference.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:09): I move:

> That the consideration of notices of motion, government business, 251 to 399, be postponed until later this day.

Motion agreed to.

Bills

National Electricity (Victoria) Amendment (VicGrid) Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

> That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (10:10): I am pleased to rise and make a contribution to this bill, the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. I should say at the start that the opposition is troubled by many of the aspects of the way VicGrid is operating; we are troubled by the way AEMO, the Australian Energy Market Operator, is operating; and we are troubled by the impact of a number of the current projects and proposed projects on Victorian communities. This is obviously a time when there are real challenges in our electricity market. The national architecture has not managed these changes well, nor has the state architecture.

I want to be clear here: at the end of the day energy and this type of distribution and delivery of energy to consumers, households and businesses are ultimately the responsibility of the Victorian state government. Labor has been in power now for 10 years and has overseen the difficulties we have faced over the recent period, the massive surge in prices that we have seen. I have quoted in the chamber this week the St Vincent's survey data. In one sense it is very precise and very reliable data because it adds up actual bills paid and calculates what it costs families and businesses. That data, released late

last year, showed that electricity costs went up 28 per cent in Victoria last year, and 22 per cent in terms of gas. So these are huge imposts on Victorian families and on Victorian businesses.

The issues with gas have been well documented. The state government's *Gas Substitution Roadmap* lays out the challenges ahead, but also some perverse and bizarre solutions are proposed by the state government in terms of banning gas completely. This has to be seen in the context of the whole national electricity market, because gas is not only a domestic fuel, it is a feedstock for industry and it is an important energy source for many industrial processes, so it is important in itself. But also, importantly – and this is the linkage I wish to make – gas is an important backup, a firming capacity, in the electricity market to have the ability to turn gas on and off very quickly and to backfill where the electricity market is not able to supply what is needed. Importantly, the state government has laid out its targets. We have had discussions in the chamber this week about offshore wind and the various ambitious targets that the state government has set itself with respect to offshore wind. We know that those targets are in real trouble. Even today in the *Australian* the articles lay out the difficulties the state government is facing with achieving its offshore wind targets. These stand in stark contrast to some of the commentary by Minister Stitt in this chamber on Tuesday night, which reinforced the state government's commitments to its targets and indicated there was no risk and no slippage. At the same time we see, just two days later, articles indicating that there may well be significant issues for the state government in delivering its offshore wind energy requirements.

The state government is going to have to bring together the complex arrangements on the grid, and that is what this bill in part seeks to do. There are some aspects of this bill that we do not disagree with, but there are other aspects that we have considerable concerns about. It does not seem to us – let us be quite clear – that this deals with the social licence issue and the aggressive approach that the state government has adopted to long-distance transmission wires, and VicGrid does not seem to me to be actually coming to grips with these issues either. Certainly people I have talked to across the state have very negative views about VicGrid, they have very negative views about AEMO, so I am not arguing –

A member: You need to talk to more people.

David DAVIS: Well, I am talking to a lot of people on this, actually. You ought to get out and talk to a few more and you would actually learn something. You would learn that there are real problems.

If I can just continue, what I am saying here is that there is little confidence in VicGrid's ability to do these tasks. We are conscious that the tasks need to be done. We need to bring renewables into the market – that is important. There are obviously massive subsidies being provided for renewables. Do not let us kid ourselves that renewables are cheaper, because there are massive subsidies to make them happen. Maybe that is as it has to be, but nonetheless there are massive subsidies, and there are obviously massive challenges in bringing the electricity connections. Whether it is offshore wind and the need to bring the power onshore – to bring the cables within the 3-mile radius of state responsibility up onto the shore and then, whether it is above or below, bring it a significant distance to join the trunk transmission lines – is one part of the equation. Another part of the equation is the long-distance connections to other states and to the renewable projects elsewhere in the state, right across the state, whether it is the two main projects that have been discussed at length and have elicited such a negative response to VicGrid and to AEMO or whether it is other projects that are being undertaken or will be undertaken under the regime that is being established here, and building on the existing arrangements.

I have a number of significant concerns about this bill, but I will first outline roughly what the bill does. It amends the National Electricity (Victoria) Act 2005. It confers transmission planning functions for renewable energy zones to the chief executive officer of VicGrid. We do not think AEMO has done a good job, and we do not think VicGrid is doing a particularly good job either. I would rather see it close to home, and I would rather see it with VicGrid in Victoria rather than with a national body which almost no-one has any control over. The truth is that the AEMO people will not even meet with non-government MPs. They are absolutely unapproachable. We certainly are unable to get a meeting with AEMO. That is how distant and arrogant that body is. In the sense that this brings

some of the responsibilities home to the department – that is, VicGrid – we are not opposed to that principle in itself. It introduces the Victorian transmission planning objective to guide the CEO of VicGrid with deliberations required in relation to the Victorian transmission plan. It introduces the requirement to publish the Victorian transmission plan and the VicGrid analysis of transmission infrastructure required to accommodate new renewable generation in renewable energy zones, it provides a process for the direct declaration of an area within Victoria to be a renewable energy zone, it requires the CEO of VicGrid to co-operate with the Australian Energy Market Operator in performing respective functions, it provides for payments to landholders to host new transmission infrastructure through a scheme of annual payments for 25 years and it enables recovery by the CEO of VicGrid's costs from end users through transmission use of system charges. I will come back to that point.

The declaration of renewable energy zones, again – this is an important function but a function that needs to be exercised in conjunction with local communities rather than overriding them. We saw the planning amendment VC261 yesterday in this chamber. I sought to disallow that. The revocation motion was defeated 20–17, so that should give the government pause that there is not broad acceptance or support for the planning amendment. It is a narrow acceptance in this chamber of that planning amendment, and some of those who voted for it, I note, are privately very critical of the government's behaviour and the unbridled powers that are in VC261. But, again, the government has additional powers – greater powers – now to declare renewable energy zones. They have the power to do what they need, they say, with the transmission infrastructure to accommodate new renewable energy generation in renewable energy zones.

I for one am very cautious about how these powers are applied. This needs to be an exemplary approach by the government in terms of community consultation and engagement, and we do not think the government has done that. We do not think the government is doing it, and we actually do not think the government has any deep commitment to it either. We think there is an overweening arrogance in this government. They have been there for 10 years; actually Labor has been in power since 1999, save for four years. So you have got this long-term, established government that expect to be in government, expect that it is a right of theirs to be ministers, expect that the bureaucracy will do precisely what they say and expect that they can impose their will on the Victorian community. They are an out of touch, long-term, arrogant government, and that is a very poor mix in avoiding corruption on the one hand and avoiding the politicisation of the public service on the other. In the case of engagement with communities and listening to communities, the distant, unconcerned nature of the government, the arrogant nature of the government, is a concern.

One of the amendments that we will seek to move relates to the establishment of a community advisory committee. We think there needs to be a very strong community advisory committee. We think the membership needs to be stipulated; we do not in any way trust the government to do that otherwise. And we need to make sure that the minister and the CEO of VicGrid are forced to listen to the advisory committee. In doing so we need to try and be as strong as we can be in ensuring that the outcomes are achieved, which means that community information is filtered through, that there is a proper listening process and that options are actually put to the community and considered. That is not what has been happening now. At the moment it is all a 'take it or leave it' thing. The government is crunching through: 'You'll take this, and you'll stick it in your pipe and smoke it.' That is the way it is at the moment, and it is quite unfortunate that the state government has descended into this arrogant approach with local communities.

I want to say something too about the enormous collections of money. This will add massively to it. There is an ability for the state to scoop back additional money. The amount collected in 2005 when the land tax put on AusNet on the transmission wires was introduced was $500,000. The estimated collection this year is $246.7 million. Note that all of these costs are passed straight through to consumers, passed straight through to small business electricity consumers, passed straight through to business consumers. The money meanwhile is collected and scooped back and goes into state

revenue – consolidated revenue. That is where it goes and that is concerning. There is no guarantee that it will be spent on any useful project. It may be scooped up by the state government and utilised in that way.

The new arrangements in this bill are meant to be cost recovery arrangements. That is different and separate from the land tax but related to the scoop-out and collections out of the industry that add to the cost for consumers, whether they be businesses or families. Businesses and families are paying both of these taxes. They are being clobbered on both counts, and these are very significant impacts on the Victorian community.

The $246.7 million is almost $70 per consumer in the state. That is the average. That is actually the land tax collections. These are huge collections, massive collections, across the system. This bill will add further collections, and I have no doubt that the state government will impose land tax on every single one of the long-distance wires. They will do that in addition to any other collections that are made for renewable zones. They will do that to pump up their own revenue to deal with the state government's revenue problems. As land values have gone up, the tax collections have gone up because the scales have not been adjusted properly to reflect those changes.

I think I have covered most of the issues that I think are the critical points here. The key points I think in this bill are that whilst it brings some of these responsibilities closer to Victorians, we have little faith in the way the state government will discharge this and little faith in the way it is currently discharging it. We think that part of the problem begins with the minister. She has been in that role for too long. She has lost touch with the community, and I think that the Victorian community should be very concerned about her performance and the fact that the state is now facing blackouts into the future. The predictions for Victoria with respect to gas are entirely the state government's fault and its failing to deal with this over the last 10 years. There are issues with electricity generation as we head into a zone where some of the brown coal operators will come off, and we will need to have in place very significant additional, and hopefully reliable, power. Reliable power is going to be very important, and part of that in my view will have to be gas. There may be other options, but part of it will have to be that peaking gas capacity that can fill in the shortfall on urgent occasions.

Our amendments, which I will get to be circulated, make the point that we are concerned about the additional costs generated by payments to traditional owners, and we will seek to block those changes. If somebody would distribute that set of amendments, that would be helpful.

Amendments circulated pursuant to standing orders.

David DAVIS: Talking of the traditional owner matter, amendment 5 to clause 9 lays out that:

> Regulations made for the purposes of section 75(1) must not provide that a traditional owner right within the meaning of the **Traditional Owner Settlement Act 2010** is a prescribed interest in public land.".'.

These wires are going across public land, and this should not generate additional payments, which will be paid for by households and businesses. Let us be clear: this will be paid for by households and businesses in a time of a cost-of-living crisis, where already communities are facing huge increases. As we have said, 22 per cent for gas and 28 per cent for electricity last year. I have to say, we are not happy to see additional charges loaded up for families and businesses.

The community advisory committee would be promulgated by these amendments. They seek to establish that community advisory committee and lay out its functions to advise the minister:

> (1) The Minister must appoint the following persons to be members of the Community Advisory Committee –
>
> (a) after consulting the Victorian Farmers Federation, 2 persons to represent the interests of Victorian farmers;
>
> (b) after consulting the Australian Industry Group, one person to represent the interests of the Victorian manufacturing industry;

(c) after consulting the Municipal Association of Victoria, one person to represent the interests of Victorian rural councils;

(d) after consulting the Victorian Chamber of Commerce and Industry, 2 persons to represent the interests of Victorian small business owners;

(e) after consulting Seafood Industry Victoria, one person to represent the interests of the Victorian seafood industry;

(f) 2 persons to represent the interests of electricity consumers in Victoria.

And the minister and the CEO of VicGrid must consult with the community advisory committee, because we think this will force them to actually listen rather than to arrogantly override local communities, as they have been doing in recent times. We think this is a practical step, a step that will rein in the minister, rein in the CEO of VicGrid and force VicGrid and the minister to listen to what the Victorian community and local communities have to say as VicGrid seeks to declare renewable energy zones and seeks to lay out the traverse of large new wires and new renewable energy projects.

This is all about getting better projects. It is all about getting a smoother and more streamlined system, and it is also about getting better quality input from communities that hitherto have been overridden and bypassed by the state government, AEMO and VicGrid. These are very simple steps that we are proposing here. These are steps that will seek to ensure that there is that consultation.

The other point I want to make is that the state government's various targets face real challenges, as we know, whether they be renewable energy targets – I see Minister Stitt has come into the chamber now; we discussed this the other night – or whether they be the broader targets for other parts of the sector. We think there is real pressure on the Victorian government's targets, and we think that they are really going to have to redouble their efforts, but they are going to have to do that in an environment where many in the Victorian community have lost confidence in the minister and the government and see the government and the minister as arrogant and out of touch.

Jacinta ERMACORA (Western Victoria) (10:32): I rise to speak today on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. This bill requires VicGrid to embark on medium- and long-term strategic planning in consultation with communities and stakeholders. I am going to reassure the chamber about the concerns expressed by Mr Davis around community consultation in this bill. Perhaps the amendment is a very specific description of community engagement, but I think I can reassure him that community engagement will be required in the strategic planning process. It does include a Victorian transmission planning objective within the responsibilities of VicGrid, and this is the tool that will facilitate the engagement.

Just as a matter of introduction, the bill enables VicGrid's CEO to conduct planning for transmission projects in renewable energy zones. It allows the minister to declare renewable energy zones after that proper process is conducted, and in doing so the bill sets out processes and rules when declaring a renewable energy zone. This bill also introduces compensation to landholders where they have transmission infrastructure on their land, and it ensures that all stakeholders are consulted throughout the process at the various stages of assessment.

The bill is an important one that goes towards the Allan Labor government's ensuring that the energy sector achieves net zero emissions by 2045. It will also ensure that Victorian consumers have reliable supplies of energy. Strategic planning is an important forward-looking process that brings together technical considerations, community considerations, traditional owner perspectives and a whole range of diverse variables, such as financial, environmental and engineering, just to name a few.

This bill requires the VicGrid chief executive officer to undertake transmission planning functions for renewable energy zones. Declaration of a renewable energy zone will allow VicGrid to conduct works early, in an ordered matter, which will provide more clarity for long-term investment in transmission projects within Victoria. It also allows the best possible sequencing of infrastructure investments. The Victorian transmission planning objective will be the guide for the VicGrid CEO to utilise when conducting transmission planning in renewable energy zones.

The bill also introduces the requirement for the publishing of the Victorian transmission plan. In other words, this plan is the analysis of transmission infrastructure needs to allow for new renewable generation and renewable energy zones. The bill specifies a process to follow when the minister declares a certain area within Victoria as a renewable energy zone. A renewable energy zone declaration is done to identify geographical areas where energy generation from renewable energy sources will be of greatest benefit. A declaration will include transmission capacities within the declared zone and passages for transmission of energy. The analysis process conducted by VicGrid will be used to inform the minister in making the declaration.

The purpose of the legislation is to find a balance between competing priorities. No one use will override another. We need to build enough capacity to keep the lights on as ageing coal-fired plants close, but we need to minimise impacts on agriculture and the environment and communities, including traditional owners, at the same time.

The bill also adds payments for landholders who host new transmission infrastructure. The scheme sets out annual payments for a period of 25 years, and the formula includes $8000 per kilometre of easement hosted per year, indexed for 25 years. This is in addition to existing compensation arrangements under the Land Acquisition and Compensation Act 1986, which cover any loss of land value. The bill further sets out the criteria for those landholders deemed eligible, along with private landholders. Eligibility is extended to certain holders of rights and interests where Crown land hosts new transmission infrastructure. Payments to landholders will assist with the development of new infrastructure and will be additional to any compensation made available to landholders under the land acquisition act, as I mentioned earlier.

It is appropriate to provide a structured framework that codifies compensation for use of land for renewable energy. Ongoing payment frameworks will be calculated utilising the bill or will be prescribed in regulations for a period of 25 years. Avenues of appeal will be made available to landholders found to be ineligible or with grievances via the Victorian Civil and Administrative Tribunal. Costs from VicGrid will be recovered from consumers or end users through system charges. These costs will arise through the development of the Victorian transmission plan as well as high-priority projects. The fees and charges associated with VicGrid will be determined through consultation with the Premier, Treasurer and minister.

The bill amends section 16Y of the National Electricity (Victoria) Act 2005 to allow the minister to order to modify or disapply certain provisions of the National Electricity Law or National Electricity Rules. The national framework subjects Victorian declared transmission systems to various regulatory processes or requirements under the National Electricity Law or National Electricity Rules.

The reforms we have today before us go towards ensuring that Victoria has a reliable, affordable and renewable energy supply – no mean task. We in the Allan government know that renewable energy infrastructure is the way Victoria needs to go to ensure a cleaner future for our energy supply. These amendments go towards stabilising Victoria's energy future. They will enable cheaper energy generation and ensure Victoria is doing its part to reach net zero.

Some on the other side argue that we need nuclear power, a source of energy that would require years of policy development and legislation, not only in the Victorian Parliament but also in the federal Parliament, to even get started. It is a source of energy that, as Ernst & Young's climate change and sustainability partner Emma Herd stated in an article in the *Sydney Morning Herald* on 7 October 2023 that nuclear energy has a 20-year time frame just to plan, obtain approvals and then build a plant and an additional 10 to 20 years on top of that to build any semblance of an industry. I won't even go into the toxic waste storage and the inherent risks there.

We simply do not have time to waste in addressing the issues around climate change, growing energy requirements and rapidly ageing coal power infrastructure. With this bill and other legislation, the Victorian government is not sitting around thinking about what-ifs or if-onlys. We are actively

ensuring that we address the threats of climate change and growing power requirements and ensuring that Victoria has a stable renewable energy supply well into the future.

The Allan Labor government's commitment to future-proofing Victoria's energy supply is clear, from our investment into the SEC to our investment in innovative and emerging renewable technologies in solar and wind, like the $20 million we just invested into the Victorian company RayGen Resources for them to continue to develop photovoltaic modules that generate 2000 times more power than traditional solar systems. VicGrid is investing $480 million into projects as well to strengthen and bring Victoria's energy grid up to modern standards.

When the minister makes a declaration for a renewable energy zone, it will require stakeholder consultation, including industry and consumers. Once a declaration has been through this process they will be published and the reasons given. Everything that this government and VicGrid are doing in relation to electricity transmission is done in consultation with industry and community, and this ensures that policy is done in an informed and balanced way. The Allan Labor government has begun running community workshops and drop-ins. These workshops ensure that early engagement of landholders, communities and First Nations peoples is conducted to minimise impacts on communities, and it also enables local communities to take part in regional development opportunities that are on offer. Following the workshops, communities will be given the opportunity to provide feedback through the renewable energy zone priority areas draft. The current arrangements, the way we currently do things, are not fit for today's communities.

Importantly, traditional owners and communities are not brought in early enough, and this bill addresses that concern. I had the privilege of visiting Budj Bim with the Minister for Environment a few weeks ago. Representatives of Gunditj Mirring spoke of the trauma associated with the construction of transmission lines during the 1970s and 80s through the western Victoria area – this was several decades ago. This bill ensures that traditional owners and communities have a voice before the work begins.

Victoria has already achieved 38 per cent renewable energy, and we on this side are determined to achieve 95 per cent renewable energy by 2035. This bill before us enables the Victorian government through the CEO of VicGrid to prioritise key and critical infrastructure projects and develop renewable energy zones in areas that will be appropriate and in a balanced consideration of competing and complementary interests, ensuring that Victoria meets its targets. It means that Victoria will have a safe, secure and sustainable energy resource that will keep going even when our ageing coal-fired plants are gone. This bill and other related bills mean that we can get these projects done. It means that we can ensure Victorians have lower energy costs and a reliable power grid.

In my electorate in south-west Victoria we are seeing many renewable projects come to fruition and we have onshore turbines and also the federal offshore wind projects. I just want to address offshore wind, not only its contribution to the grid but also in terms of its environmental contributions. Some would argue that offshore wind turbines can impede the environment, but there is plenty of evidence that exists that shows that often the part of the wind turbines under the water actually enhance ocean habitats. Researchers looking at artificial reefs around offshore wind turbines in Europe found that large rocks and boulders placed around turbines were now being used as shelters for European rock lobsters.

In short this bill before us today enables long-term strategic planning to occur in this space. It allows for the declaration of renewable energy zones. It sets out processes and regulations that include communities and traditional owners, ensures appropriate compensation for landowners and makes sure that we achieve our goal of reliable, renewable and affordable energy in the state of Victoria. I commend the bill.

Bev McARTHUR (Western Victoria) (10:47): We have heard a lot about consultation. It is a new buzzword the government seem to be interested in, but they actually do not know how to practice it.

There has been no consultation with the community so far over the period of time I have been in this Parliament over the transmission lines in the Western Renewables Link and now the VNI West project – no consultation whatsoever. Local members of Parliament plus ministers plus bureaucrats have absolutely no interest in consulting with the communities that are so adversely affected. You are absent without leave at every public meeting. I was at Lethbridge Airport the other day. There were nearly 1000 people there; not one Labor member turned up, and you own the space in many areas in Ballarat and in the Geelong area. You are absent without leave and you are a disgrace, so do not come in here and talk about consultation. It is like rubbing salt into the wound for the communities all the way along these transmission line projects. If you have offshore wind at Warrnambool, Ms Ermacora, what are you going to do once the power comes onshore? Are you going to put it underground or is it going to be above ground? Because you will have another roaring fight on your hands.

It is ironic that the government introduces this bill and talks up consultation with communities yet just weeks ago gazetted planning amendment VC261, which did precisely the opposite – suppressing notification and consultation and ultimately removing the right of appeal. Do not be hypocrites and talk about consultation in this place then actually gazette a planning amendment that does exactly the opposite. It is a disgrace.

Consultation must be one of the most abused words in Victorian politics in recent years. I have lost count of the number of different issues in every aspect of government where consultations have been run and yet the result has been the preplanned, preconceived position of the department or the minister involved. It happens in planning. I will pick just two examples from different ends of my electorate: the Larcombe's farm in Waurn Ponds and the Nesseler family farm and business at the Twelve Apostles site. Both have been 'consulted with' by government, yet with no discernible benefit. The government proceeded to take the land at Waurn Ponds from the farmer and seems hell-bent on doing exactly the same at the Twelve Apostles. You are a fundamental disgrace.

It happens in public submissions too – on the extermination of brumbies in Victorian national parks and the reintroduction of dingoes in parts of Victoria. Committees of this house invite public comment and yet are ignored time and time again – on homelessness, on ecosystems. True, they are not directly government-led consultations, but Victorians spend hundreds of thousands of hours submitting material to these inquiries, committee members and staff put in a great effort at the hearings and in producing reports and recommendations, and yet ministers do not even bother to reply.

This attitude has been particularly obvious in the area of transmission line planning. From 2020, when the Western Victoria Transmission Network Project was first publicly announced, it became clear that the consultation exercise was being run backwards. A predetermined conclusion on the route had been reached, and the consultation was designed merely to sell the idea to an enraged public. AusNet and the Victorian energy minister badly underestimated both the anger the plan would cause and the ability of communities to resist government intervention. I want to at this point pay tribute to the incredible efforts of so many people in fighting this campaign at considerable personal financial and emotional cost and an amazing effect on their health. I have seen people hospitalised as a result of trying to fight government and bureaucracies over this issue. It is cruel.

The community has been threatened not just by the project but by the divisive tactics used by the company trying to construct it, AusNet. In conducting land access and use agreements with individuals, they have set neighbour against neighbour. It has been traumatic. So in February this year I was very surprised to see Engage Victoria launch a consultation called 'Developing the first Victorian transmission plan'. I was surprised, but I would not like to imagine the response of my constituents who have been fighting the blight of the Western Victorian Transmission Network Project, now greenwashed as the Western Renewables Link, for nearly four years, or their friends, whose battle against the VNI West interconnector route is also ongoing. Where was this plan before the route was imposed upon them? Why on earth is the first Victorian transmission plan being consulted upon now? It is yet another example of this government's total failure to manage the transmission element of our energy transition. The consequence has been badly designed projects, furious communities, delayed

development and a serious undermining of investment in new renewables technology. It is this total failure that means that by the Australian Energy Market Operator's figures last year, 29 per cent of wind generation and 25 per cent of large-scale solar generation in the Western Victoria and Murray River renewable energy zones respectively was wasted due to inadequate transmission capacity. Do not come in here and talk about renewable targets and climate change and zero emissions; you have no capacity to deliver.

The government's solution to all this has been VicGrid. While there may be some virtue to this model – it could hardly be worse than the omnishambles that went before – I am sorry to say that already serious concerns have been raised about the organisation's ability and, most importantly, its independence. To take just one example, plan B is an independent alternative proposal for the future of Victoria's transmission grid designed by energy academics and professional engineers Professor Bruce Mountain and Simon Bartlett. It is extremely credible, the result of years of experience, high levels of technical expertise and an enormous and dedicated effort to design an alternative to the overengineered 500-kilovolt Hobart to Townsville super grid, which has been the driving obsession of AEMO since that organisation's creation in 2010. This builds, at enormous environmental and financial cost, levels of interconnection which are almost certainly redundant in the energy future we are now approaching, with localised generation and storage. The plan B proposal delivers more than the Australian Energy Market Operator's proposed capacity increase far less invasively and at significantly lower cost. It is also significantly more disaster resilient. It has zero single points of failure, vital for infrastructure of this significance.

In comparison AEMO's proposed single-tariff 500-kilovolt lines have more than 1000 single points of failure. In firefighting terms, AEMO will ultimately create more than 1250 kilometres of new easements, many double-circuit 500-kilovolt lines with 80-metre-high towers. Plan B, in contrast, uses existing and spare easements already in use, reinforcing and augmenting 220-kilovolt lines with 41-metre towers and a small length of single-circuit 500-kilovolt line with 48-metre towers, which will create nothing like the destruction of AEMO's 80-metre-plus towers.

This detailed and credible alternative presented the Victorian government the opportunity to stop and think again before it became too late, to reconsider whether the proposals on the table, vastly expensive and damaging, were genuinely necessary. Unfortunately, the stubbornness of the minister's advisers, her department and others involved suggest this chance is being overlooked. It is actually quite horrifying to look from the outside and see that the sunk-cost fallacy has combined with political management and personal stubbornness to push them ever onwards with a deeply misconceived, damaging, expensive and irreversible mistake. Professor Bruce Mountain has written:

> VNI-West is a generation-defining potential infrastructure development. The Government of Victoria has failed to address the questions we have raised about it. As time passes and our studies and advice endures without credible critique, we believe with ever greater conviction that the Government, which has blindly followed AEMO's advice, has made a big policy blunder at considerable and needless cost to consumers, tax payers, clean electricity providers, land holders and the environment.

I am pleased to see Dr Mansfield here; I am sure she is concerned about the environment, especially in our electorate of Western Victoria Region with 80-metre-high transmission towers traversing the countryside like a spider web of steel, a disgraceful attack on the environment. VicGrid, which ought to be in a position to get this right, has completely failed here. The government, VicGrid and their consultants, Jacobs, did not engage with the report authors. They would not provide the terms of reference for the consultants, nor include them in meetings, nor did they question them on the report released. Professor Mountain notes:

> VicGrid did not ask a single question of us during this review. Beyond superficial details, Jacobs too had no questions and they did not ask to see our workings, which we were at pains to proffer. Jacobs told us they had no need to see our workings in order to reach their conclusions.

This is not an impressive start for the organisation. It does little to remove the scepticism I have about the government's attitude to consultation. It is a farce and a fraud and a lie being perpetrated on the

community. Where is the independence? Where is the competence? I have little faith that this bill will do anything to improve the overall quality of our transmission network upgrades. As experts and advisers are recycled from department to favoured consultant to quango to regulator, no new insight arrives, no new ideas or ability. Shuffling the cards in this pack does nothing if the cards themselves are worthless.

As for suggesting compensation to landholders, that is absolute rubbish. If you take the transmission lines going into the potato farming area, their businesses will be rendered inoperable. Their boom sprayers cannot work near transmission towers. You are absolutely crippling many agricultural industries, you are absolutely polluting the environment with your above-ground transmission proposals and you are not prepared to ever look at undergrounding transmission or to going to the expert alternative of plan B. But also what happens? You say you will give them compensation for 25 years. What happens after that? These towers are going to be there in perpetuity. Are you serious – 25 years of compensation? Are you going to pull them down? If we have a nuclear reactor, we will not need these transmission lines. What are you going to do then? But meanwhile all these properties, landholders, agricultural institutions and tourism precincts will be rendered inoperable and have this blight perpetrated on them in perpetuity. This is a disgraceful bill, and I oppose it.

Sarah MANSFIELD (Western Victoria) (11:02): I rise to speak on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. The Victorian Greens are supportive of this bill, a well-overdue move in the right direction for transmission, renewables and related infrastructure planning in this state. At the outset it is important to recognise that increased transmission capacity is required in our energy grid regardless of the energy source, but it is particularly critical to our rollout of renewables.

While there are different views among some regarding where this transmission should go, broadly energy experts agree that more transmission is required. As those before me have laid out, this bill transfers the role of planning for transmission to VicGrid and confers on it a number of responsibilities, most importantly related to community consultation and strategic assessment. This is a belated recognition that the approach taken so far has alienated many in our community and turned them, frankly, against renewable energy.

The Greens have been critical at the outset regarding the consultation process taken on projects like the Western Renewables Link. I have spoken to many in the community that are in my electorate of Western Victoria, and they are anxious about what these projects will mean for them. These conversations have been really hard. Their anxiety and distress are real and should not be dismissed. So much of the anxiety has come from the uncertainty and the information void that they have experienced – a sense of a lack of agency and a failure to be heard by anyone making decisions. Many of these communities have told me about how they were actually really supportive of renewables – and still are – and they felt like they had a role to play in it, but the poor planning and consultation has meant that they have not felt like they have been brought on that journey. Poor engagement has also created space for misinformation to spread, capitalising on the uncertainty and anxiety and building a broader resistance to renewables in some areas.

The Greens really welcome a renewed approach to planning that will involve communities at the earliest stages, rather than drawing a line on a map and then going to consult after decisions have been made. It is an incredible shame that this was not done prior to the Western Renewables Link being planned – or VNI West – as it has done substantial damage to the social licence for renewables in many parts of western and northern Victoria. There is still scope for improved engagement with those communities, and I really urge VicGrid to redouble their efforts, to listen and to work with those communities and provide them with the information that they need, and to continue to engage with them as these projects roll out.

When we stand back for a second and recognise the impact that fossil fuels and climate change have on people and the environment, including farmers, it is clear that this is magnitudes greater than the

impact of renewables infrastructure. It is something that can get lost in these debates. Nonetheless, we recognise that this infrastructure is not zero impact – no form of energy is – which is why we want to see genuine efforts put into ensuring that host communities directly benefit from the renewables rollout. This is part of the just transition to renewables. Not only must we support those who have relied on the old fossil fuel industries for their livelihoods to re-skill and move into the new economies, we must also recognise the role that other communities are playing in hosting new forms of energy production. This is an opportunity to deliver benefits to us all, particularly those in the regions, and avoid repeating the same old pattern of corporate profiteering at the expense of communities. But it requires the right policy settings.

Community benefit really has to be more than a simple per kilometre compensation scheme for landholders, and it is disappointing that such a simplistic measure was included in this legislation. That said, we do want to see some form of compensation to landholders, so we will not oppose that, but I will have some questions about that in the committee stage. But there needs to be a lot more considered when it comes to community benefit, because a simple per kilometre compensation scheme fails to differentiate the value of land from agricultural or ecological perspectives. It fails to consider the impact on the broader community and their needs. For example, many agricultural communities and farmers struggle with power costs, with energy costs, and when they see renewable energy bypassing them en route to the city, leaving them with unreliable, expensive, dirty power, it does nothing to build social licence. So they too should have access to cheap renewable power, and there is a real opportunity here with this renewables rollout to do that for these communities. Regional communities are struggling with housing. They struggle with access to services, with internet access and with local skills training opportunities to keep jobs in their local communities. These are things that could all be looked at as part of community benefit schemes attached to things like transmission. We have heard from traditional owners, who want their land rights considered, including potential for community ownership models that deliver ongoing benefits for them.

While we have been advised that legislation regarding broader community benefit is coming, the importance of this in terms of building social licence cannot be overestimated, and nor can the opportunity to use renewables to address chronic inequities in our regions. I think it is a shame that we have to wait for a further tranche of legislation to deal with this community benefit aspect of the renewables rollout. I think it is something that is, again, well overdue, and it goes hand in hand with consultation. However, we do look forward to seeing some further legislation later in the year that deals with this again. I will have some questions in the committee stage about what the intentions are around community benefit. But we really need to support our regional communities. We need to ensure that they are genuinely heard. I hope this legislation really marks a genuine shift in the approach that is taken, because if we do that, we can get on with the rapid transition to renewables that we need.

Richard WELCH (North-Eastern Metropolitan) (11:08): I rise to speak on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024, and off the top I endorse Mr Davis's comments regarding the importance and the role of renewables in our energy sector and the transition. I also endorse that it is far better that we localise the key accountabilities around these powers and this transition away from the Australian Energy Market Operator; it is better to have a local body to oversee projects. This is good. But let us be clear about what this bill is for and what this bill is attempting to solve. Yes, the projects that come forth are intended to address climate change and assist with renewables, but that is not actually the purpose of the bill. The purpose of the bill is to create a regulatory framework to conduct projects for that end. It is not just little projects, not just on a rooftop solar scale, but on a massive scale: North East Link scale, Suburban Rail Loop (SRL) scale – a scale that requires a statutory body to be given the powers of the state to spend and to be judge and jury over planning rules to determine what information is shared and what is withheld and what consultation it hears and what it ignores.

Why does it need these powers? What problem are these powers solving that could not be solved by Parliament and its ministers or by normal due process and transparency? What is VicGrid and the

power it is given designed to do? Well, it is explicitly, specifically and categorically designed for one thing – to ensure local communities, local individuals and local home and property owners cannot stop, interfere with or contest projects, cannot appeal against its imposts on their lives, cannot raise and alert the world to mistakes and cannot prevent its excesses. It is to ensure that people do not get in the way of the project, because the project is all that matters.

In the orders of priority, the bill makes the hierarchy very, very clear: government first, project second, renewables targets third, environmental surveys fourth, cultural heritage fifth and people last. Not just last, worse than last – they are the last and only sole group with no power and no recourse. Under the methodology of this bill it is perfectly okay to put people last. Let that sink in. This is a law that says it is okay to put people last. Environmental activists get a say. We saw what just happened at Hastings. Indigenous groups get a say – Indigenous groups have a say over land and water usage, and rightly so – but not the average Victorian, not the home owner, not the property owner, not the business owner and not the local council, nobody.

The ones most directly affected are uniquely singled out, partly I think because they do not want any pesky, uppity local residents holding things up. In order to save the people from climate change, they must come last, because every other consideration must come first, and every other interest comes before them. This project is expensive and complex, and there are important CEOs, steering committees, oversight and coordinating management and consultation structures that report to other structures that have cross-deliverables with other Messiah-complex departmental heads. All of the public servants in the world get a job with an impressive title and a pay packet, and they get a say. But you know who does not get a seat at this table – the sole group that do not get one is people, families, communities. Any consultation is entirely the gift and within the definition of VicGrid, and whether or not it is adequate is all determined by VicGrid. The targets must be met, and we must do whatever it takes to do so.

In the eyes of this government, these ends justify these means. And what are the means – well, to pull apart and eviscerate every notion of natural justice, fairness and due process that belongs to citizens. The ends justify the means, and what are the means – the means are that you will not know it is happening, you will not be able to stop it happening and you will not be able to appeal what is happening. You do not matter. Victorians do not matter. The ends justify the means. You can justify anything when the ends justify the means. There have been so many instances in history where governments have decided that the ends justify the means. It rarely ends well.

I think in the tone of those opposite there is an expectation that the people should trust the government with this power, like the people of Watsonia and Bulleen trusted the government with North East Link or like the people of Box Hill and Glen Waverley trusted that the government were not going to build massive high-rise towers and change their town landscape if they supported the SRL. It is just like when we were told to trust them with other important projects like the Commonwealth Games, like hotel quarantine, like the airport rail link and like AusNet: 'Trust us.' Trust the government that treats the $10 billion blowout of North East Link as someone else's problem and the government that promised no new taxes and then introduced 54 of them. As Mr Davis's amendments point out, the bill includes significant revenue costs to Victorians.

Trust the government that does not appear before inquiries, and when it does, those accountable cannot remember any key details. But the lesson here is that without Mr Davis's amendment, under this law, there is now in practice no recourse for citizens in contesting the government. The rule of law is that they have no rights. The scene will be a family having breakfast: trucks and builders roll up next door and start tearing up the land and beginning works, and that family will have had no right to be forewarned, consulted or even considered. Before anyone can say that is an exaggeration, that is exactly what has happened with the North East Link and exactly what is happening now with the SRL in Box Hill and Glen Waverley. Mark my words: without this amendment, VicGrid will join the ranks of the most hated government institutions in this state. It is yet another example of a government

authority created expressly to bypass the democratic process, and all norms of consultation between state and people.

It will of course have a labyrinthine management and governance structure whereby it will be completely opaque in operation. No-one will be able to point to an accountable person or function for any outcome. Responsibility will be bounced around as expedient. It will be given unprecedented powers – all the extended powers of government – granted with autonomy. It will be an autonomous body with the powers of the state – power without accountability. Not a single person in this massively well paid executive suite of this body can be voted out – not a single one. Anyone wielding state power autonomously has to answer to Victorians. We will get, at best, crappy half-year updates and annual reports that bury accountability in jargon – transferred accountability and creative accounting – and all Victorians know it. We have been here before, and we have seen before us the financial wreckage that will be left in its trail, let alone the targets. We have a budget next week, a budget that by all accounts is going to be a wrecking ball through services, through living standards and through community programs. But do you know what will not be touched – North East Link, SRL, VicGrid. Yes, those guys are looked after because after all the ends justify the means.

Those opposite can rant and rave about the coalition's ideological opposition to renewables, which of course is not the case –

A member: No, lies, lies, lies.

Richard WELCH: Lies. But what could be more ideological than a law that imposes a state authority being above its citizens – the ideology that the state knows best for you and your family? The amendments that are put forward are not just sensible, they are necessary. A community committee is a simple, small step, the bare minimum, giving people a seat at the table alongside every other stakeholder and every other unelected official. The revoking of the easement tax to avoid the project costs being passed back to consumers in a period of a cost-of-living crisis is eminently sensible, and you would think it would just be the norm within a project like this. I commend Mr Davis's amendments. I thank the house. That completes my contribution.

Rikkie-Lee TYRRELL (Northern Victoria) (11:19): I rise today to oppose the government's National Electricity (Victoria) Amendment (VicGrid) Bill 2024. My main concern about this bill is a lack of opportunity for Victorians to oppose and negotiate the construction of energy infrastructure through their communities and private properties. We have all heard from our constituents that the government's idea of consultation is feeble at best, with very little time and information provided to enable communities and individuals to respond and absorb what it is the government is proposing. This is vastly unfair to the Victorians we represent. My second concern with this bill is the amount of unchecked authority that enables the VicGrid CEO and the Minister for Energy and Resources to steamroll communities and private properties to achieve their agenda. In my opinion, this is a very undemocratic method in which to achieve an outcome here in Victoria. In fact it is quite a socialistic way to go about things.

In the past few weeks we have already seen the government remove the rights of Victorians to appeal such proposals for energy infrastructure through their planning scheme amendment VC261. This has had many of my constituents reaching out in a panic, not knowing how to save their communities from being destroyed by unwanted and dangerous energy infrastructure.

Having recently had discussions with the Victorian Farmers Federation, many concerns from farmers are being highlighted about the compensation proposals of the VicGrid lines. Who will be paying this compensation – an already broke government that will thrust even more taxes onto our struggling Victorian household budgets or the VicGrid enterprise with funds received by grants yet again funded by our Victorian household budgets? How much compensation is considered a fair price? One farmer stated that overall compensation is only enough to cover just three years of produce lost in the footprint of these lines.

I would like to take this opportunity to praise the opposition in its objection to this bill and for the amendments that it has proposed. It is good to see them standing strong for their constituents – the same constituents that I represent, the same people who do not want to see this bill passed.

Joe McCRACKEN (Western Victoria) (11:21): I rise to speak against this bill as well. This bill is basically like opening the gate for a massive bulldozer that is going to run roughshod over country communities – a bulldozer that does not care where it goes. It just cares about crushing country communities, and that is exactly what will happen.

When we talk about projects, the VNI West, which runs right through my electorate from Bulgana up to the New South Wales border, is a significant infrastructure project that requires a lot of consultation. The VNI West has been the subject of a lot of community discussion – not much of it positive. Then there is also the project called the Western Renewables Link from Sydenham to Bulgana, which runs along the spine from Melton all the way up to Bulgana through Ballarat, through prime potato-growing country. I have got to say for locals to say they are disappointed is the nicest way of saying it. They have been gutted. They have been absolutely traumatised by these activities which have been going on, as I think Mrs McArthur might have said, for over four years now. And it is now that consultation has been discovered – it is like a new buzzword that has been discovered – but consultation in words, not in action.

There was a rally in Charlton on 17 April, and the message was very, very clear: no to option 5A, a big no to option 5A. Now, will the government and will VicGrid listen to this consultation? No, they do not care about it. All they want to do is ride their bulldozer right through these communities. Let us not forget the rally that was held right out the front of this Parliament last year as well, when we had literally hundreds of people out there talking about the negative impact that VNI West is going to have, let alone the dozens and dozens of tractors that were on show for everyone to see. Is that going to be ignored as well? What about that consultation – a very visible, tangible consultation? Is that going to be ignored as well? What about the huge rally that happened last year in St Arnaud in my electorate, where again there were dozens and dozens of tractors driving down the street with placards saying 'No to VNI West'? What about that? Is VicGrid going to listen to that – no. Is the government going to listen to that – no. No Labor MPs turned up. The member for Ripon did not turn up. I was there. The Nationals were there. They do not care – clearly they do not care. If you do not turn up and you are not willing to listen, why would the community think that you actually care?

It is rather ironic actually, given that what is proposed in this legislation to be set up – it is called the Victorian transmission infrastructure framework – is supposed to include meaningful community engagement. It is almost like it has just been discovered. Although the opportunity to engage in meaningful community engagement has existed for at least four years on these matters, rarely has it been taken up by members of the government – next to zero.

If you want to talk about some of the consultation that has happened already, locals in St Arnaud have been telling me that there have been consultants – not members of the government, consultants – out on the street with iPads, and they say, 'Do you support more renewable electricity?' Very simple questions. The thing is these are basically consultants that stand out the front of the supermarket saying, 'Oh, can you please do a survey? We will give you $20.' These people could be from out of town, they could be passing through, they could be tourists. There is no robustness about the data collection in these surveys, which are supposed to inform any of the community feedback that goes on. That is not real consultation. There have been reports of consultants trying to step onto farms and going through farm gates. If anyone knew anything about farming they would know that that was a biosecurity hazard right there and then, because you do not want to bring outside materials onto a farm. But of course we cannot expect the consultants or the government to know that; they know nothing about farming.

Bev McArthur: They live inside the tram tracks, the whole lot of them.

Joe McCRACKEN: One hundred per cent, Mrs McArthur. I also want to acknowledge many, many locals that have fought for a significant amount of time through arduous circumstances, often with a lot of pushback, against consultants, VicGrid, AEMO and the like.

Bev McArthur: AusNet.

Joe McCRACKEN: AusNet as well. If you take a drive through areas in the northern part of my electorate, including northern parts from Dean through Ballarat to Daylesford, all the prime potato-growing country, you will see that there are heaps of signs – 'Stop Labor's towers'. Stop Labor's towers. I encourage you to go through there and read them and talk to locals. That might be genuine consultation. But I would like to acknowledge some locals that have been through some extremely difficult times that have still kept fighting. Glenden Watts is an amazing community leader from St Arnaud, who along with many locals has been fighting and continuing to fight so that their voice is actually heard. I have been proud to walk with them on the journey to make sure that they have been heard, to be genuinely listened to, because they continue to be ignored.

A lot of the work that has gone on around VNI West and the Western Renewables Link is on prime agricultural land. I talked about potatoes before, but there is a lot of cropping country that is impacted by this as well. If you want to carve up country Victoria with coathangers, essentially – large coathangers carrying transmission lines – where do you expect food to be actually grown? Are you going to grow it in community gardens in the city? Because that may be all that is left. Most of it is very good cropping land, extremely good cropping land, so where is food actually going to be grown? Has food security even entered the thought process in this regard at all? Because I tell you, if you talk to locals they will tell you, 'Where are we going to grow our crops? How are we going to feed the city?' It appears none of these questions have even been considered, or if they have, they have been completely and utterly ignored, which is probably more the case.

I really do hope that this is genuine consultation which is proposed in this bill. For years you have had the opportunity to consult genuinely; for years it has been ignored. Why would it change now? When VicGrid, AEMO and all these other different bodies have had the opportunity, their track record of consultation has been pathetic – zero out of 10. It would probably go into the negatives if it could – that is how bad it is. But I guess, what does it matter for you guys – for the government? What does it actually matter? Just keep on riding your bulldozer, keep on crushing country communities, keep on destroying our food bowl, because you guys have to meet your targets.

Michael GALEA (South-Eastern Metropolitan) (11:30): I rise to speak on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. After the fire and brimstone and fury of those opposite, I think it is important to reflect on what this bill is actually designed to achieve. This bill is one that will assist us in a very important measure, and that is our transition to a renewable energy future for Victoria. That is a very important thing to do. Those opposite, when they were last in power federally, had 17, 18, 19 different policies. They have no consistency, no clue, and we see that from them here today as well. Again colleagues like Mr Welch are banging the nuclear drum, which would also require new transmission lines. We do not have any clear picture. It is very rare that I find myself in agreement with Mr McGowan in this place, but at least he has the good sense –

Richard Welch: On a point of order, President, Mr Galea said that I was banging the nuclear drum. I did not mention nuclear once in my entire address.

The PRESIDENT: There is no point of order anyway.

Michael GALEA: It may have even been, I believe, Mrs McArthur who mentioned nuclear. I will take that on board.

Members interjecting.

Michael GALEA: You did mention it. The privilege of being in that chair is that you get to listen most intently to the contributions in this place, and I can very much assure you, Mrs McArthur, that you did.

Unlike those opposite, the point I am making is that we actually do have a clear and consistent plan for meeting renewable energy targets. And unlike those opposite, when we set those targets we achieve them. That is what is happening, and that is why projects like this are so important.

This bill will establish a new framework for planning and developing transmission infrastructure and renewable energy zones in Victoria with a new Victorian transmission investment framework, which will be implemented by a new body known as VicGrid. It will also establish an interim measure which will enable the new CEO of the agency to deliver these high-priority transmission towers such as the Victoria to New South Wales interconnector, better known as VNI West, Marinus Link, the Western Renewables Link and transmission connections for offshore wind projects, such as what we are going to see with the Star of the South, which is going to be an incredible project which is going to transform Victoria's energy future.

Bev McArthur: I hope you are still alive.

Michael GALEA: I am sure we will be in fact, and I think even you will be, Mrs McArthur.

Bev McArthur: I am living forever.

Michael GALEA: That will strike fear into the hearts of all your colleagues, which is great to see.

Melina Bath: I hope you are not being ageist.

Michael GALEA: Definitely not. I think you lot are much more concerned about that than I am. I very much look forward to your continued contributions in this place, Mrs McArthur.

I do want to take a moment to reflect on some amendments that have been circulated today by Mr Davis – some curious amendments in fact. One of things that the amendments seek to target is the removal of any additional payments for traditional owners. Part of this bill is actually designed around additional payments for landowners. This bill does not actually go into traditional owner payments or other payments for local communities. Future legislation will do that, but this legislation does not. So it is very curious to see in the first place that you are objecting to something that is not even in the bill.

But secondly, why are you only targeting traditional owners? Why are you drawing a line in the sand and saying they do not deserve fair entitlement? You come into this place. You are yelling at us about consultation, consultation. We are doing that work, we are doing that consultation and as part of that we are responding to that with these reasonable compensation payments, whether it is to landowners, to community groups or to traditional owners. But you are saying, 'No, no, no. Don't do that, and leave traditional owners out of it.' Never mind. It is not even in this bill. You are saying, 'Take that out altogether.'

This is exactly what we have come to expect from those opposite, from an opposition who announced on a radio interview that they are walking away from the treaty process in Victoria, blindsiding their own colleagues, blindsiding even the Leader of the Opposition, who according to the member for Rowville is the right leader at the moment. We will see what happens in a few more weeks.

Melina Bath: On a point of order, President, on relevance, that has nothing to do with this bill whatsoever. Could you draw the member back to the actual bill?

The PRESIDENT: Sorry, I missed a bit of that contribution. But to be safe, I will call the member back to the bill.

Michael GALEA: Thank you, President. I would argue I was being at least as relevant to the bill as Mr Welch was when he was talking about the Suburban Rail Loop. Much as I love talking about that in this place, I will not take up the opportunity to go down that particular line of topic. But again

the point is worth mentioning that the only people that they seek to exclude from this consultation that they are so vociferously campaigning for in this place are actually traditional owners, and that speaks to the way in which they approach traditional owners in this state. The point that I was making is that is highlighted by the absolutely cavalier, disrespectful attitude, as conveyed by the Leader of the Nationals in the other place. That is exactly why that is relevant to that.

I also note the amendments put forward by Mr Davis advocate for the establishment of a community advisory committee. Aside from various procedural functions, the amendments list the proposed membership, which would be two members from the Victorian Farmers Federation, one person from the Australian Industry Group, one person from the Municipal Association of Victoria, two people from the Victorian Chamber of Commerce and Industry, a Seafood Industry Victoria representative and two people to represent the interests of electricity consumers in Victoria, though it is very unclear what that actually entails, because of course we are all electricity consumers. But based on the make-up of that group, what is abundantly clear –

Members interjecting.

Michael GALEA: I am sure Mrs McArthur probably would sit on that, because what is abundantly clear from that list is that we know what they would try to do if that got up. We absolutely know that the first thing that they would be doing is doing their absolute best to stack it out with their own cronies. I am sure, Mrs McArthur, you would get a prime spot on it too. If you are going to put out a list like that and that is what you are doing – absolutely zero union representation for one, which I would have thought would be quite relevant and appropriate too; absolutely zero environmental representation as well, never mind; and again, complete disregard for First Nations representatives and traditional owners – we know what you are going to try and do with it. Despite the fact that you come into this place and undermine and let down farmers at every opportunity, you still think that they are on your side. You are trying to put this list in so that they would be your people, and it leads me to ask: if you are going to do that, why not just say the community advisory committee should be composed of Liberal Party branch members? That is basically what you are asking for, and I am sure, Mrs McArthur, if you did go on it, you would be putting just the same things up as what they would be saying.

Ann-Marie Hermans interjected.

Michael GALEA: But the list you are putting forward, Mrs Hermans – I do not know if you have read this list – is very, very decidedly pointed. It is a very strategically designed list of groups that you want to be consulted – only particular people, it seems. That is the plan from your side over there. Now, I am sure Liberal Party branch members have other things to talk about, like, as I say, who the best person to lead the Liberal Party is at the moment – and we will find out again next week if that is different from who it should be this week.

But I would also like to touch on some comments that Mrs McArthur made. As I said, I do enjoy listening to your contributions, Mrs McArthur, and I appreciated your thoughts and your talk about plan B. That was referenced in the Jacobs review, and you are advocating for that as a better way forward. The Jacobs review – I am sure you have read it; I know your colleagues are not very good at reading the reports that they talk about in this place, but I presume you have read it. If you have, you will know that that report says that plan B simply does not stack up. The Jacobs independent review actually found that what the Australian Energy Market Operator was saying was true and that it does not stack up. In fact to do plan B would be not only more costly but also less reliable. Further to that, again underlining the hypocrisy of those opposite, to do plan B would require vastly increased numbers of home acquisitions in Ballarat and Bendigo, and I am sure you would have something to say about that. Whether they are within the tram tracks of Ballarat and Bendigo or outside the tram tracks of Ballarat or Bendigo, more home acquisition is something that plan B would entail.

As I say, this is a publicly available review, but again what we have from those opposite amidst all the bluster is a complete failure to read the reports and to look at the facts and a complete refusal to acknowledge scientific fact that is staring at them right in their faces. It goes to the point again on renewable energy that we do not have a clear policy agenda from those opposite.

We have not had that for a long time, and –

Ann-Marie Hermans: We're not in government.

Michael GALEA: We are in government, Mrs Hermans, and I think there is a very good reason for that. I think there is a very good reason why the people of Victoria have looked at your policies for the last three elections in a row and looked at your bumbling Shadow Treasurer, who could not even produce a single figure in his pre-election press conference – they have seen what you have put forward and have rejected it three times consecutively. You say that we are in government – yes, and there is a very good reason for that. It is something that we certainly do not take for granted. When we go to the people of Victoria, we go to them with a clear policy agenda, we outline what we are going to do and they vote for it.

Those opposite, when they were in government federally – and we could bring up many state examples as well – had, what, 19-odd energy policies? We had complete dysfunction. Industry had no idea – they had no certainty and no capacity to actually invest – because your federal colleagues, in their infinite wisdom, kept changing their minds. 'Here's our new policy,' they said, 'We've fought it out in the party room. Here's another new policy,' and then, later that afternoon, 'We've been knifed; we've been necked,' because people who are ambitious for their leaders turn out to be more ambitious for themselves, and that is exactly what we are going to see from those opposite in this place as well. We see it in opposition, and we will absolutely, sure as anything, the next time –

Joe McCracken: On a point of order, President, this is completely irrelevant.

The PRESIDENT: I am happy to uphold the point of order. Also, can I remind members that constant interjections are unruly. I would suggest to the member on their feet that they do not react to interjections and also that they direct their contribution through the Chair.

Michael GALEA: Thank you, President. Sometimes it is too tempting.

I will conclude my contribution by outlining that this is one more bill that is a part of the suite of measures that this government is implementing in order to deliver the renewable energy future that Victorians need, that Victorians want, that Victorians voted for and also, extremely importantly, that our planet needs as well. As we make this transition, this is one very important bill on the step towards that destination. While highlighting the fact that if those opposite were ever given power again it would be complete chaos in the energy space, I do note that this is a very important bill for the reasons that have been outlined by my colleague Ms Ermacora and through some of the points I have mentioned today. I do commend the bill to the house.

Melina BATH (Eastern Victoria) (11:43): I am pleased to rise to make a contribution on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024 today. I considered, on Tuesday, the Energy and Public Land Legislation Amendment (Enabling Offshore Wind Energy) Bill 2024, and there are elements of crossover with this bill today. One was the point of manufacture of the offshore electricity power, and then there is the consideration of the transportation and the transmission of that electricity into the Latrobe Valley on one side, and/or VNI West, which I will speak about in my opposition to that particular plan as well.

There is a serious energy crisis that we are facing. In effect there is going to be the closure of Yallourn power station by 2028 and Loy Yang A by 2035 in Victoria. They will take considerable gigawatts – 1.2 gigawatts and 2.5 gigawatts – out of our energy system. At the moment those coal power stations run day and night and provide that firming and consistent power. This government and certainly the Nationals do not oppose offshore wind. In fact I can remember back to 2017, when the new proposed

Star of the South came to town on a tour saying, 'We'll save every town in Gippsland,' virtually, and they put that proposition before us. We listened with interest. I have said this before: certainly the offshore Gippsland area is one of the windiest places on earth – that was quoted by Star of the South. We know moving forward that the federal government have recently given the green light to six proposals, and they listed them the other day, in regard to feasibility licences to move forward, to get all that planning and assessments done et cetera. Again, we do not have a problem with that. Then there are another six moving forward potentially as well. We do not have a problem with that.

Of course when you manufacture that electricity out at sea, you create that, it has got to be transmitted from the sea, offshore, and through, in our case, to the Latrobe Valley, where it can access the current switching stations – the hard wire, shall we say – in order to move it out into homes, schools and businesses. This is all under an ideal scenario as well. We also know that AusNet in the past had been doing a considerable amount of work in that transmission space, and they had a proposed pathway – they were going to take the electricity from offshore and through a pathway. They had been doing a lot of consultation, but nowhere near the amount of consultation that will be required under the sample pathway or the sample route that VicGrid is proposing through Gippsland. Indeed they were in with 50 landholders and farmers. This proposed pathway is up to 300.

I will get to the concern around community consultation, which is vast and deep and of most concern to people in country Victoria, but first let us just look through some of this scenario. There are going to be 300 farmers and landholders that are going to have a cloud over their head in relation to the pathway. In terms of VicGrid, VicGrid have come out and said that their preferred pathway is above ground, and they are talking about a range of costs that that would take. I will go the upper echelon, because we know with this government it is always the highest value – $1.5 billion to put overhead transmission lines through an arc from roughly around Giffard into the Latrobe Valley, through Holey Plains et cetera, past Flynn.

There has been considerable commentary in my patch in relation to underground lines, and I concur and support the arguments of many people in that space. Indeed, the government or VicGrid's upper limit was around $4.5 billion. In some ways this is all quite important to delve into. The upshot is at the end of the day this will be a cost that will be shared, and some of that will be shared by consumers without a doubt.

These are important issues. What I do find interesting is that VicGrid is a government organisation – a statutory body et cetera. But here is the thing, and I am just using Star of the South as an example: they actually had a proposal to go underground, create their own electricity and produce transmission lines underground. There are all sorts of science and mechanics behind that, going underground, but this government said, 'Well, Star of the South, that's all very well and good, but if you want to play our game, if you want to play in this space, you will be cut out, shut out and locked out of any encouragement or support.' So in effect it has stifled, stymied and stopped Star of the South from doing their own underground transmission lines because of the establishment of VicGrid. There is all the rigour around it, but no: 'If you want to come and play in our patch, you have to go through our lines.' It is sort of a justification. If there is going to be the capacity that is going to be built offshore in time, to the multigigawatts – 8 gigawatts of electricity out to shore, that is what we are hearing – well, surely there could be an engagement with Star of the South wanting to do their own.

I want to understand why it is forcing Star of the South to abandon its proposed underground transmission lines. I also want to understand why the government considered an offshore connection point for all wind farms with one high-voltage direct current underground cable and then connecting them to the grid at Loy Yang or Hazelwood. How did the government address the concerns about the close proximity of the new lines – the proposed lines in this arc, this sample pathway – to the existing Basslink cables? Will the government be up-front on the fact that this transmission line will only cater at the moment for 2 gigawatts when, as I have just said, there is going to be roughly 8 to 9 gigawatts as planned? And how many more transmission lines can we expect will be needed? All of these questions are certainly open for conjecture, and the government needs to come clean, discuss that and

provide a clear understanding on those very serious considerations. Then of course it is going to ask for tenders, and good old AusNet, if it wishes to, can bid on that.

That is all there before us. What I would like to also delve into is the discussion around consultation. I have heard and listened to my colleagues and concur with their concerns around consultation. We also certainly have seen gross negligence by this government in relation to consultation on the VNI West project, and certainly I applaud all of the Nationals, whether it be the member for Mallee, the member for Mildura, my upper house colleague Gaelle Broad or the member for Lowan, and all of my Liberal colleagues for standing up for the rights of landholders and our agricultural primary producers, our farmers, and their concerns. I do remember the procession of tractors and residents concerned that their prime agricultural land is going to be nothing more than a highway of transmission lines and concerned about the impact on our food bowl and food supply. I certainly concur.

In relation to consultation, what we see in the amendment from my colleague David Davis certainly goes to the importance of having proper consultation. Some of the communication from the government around this legislation is that VicGrid will have a new Victorian transmission infrastructure framework, which includes meaningful engagement and benefit-sharing arrangements for X, Y, and Z. Meaningful engagement – well it defies me how this government consistently does the lip-service in terms of engagement. It may have an Engage Victoria website, but it is a case of 'Tell us what you think, and we will disregard it.' It happens time and time again. At the moment we have got an eminent taskforce on the future of our forests. Talking about eminent, again, this lacks the depth of expertise, and I will relate it back to this amendment. It lacks that depth of expertise in bushfires, scientists – people who actually understand what could happen from the further locking up of forests. That concerns me.

Let me go to Mr Davis's amendment. It goes to the need to have a sensible knowledge matrix: an advisory community body with two farmers – how terrible to have farmers on an advisory body where there is going to be a line through the state; a manufacturer – remember what manufacturing was? We used to do it in Victoria for decades and decades before –

Bev McArthur: Affordable power, to deliver it.

Melina BATH: That is right, absolutely. There must be a representative of rural councils, two representatives of small business – that is exactly right – and some consumers, and the minister must consult with this consultative body in relation to any works going forward.

We have heard discussion around VNI West, and I have also had the pleasure of hearing about Professor Bruce Mountain's particularly thorough investigation, *No Longer Lost in Transmission*, affectionately known as alternate plan B. We have heard of the importance from Professor Mountain of the way that existing easements can be used and can be upgraded and can still deliver those transmission lines that are necessary to cater for renewable energy. They can still deliver that without cutting swathes of new transmission lines through farming properties. I heard from Mr Galea just then that apparently the Jacobs report is ordained and that we should all bow down to it. I have it in my hand. Under pressure from the community and from the Nationals and Liberals to actually consult on this alternate plan B report, there was an investigation. But the Jacobs report's terms of reference were far too flimsy. They were insufficient, and there was no depth. There was no adequate rigour or discussion with the proponents of plan B. Certainly you can come to a rationale that it is not good enough if you do not look at it and involve yourself in the actual understanding of what that proposal is. Shame on the government for accepting this, but I also think this is fair trade for this government.

We do have issues. Certainly, I have outlined some of my issues in relation to this. We have issues with other scenarios, with the government removing the right of individuals and property owners to go to VCAT for an appeal process. That is another concern. The rights of individuals, the rights of farmers and the rights of Victorians and country Victorians are being removed. With those few words, I will say that I certainly endorse the improvements to this bill. This government has a problem to

solve, but it absolutely needs to create the right framework, and without these amendments it is in an untenable position.

Business interrupted pursuant to standing orders.

Members

Attorney-General

Absence

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:00): Before we start question time today I would like to inform the house that for the purposes of question time today I will be accepting questions for the portfolios of Attorney-General and emergency services.

Questions without notice and ministers statements

Vocational education and training

Evan MULHOLLAND (Northern Metropolitan) (12:00): (509) My question is to the Minister for Skills and TAFE. Minister, RTOs like Complete Lean Solutions were contracted by Skills First for an allocation of 500 annual places to provide accredited training in two certificate IV level qualifications. Despite high demand, however, they have had their allocations slashed by 92 per cent to just 40 places in 2024 without any notice or explanation. Why?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:00): I thank the member for his question. I actually did not catch the name of the RTO.

The PRESIDENT: Would you mind repeating that, Mr Mulholland?

Evan Mulholland: Complete Lean Solutions.

The PRESIDENT: Nothing to do with me.

Gayle TIERNEY: Can I thank the member for the question. The allocation of Skills First contracts is a matter for the department. It goes through a vigorous process with all the applicants, and there are a number of criteria that are used. What I could suggest to the member, though, is I am more than happy for him to provide that detail to me and I will seek to gain some information from the department as to what they have determined and the reasons why. When these situations have occurred in the past it has been pretty seamless in terms of those that have been awarded contracts and those that have not or have been reduced. There is always a logical reason for the decisions that are determined by the department.

Evan MULHOLLAND (Northern Metropolitan) (12:02): I would hope the minister would be able to provide that information or have that information somewhere, given that they wrote to the minister in December last year. Complete Lean Solutions is just one of many RTOs across Victoria who have had their allocations slashed. Why were they only told about this business-destroying news about a month before courses were to commence?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:02): Again I remind the member that this is a process that is undertaken by the department. In terms of those processes, it is important that the department actually undertakes those discussions. In terms of any company that writes to me in terms of these sorts of issues, I refer them back to the department to have those discussions. I would imagine that if this particular department had written to me and had undertaken those discussions, then they would have had an answer.

Local government planning

Moira DEEMING (Western Metropolitan) (12:03): (510) My question is for the minister representing the Minister for Planning or Minister for Local Government. Builders across Victoria tell me that burdensome, illogical and pointlessly expensive local government planning processes and levies are stopping them from building houses. They estimate that in Victoria it takes them two to three years to get a project to the market, where they often have to add on an extra 10 per cent just to cover costs, whereas in South Australia the same projects would take half the time and add as little as 3 per cent to the market price.

Local government planning applications are required to meet stringent criteria, but objections to them are not. They are not screened for political or financial conflicts of interest or genuine impact, and if the number of objections hits a certain threshold the decision is transferred to councillors. So although a planning application that costs tens of thousands of dollars meets local and state government planning and building criteria, it can be rejected by a subjective vote of councillors. The case then goes to VCAT, where standards of evidence are once again paramount, and the permit is granted. Will the minister ensure that local government planning applications are granted on objective criteria or not?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:04): Thank you, Mrs Deeming, for that question. I will seek an answer for you from the Minister for Planning in the other place in accordance with the standing orders.

Moira DEEMING (Western Metropolitan) (12:04): For the same minister, will the minister rein in the cost of building houses and other important local projects like childcare centres by ensuring that any fees or levies imposed on developers are required to meet a test for genuine cost recovery for services rendered by council?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:05): Thank you, Mrs Deeming, for that supplementary. Again, I will seek an answer from the Minister for Planning in accordance with the standing orders.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:05): I rise today in my capacity as the Minister for Housing. Following Ramadan last month, Homes Victoria embarked upon its largest ever engagement program when it launched Our Communities: Our Values. This is a six-week-long consultation with tenants across the high-rise housing towers. When finalised, Our Communities: Our Values will be Homes Victoria's commitment to renters, and it will guide how they engage with communities as the Allan Labor government embarks upon Australia's biggest ever urban renewal project, retiring and redeveloping all of Melbourne's 44 ageing high-rise public housing towers. Our renter communities are strong and they are vibrant. We want to involve them in the redevelopment process by drawing on their lived experience and insights.

The journey started last year when Homes Victoria held nine workshops with more than 85 tenants across the public housing tower sites. When asked what values were most important to them when government engages with community, the following values were identified as priorities: connection, respect, self-determination, diversity and inclusion, and a genuine and transparent process. These values are all reflected in the draft Our Communities: Our Values document, and now Homes Victoria wants to hear from the whole renter community as well as neighbouring communities and stakeholders to ensure that they have gotten it right. This is a really important opportunity for tenants and stakeholders to share what is important to them and to shape the way that we work and engage with communities throughout that redevelopment process.

Each and every household across our 44 public housing towers was sent an invitation to attend any one of the 23 face-to-face engagement sessions or to complete a survey via Engage Victoria. These

materials are also translated, and interpreter support is available. Consultation closes on 27 May, and I look forward to hearing from Homes Victoria on the feedback provided by hundreds more renters at the next 20 events that are scheduled to take place, including events this week at Carlton, South Yarra and Flemington.

Great forest national park

Melina BATH (Eastern Victoria) (12:07): (511) My question is to the Minister for Regional Development. Minister, has your department done any modelling on the loss to small businesses in communities like Alexandra, Eildon, Erica, Healesville, Marysville, Noojee, Warburton and Yarra Junction if your government establishes a great forest national park, banning traditional recreational activities such as prospecting and fossicking, horseriding, four-wheel driving, trail bike riding and hunting?

The PRESIDENT: I am just a bit concerned that is a hypothetical question.

Members interjecting.

The PRESIDENT: Okay, I will concede to the much greater intelligence.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:08): President, can I suggest that this question is probably better directed to the Minister for Environment.

Melina BATH (Eastern Victoria) (12:08): Minister, in your department you are responsible for regional development, and if these activities – prospecting, horseriding, four-wheel driving, trail bike riding and hunting – are banned under a proposed venture to create the great forest national park, why are you not tasking your department to build the economic case on how many jobs will be lost in towns that are already suffering now because the Allan government has closed the native timber industry?

The PRESIDENT: The issue I have is that a minister can answer on a particular issue if the question does not fall within their portfolio and falls within another portfolio. Therefore the supplementary is difficult to put, but I will let the minister answer as she sees fit.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:09): Again, as with the substantive, this is more of a matter for the Minister for Environment, and at best it is a question that is laden with ifs, maybes and hypotheticals.

Youth justice system

Katherine COPSEY (Southern Metropolitan) (12:10): (512) I have a question today for the Minister for Youth Justice. Minister, last month your government announced, as part of the youth justice bill expected shortly, that Victoria would trial the use of GPS tracking ankle bracelets on 50 young people. Evidence from New Zealand's, the United Kingdom's and the United States's implementation of ankle bracelets as an alternative to youth detention shows that the devices have not only failed to curb recidivism but can, worse, lead to increased rates of offending and incarceration. The use of GPS monitoring of children is a direct act of criminalisation, and it is in direct contradiction to what youth justice experts recommend. It is also the antithesis of the purpose of reforming the youth justice space. Why is your government supporting a measure that has not only been proven to fail but will make crime rates worse?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:10): I thank Ms Copsey for her interest in my youth justice portfolio and particularly in relation to our most recent announcement with electronic monitoring for youth offenders. From the outset let me be very clear: as a government we do not want to see young people come in contact with the criminal justice system in the first place. That is why we have invested in our early intervention and diversion framework, and we have been successful in diverting thousands of young people away from the criminal justice system very early on.

But what we do see is that there is a small group of young offenders that are repeat offenders, high-level offenders, that are out in the community. It is important and the community expects that where they are breaching those court orders – in terms of our trial it will be up to 50 – whether those electronic monitors or devices are put on young people will be at the discretion of the bail decision maker. So whether they are used and how they are used will be up to the courts. I think that is important to state as well for the record. This is another measure about keeping the community safe. For these young people, we want to see them address their underlying behaviour, because we know that is better for them, it is better for their families and it is better for their communities.

Part of our announcement – it was not just electronic devices; I know that got a lot of attention – was also about enhanced supervision as well, making sure that they are complying with those orders, making sure they are doing the educational programs that turn their lives around and making sure that they are engaging with family and sticking by what the court has ordered they comply with. So there are a whole range of reasons why we are doing this trial. It is a trial at this stage, but I think it is necessary. We need to try all options to make our community safer.

Katherine COPSEY (Southern Metropolitan) (12:12): Thank you, Minister, for the answer. I hear what you are saying, and I think that this kind of goes to the heart of my concern around the vulnerability and isolation of the cohort that is being targeted by this measure. Stakeholders and the research evidence base have been very clear that children and young people with visible monitoring devices, ankle bracelets, become so stigmatised that they are further excluded from the broader community, meaning those with ankle bracelets often only associate with other accused offenders, none of whom are able to engage in meaningful activity like work or study because of the barriers created by wearing the ankle bracelets.

The government abandoned a similar monitoring trial – so this has been done before – on young people on parole in 2018 based on expert advice about the harms that these practices caused to children. The children deserve multisectoral reintegration support, as you touched on. The funding for this trial should be directed into those measures – into rehabilitation, not criminalisation. Minister, what do you say to those stakeholders who warn that ankle bracelets will stigmatise children, especially First Nations people, and young people and set them up to fail?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:13): I thank Ms Copsey for her supplementary question. I want to thank all stakeholders for their input, but I think it is important to understand that this is a very small group and targeted to those repeat, high-level offending young people. Their utilisation is a matter for the courts. I am sure the courts will consider all those factors before placing them on young people. But it is not just a focus on the device, we also need to focus on the enhanced bail and ensuring participation in programs, because I think those programs are the key to seeing a change in young people. They are about addressing those underlying behaviours, which will be better for those children, so that they are safer as well into the long-term future and so their families are safer. Because many of them are not necessarily listening to their own families and are breaching curfews and some of the restrictions and rules and supervision orders that the courts have made. I would like to see them engage in education, see them engage with their health providers and see better outcomes for them. I think this will provide that opportunity. It is a trial, so I look forward to seeing the findings of the trial.

Ministers statements: victim and witness support

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:14): I rise today as the Minister for Victim Support to update the house on the intermediary program, a trauma-informed service that supports victims and witnesses in communicating evidence to police and courts. The intermediary program is available to support children and adults with a cognitive impairment who are the complainants in sexual offence matters or a witness to a homicide.

We know how daunting and confronting it can be to turn up at court and partake in the justice process as a whole, especially when you have complex communication needs, and that is why we have set up this program. By providing experienced communication specialists, the intermediary program helps vulnerable people communicate effectively with police and the courts. The communication specialists have expertise in a range of fields, such as psychology, social work and even speech pathology, so they can assist victims and witnesses who have a diverse range of needs. Most importantly, they provide a service that is trauma-informed and sensitive to the victim experience.

May 2024 marks three years since the program was formally embedded into our justice system after the completion of a successful pilot. Since it began the program has received over 3000 requests for assistance from victims and witnesses. More recently the program moved to its new premises, co-located with the child and youth witness service established by this government. The new premises are designed so that witnesses and victims can feel safe, to minimise the trauma they may experience through the court process and support them to provide a better quality of evidence.

As I informed the house last year, I was pleased to launch Garragarrak as the new home for the intermediary service and the child and youth witness service. Garragarrak means 'dragonfly' in the Woiwurrung language of the Wurundjeri people, an important symbol of transformation, change and adaptability. This program is just one of many that our government's transformational reforms have made to better support victims in our state, because our government knows that by listening to, supporting and empowering victims we will see better outcomes.

Community safety

David DAVIS (Southern Metropolitan) (12:16): (513) My question is to the Minister for Skills and TAFE. Minister, I refer to the growing antisemitism at Victorian universities, where the tone and behaviour of students impacts on both domestic and international students alike. Specifically, Minister, I refer to the intemperate behaviour of some pro-Palestinian demonstrators, including camping on campus now for one week at the University of Melbourne and the apparent commencement of a camp at Monash University. Minister, given the risks to student safety and the clear antisemitism involved in these demonstrations, will you utilise the powers you have under section 55(2) of the University of Melbourne Act 2009, which you administer, according to the administrative orders, to require the university to act and ensure that pro-Palestinian demonstrators on campus behave in a respectful way towards all students and that campuses are safe?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:17): I thank the member for the question. The member would well know that I condemn, and this government condemns, any antisemitic and/or racist behaviour anywhere, including our universities. You absolutely know that. The fact of the matter is that we have a position that people should be safe no matter where they are, and students deserve to be safe on university campuses. Having said that, I do encourage and support the right of students and their student organisations to peacefully protest on campus and respectfully share their concerns regarding their own welfare and the welfare of others.

What has unfolded in Israel and Palestine is absolutely deeply distressing to all of us here in Victoria and elsewhere, and it is important that we maintain respect for each other, reaffirming that Victoria stands together with all communities and all Victorians who are impacted by this conflict. Everyone has the right to come together and peacefully protest, but not at the expense of the safety of others. Universities are expected to ensure all students are safe at all times and are secure in an environment that protects and fosters safety and security.

David DAVIS (Southern Metropolitan) (12:19): The minister did not answer the simple question as to whether she will act under the powers that she has. I therefore ask: have you been briefed formally on the pro-Palestinian activism and demonstration at Victorian universities, and if so, will you make that advice public?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:20): The day-to-day management of affairs at a university fall within the providence of the university. They manage the day-to-day affairs. At the moment, this is a peaceful protest, and of course the universities where this activity is taking place are mindful of that. Now, of course if there is a situation where there is some sort of escalation, which we have seen in other parts of the world, then it will be a case where a response may be elevated and where the university, for example, or the campuses involved may contact law enforcement. But we are not at that point at this stage, and again, I encourage the ongoing respect that people must have in situations anywhere, let alone in our universities.

David Davis: On a point of order, President, it is a very simple question I have asked: has she been briefed, and will she make that public? If the answer is no, she can say no, or she can say yes, if it is yes.

Members interjecting.

The PRESIDENT: Order! In my view, the minister's answer was relevant to the question.

Georgie Crozier: On a point of order, President, I would ask you to ask the minister to withdraw the comment she made about Mr Davis, or the accusation she was calling out.

The PRESIDENT: I apologise. I did not hear.

Georgie Crozier: Well, I did, and I would ask you to ask the minister to withdraw.

A member interjected.

Georgie Crozier: She knows what she said, and she should withdraw.

The PRESIDENT: Given that I did not hear the comment, if the minister believes she has made a comment that she should withdraw –

Members interjecting.

The PRESIDENT: Ms Crozier, I will still invite the minister, if she believes that she has said something she should withdraw, to do that.

Gayle TIERNEY: On a point of order, President, I made a number of comments, none of which were actually directed at Mr Davis.

Georgie Crozier: On the point of order, President, this is question time. We are entitled as the opposition to ask questions of ministers. If the minister wants to try and bait male members of the opposition instead of answering the questions that are important to the Victorian community, then that says everything about the minister and her incapacity to handle the portfolio.

The PRESIDENT: Thank you, Ms Crozier.

David Davis interjected.

The PRESIDENT: Mr Davis, let me rule on Ms Crozier's point of order. That was more a debate than a point of order, and I did say before that I believed the minister was relevant to the question she was asked.

David Davis: On a point of order, President, I have now been told what the minister said, and I do take offence at that. I ask her to withdraw.

The PRESIDENT: The issue is you did not hear it at the time – that is the issue. The onus was on you, Mr Davis, if you were offended and if you did hear it, to put a point of order that you were offended. I invited the minister, if she felt that she should withdraw something, to do so. She does not believe that she should have to withdraw, and I cannot force her to at this point.

Child sexual abuse

Rachel PAYNE (South-Eastern Metropolitan) (12:24): (514) My question is for the Minister for Health, Minister Thomas in the other place. Recommendation 9.1 of the Royal Commission into Institutional Responses to Child Sexual Abuse acknowledged the need for integrated services for children and adults who experienced childhood sexual abuse in institutional contexts. In the last Parliament a petition was tabled calling for evidence-based services for child sexual abuse survivors. It noted that the organisations cited in the government's response to the work that they have done on this recommendation do not even offer these services. So my question is: will the minister commit to working with their federal counterparts to action piloting accessible and integrated service systems in Ballarat and the bayside communities of Melbourne consistent with the petition and the royal commission?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:25): Thank you, Ms Payne, for that question, and I will refer it to the Minister for Health for a written response in accordance with the standing orders.

Rachel PAYNE (South-Eastern Metropolitan) (12:25): Thank you, Minister, for the referral. By way of supplementary, we know that lived experience in policy design and implementation is not only important but essential to achieving better outcomes. Lived experience informed recommendation 9.1 of the royal commission and the existing national minimum practice standards. Will the minister commit to meeting with this community group of survivors, family members and supporters to co-design how already identified solutions for the better provision of appropriately funded and accessible wellbeing, recovery and healing services are implemented?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:26): Thank you, Ms Payne. I will also refer your supplementary question to the minister for a written response.

Ministers statements: parenting services

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I rise to update the house on how the Allan Labor government is supporting new parents across Victoria to get the much-needed practical parenting support they need through our brand new early parenting centres. Last week I joined the fabulous member for Ripon in the other place for a first look at the newly completed Ballarat EPC. We said that we would deliver this EPC, and it is the fourth of the 12 new and upgraded EPCs that our government has delivered through our $148 million investment. We are delivering these facilities, just as we said we would. The team from Grampians Health are diligently working on the finishing touches to the new Ballarat EPC in preparation for welcoming the first families over the coming weeks.

It was a pleasure to witness the modern state-of-the-art facilities and discuss with the team the supports it will provide to local families in this growing community. The design of these facilities is a tribute to Vikki Doddamani, nurse unit manager, and her team, who provided input into the design of the centre, assisting families to feel as comfortable as possible when they access the facility for hands-on help from Vikki and her team.

The Ballarat EPC comprises two single-storey buildings with four day-stay facilities, 10 home-stay facilities, a kitchen and dining area and multipurpose and play rooms, along with outdoor play spaces and gardens. I was impressed by how incredibly homely and inviting the centre felt and how accessible it is, ensuring local families can access a welcoming environment as they work to achieve their parenting goals.

The first 1000 days of a child's life is an incredibly impactful period. That is why we are opening these EPCs, helping families to give their kids the best start to life, supporting families so that their children can thrive. The Allan Labor government early parenting centres provide assistance to families of

children aged zero to 4, supporting families with advice on feeding, settling and sleep and extra care for babies and toddlers who have additional needs. Only this government has committed to tripling the number of early parenting centres across Victoria, and we will deliver these magnificent facilities across Victoria, just as we said we would.

Suburban Rail Loop

David DAVIS (Southern Metropolitan) (12:28): (515) My question is to Minister Tierney, the Minister for Skills and TAFE. I refer to Monash University's submission to the Suburban Rail Loop environment effects statement, which says:

> The proposed alignment includes cross tunnel passages underneath several campus buildings including, most notably, directly under the Menzies Building –

A member: It's the Ming wing, David.

David DAVIS: That is correct –

> the University's founding and tallest building. The information provided in the EES gives no assurances that the structural condition and integrity of campus buildings will not be affected by tunnelling and cross passage construction.

I ask therefore: can the minister assure the chamber that the tallest building at Monash University, the Ming wing, will not be damaged by Labor's Suburban Rail Loop?

The PRESIDENT: Order! I do believe that that should have been directed to the Minister for Transport Infrastructure.

David DAVIS: The minister is responsible for the Monash University Act 2009, according to the administrative orders. That university has put a submission in and expressed concern about the safety of its structure. The minister actually can take an interest in the structures at those universities and the future of them.

The PRESIDENT: Mr Davis, I will give you an opportunity to rephrase, if you like, if you could get somewhere near the skills and training minister's responsibility. But at the moment I am not prepared to put that question.

David DAVIS: Minister, as the minister responsible for the Monash University Act under the administrative orders, will you ask questions about the proposed Suburban Rail Loop and the Monash submission to that EES process?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:31): I am not the planning minister and I am not the minister for transport, but what I can say to you, Mr Davis, is that I am interested in transport issues as they enable students and staff to access university campuses as well as TAFE campuses.

David DAVIS (Southern Metropolitan) (12:31): I ask: will the minister make representations on behalf of the university, which she is responsible under the administrative orders for, that seek to guarantee that the tunnel will be constructed in the least impactful way and the alignment to protect the towers at Monash?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:32): As I said in the answer to the substantive, I am interested in transport issues as they pertain to students and academics and other support staff who are attempting to access their campus, whether it be a university or a TAFE. Of course I am also interested in safety issues that may be associated in terms of individuals. I will continue to advocate on these issues, as I do with all things connected to the delivery of skills and training, and the issues around property at universities and indeed appointments at universities.

Housing

David LIMBRICK (South-Eastern Metropolitan) (12:32): (516) My question is for the Minister for Housing and is related to heritage overlays and the government's housing statement released last year. There are some good things in the housing statement which have already been acted on, such as streamlining the process for building a second dwelling on a property, otherwise known as the granny flat reform, and there are also some good aspirations on streamlining planning processes, creating more certainty and releasing more public land. Allowing more development around public transport and business hubs is also good, although it is not particularly novel; our planning strategies have done this for 20 years. But at its core one of the key pillars of the statement amounts to a plan to make a plan, so my question for the minister is: when will the long-term housing plan be released?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:33): Thank you, Mr Limbrick, for that question. It does actually traverse a whole range of different portfolios. When we talk to the matters that you raised around the granny flat – no disrespect to grannies, because they may in fact have to cede that ground to teenagers, who also want to remain home for longer as part of intergenerational living – noting that where you have got a building of at least 300 square metres you can have a second dwelling of up to 60 square metres without need for a planning permit, that is the sort of thing that actually goes to the planning space itself. When you refer to heritage – and again the planning minister has made a number of comments in that regard – that is subject to the Heritage Council's work and to its remit under the act and the legislation there.

I am very happy in the interests of providing you with detail about the progress of delivery of the housing statement and the various planning changes and streamlining programs and resources to get you some further information from the Minister for Planning. To the extent that that crosses over into social housing and that continuum that exists all the way from homelessness right through to ownership of a home, that is something again that I will be very happy to work with you on, alongside other ministers.

Just for the benefit of the house, the housing statement itself covers a range of portfolios, including the Minister for Planning; the Minister for Regional Development, as that relates to regional worker accommodation and that $150 million fund; the work that I do within social housing, homelessness, crisis accommodation and transitional housing, along with some of the affordable work that is happening; consumer affairs within the residential and tenancies arrangements, as held by Minister Williams in the other place; and of course transport infrastructure and precincts, held by ministers Pearson and Brooks respectively. So when and as we do get questions around the way in which housing matters within the housing statement are developed and delivered, I am really happy to work with you to make sure you have the information that you need.

I also want to say thanks to the many members of the crossbench who have reached out for briefings. I am still waiting for a request from Dr Ratnam after all of this time to assist her with further information about the housing policy and about how that actually rolls. It may well be of assistance to her in other endeavours that she is seeking to engage in. But I am very happy, Mr Limbrick, to make sure that you can get some detail on that.

David LIMBRICK (South-Eastern Metropolitan) (12:36): I thank the minister for her answer, and maybe this next question is one of those questions that also overlaps. But over the last year or so we have seen the emergence of a new advocacy movement with the launch of the Yes In My Backyard, or YIMBY Melbourne, organisation. One of their four key policy pillars is related to reforming heritage restrictions. While many people value the heritage of some of Melbourne's buildings, over the past 20 years we have seen local governments in collaboration with heritage consultants pass planning scheme amendments that lock up significant areas of Melbourne under broad heritage overlays. What YIMBY Melbourne has demonstrated is that when residents are actively informed and mobilised to get involved in the process, they do not actually want these expansive overlays. There are

whole sections of inner and middle Melbourne that are restricted to single-storey dwellings. Up-zoning around train stations is great, but if we want to get serious, we cannot make Melbourne a museum. Minister, will the long-term housing plan be considering reforms to heritage rules?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:37): Thank you, Mr Limbrick. And again, the preamble to your supplementary question canvassed a number of issues that cross a number of portfolios. As it relates to what you are asking about – namely, any speculation around amendment to the heritage laws as they currently operate in Victoria – I will get you some further detail. But again, you did refer to the yimby movement, 'Yes in my backyard', and we are indeed seeing that as we lean into the challenges of population growth, which will see us hit 7 million over the coming years and being the population of London by 2050, we do know that further work needs to be done. We are seeing that there are a number of councils who are doing a power of work to make sure that development, particularly in and around those core precincts, is proposed to address a number of the challenges around affordability and availability. Just as an aside, it is really important to note that these levers are all intended to create the best possible environment for expansion – for growing up as well out – and that is really careful work that will of course consider the heritage implications in decision-making.

Ministers statements: vocational education and training

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:38): I rise to update the house on a significant milestone for our skills and TAFE sector. Completing your apprenticeship is a proud moment for thousands of Victorians each year. In years past trade papers were issued to completing apprentices, and in houses across the state, just like you would with a bachelor's degree, they were proudly framed and hung on the wall. Trade papers recognise the successful completion of your apprenticeship. They are an official and tangible way of showing that you are skilled and job ready. That is why in 2019 we brought back trade papers, and since then I can confirm that more than 30,000 Victorians have been issued a trade paper. This means 30,000 more Victorians with the training they need for the jobs they want, 30,000 more Victorians making our economy stronger and more productive and 30,000 more skilled Victorians on building sites and in workplaces across Victoria – apprentices like Jack, who received his papers in January. For Jack, with a love of carpentry and woodworking, TAFE was a clear choice. He studied at Chisholm Institute and learned onsite with his employer, building the homes that we need to meet the housing demand.

This is just one more way that we are supporting a pipeline of skilled apprentices and in-demand workers. With more than 80 courses on the free TAFE list, including numerous pre-apprenticeships, Apprenticeships Victoria, apprenticeship support officers and the apprenticeships taskforce, I encourage anyone who is interested in doing a trade to consider an apprenticeship. It will position you for a job in an in-demand industry for decades to come, and it is a passport internationally for whatever work you want to undertake.

Written responses

The PRESIDENT (12:40): Minister Stitt will get, in line with the standing orders, answers for Ms Payne to both her questions from the Minister for Health. Similarly, Minister Shing will get answers for both of Mrs Deeming's questions to the Minister for Planning. I just note that Minister Shing offered, outside the standing orders, some details for Mr Limbrick and Minister Tierney offered to Mr Mulholland, outside the standing orders, to follow up some issues.

David Davis: On a point of order, President, my question, which was number three of our questions, to the Minister for Skills and TAFE was very clear. It asked: will you utilise the powers under section 55(2) of the University of Melbourne Act? The minister did not answer that question.

Members interjecting.

David Davis: No, it is not actually hypothetical. She can do it.

The PRESIDENT: Order! I believe the minister clearly did respond as far as –

David Davis interjected.

The PRESIDENT: I think she indicated at this point – and I hate to paraphrase people – that she believed that the situation did not need her to go to those ends. As I said, I hate paraphrasing people, because I have been getting it wrong, but I clearly believe the minister answered the question.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:42): (826) My question is for the Minister for Consumer Affairs in the other place. Renters face unique challenges, including lack of control over their costs, certainty of tenure, maintenance issues, disputes with landlords and energy efficiency. The Victorian government's recent housing statement represents the biggest set of housing reforms in decades. We know that the best thing we can do to make rental properties more affordable is to build more of them. That is why 80,000 homes a year will be built over the next 10 years in addition to significant reforms to renting, building on the 130 rental reforms already made by this government. Renting must remain an option for affordable and adequate housing so that Victorians can live near where they work and access services and so that people who cannot or do not want to purchase a home of their own have the same access to the fundamental human need for safe and secure shelter. Minister, what is the government doing to support the thousands of renters in Eastern Victoria?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:43): (827) It is a pity the minister has left the chamber since we just had question time. My question is to the Minister for Skills and TAFE. At Monash University far-left protesters have set up an anti-Israel encampment. In the United States we have seen these encampments preach hate speech and even descend into violence. At ANU in Canberra the encampment's lead organiser said:

> Hamas deserve our unconditional support.

Can you believe it? It is extraordinary. Jewish students are rightfully scared. That is why students from around Victoria are today gathering at Melbourne University to stand with Jewish students and denounce the rise of antisemitic racism on campus. As part of this, the Australasian Union of Jewish Students have called for a round table with the federal education minister, state tertiary education ministers and university vice-chancellors. Will the minister commit to joining this round table and taking action to keep racist hate speech off our university campuses?

Northern Metropolitan Region

Adem SOMYUREK (Northern Metropolitan) (12:44): (828) My constituency question is directed to the Minister for Housing and concerns the poor state of social housing dwellings in the Hume City Council part of my electorate, in particular in places like Broadmeadows, Coolaroo, Meadow Heights et cetera. I have received numerous complaints about the poor state of social housing in the Hume area from residents concerned about the amenity and safety of these old dilapidated social housing dwellings. I note that Hume City Council has been advocating for the government to fix this issue. With approximately 1500 social housing dwellings, Hume City Council has one of the highest numbers of social housing dwellings in the state, reflecting the challenging socio-economic circumstances its residents face in some suburbs in the municipality, in particular the suburbs I just mentioned. I ask the minister to provide an update if she is doing something about it or, if she is not, to address these very important issues.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:45): (829) Labor promised Pakenham a hospital. In a media release they said construction is expected to start in 2022 and be completed in 2024, but today where

the hospital should stand there is a derelict building that is completely empty, covered in graffiti and not even safe. So despite these promises, no work has been done, and by looking at the site it looks like no work is going to be done. Last week I was contacted by several constituents who said they were not able to access the health care they needed, and the delayed care led to poor health outcomes. With the budget coming up, reports have indicated that we are going to see hospitals forced to amalgamate due to Labor's mismanagement. So my question for the Minister for Health is: is Pakenham still getting a hospital – if so, when, and if not, why?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:46): (830) My question is for the Minister for Prevention of Family Violence. Thirty-five women have been killed by men this year in Australia. In response to these deaths the Premier has suggested some changes to sentencing and policing, but we cannot let policing come at the cost of prevention. This week I have heard from three prevention programs in my electorate that will lose funding after June. Youth Junction, which services the western suburbs, including Melton, engages young men who are showing signs of violence in the home. The men's initiative in the Grampians equips male leaders in rural communities with skills to address misogynistic behaviour. And Child and Family Services Ballarat runs court-mandated and voluntary men's behaviour change programs. Will the minister commit to sustained and elevated funding for these programs that engage men in active, evidence-based prevention work?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:46): (831) My question is to the Minister for Environment, as I have been contacted by many constituents who have shared their concerns about the Victorian Environmental Assessment Council's proposal to reclassify the Central Highlands state forests as the proposed great forest national park. I note that public submissions on this review have been extended until 6 May, and I implore the minister to listen to the hundreds of thousands of Victorians who want to see public land remain open and accessible. I live near national and state forests. On one side of the road, in the state forests, people can go horseriding and walk their dogs. On the other side of the road, in the national park, you can be fined. Our state parks are the backyards for many Victorians, a place where people can go gold prospecting, camping, hunting, fishing, four-wheel driving and trail bike riding and can access firewood, and a place that can be used by apiarists. On behalf of all those who have raised this issue with me, I ask the minister to commit to maintaining public access to these parks to continue these activities and ensure that everyone can continue to enjoy Victoria's great outdoors.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:47): (832) My question is for the Minister for Mental Health. The Victorian government in 2021 committed to implementing all 65 recommendations of the Royal Commission into Victoria's Mental Health System final report. Three years later we are yet to see it come to fruition in Northern Victoria. My constituents are particularly concerned by the numerous devastating suicides within the regional LGBTQIA+ community, with my electorate being left out of receiving all of the initiatives to support those at risk of suicidal behaviour under recommendation 27(2), specifically aftercare services for the LGBTQIA+ community, proper support following a suicide attempt and postvention bereavement support. Can the minister explain why no new LGBTQIA+ aftercare services in Northern Victoria have been established and when they can expect to receive support?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:48): (833) My constituency question is directed towards the Minister for Police. In recent times we have seen an increase in crime in the Kalkallo, Mickleham and Donnybrook area, including burglaries, home invasions and the use of machetes. A recent rampage of Gurinder Singh's home lasted 10 minutes, but currently the nearest police stations to this growing community are in Wallan and Craigieburn, at least 15 minutes away.

Further, Wallan police station is not a 24-hour station. These two police stations are already under-resourced and overstretched. Local police tell me that, as there is a 40 per cent vacancy in Craigieburn, they cannot be expected to meet the needs of the area that has grown well over five times its original population. Minister, will you commit to build a local police station in the Kalkallo–Mickleham area?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:49): (834) My constituency question is for the Attorney-General and concerns the frankly extraordinary fact that funding for Child and Family Services Ballarat's domestic violence counselling program will end on 30 June this year. The Magistrates' Court of Victoria has said this is because the program cannot be used by LGBTQI+ and Indigenous offenders. The move has been condemned by shocked domestic violence advocates and professional organisations. Minister, what exactly is unsuitable about these programs which requires them to be ditched instead of reformed? How on earth has this been allowed to happen in the midst of a domestic violence crisis, and particularly in Ballarat, a community still mourning the recent tragic losses of Samantha Murphy, Rebecca Young and Hannah McGuire?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:50): (835) I am rising today to draw attention to the ongoing concern that I think many of us have, which I have raised in the chamber before, about the antisemitic behaviour that is occurring on some of our university campuses. The University of Melbourne camp is replete with very unsatisfactory written slogans and so forth, and certainly people I know who have been there have heard quite unsatisfactory discussion and verbal insults. The same I think is at risk at Monash with the camp commencing there. This is a hardline leftist group that is involved. Whatever the sympathies people may have with the Palestinian people, there is no excuse for the hardline antisemitic behaviour that is occurring on a number of our campuses and indeed internationally. We need to stand up, we need to be clear and we need to be strong. We cannot allow these hard-left activists with, it is now pretty clear, international connections and likely international money behind them to disturb our harmony in Victoria.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:51): (836) My constituency question is for the Minister for Health, and it relates to my electorate of Ringwood and in particular the ambulance employees – those who obviously work at the Nunawading station but also the station at East Ringwood. In particular what I am keen to understand is what progress, if any, has been made on a number of fronts in respect to the working conditions of those ambulance officers. Number one, is there any progress in respect to the overlapping shifts which ambulance officers seek? This obviously is critical to ensuring that ambulance employees are not forced to do overtime, which we know has an impact on their family. Number two, what efforts have been made to ensure that ambulance officers can travel two-up – that is, two at a time, rather than by themselves? That is an important issue, particularly for female officers. I also ask whether there is any progress on flexible shifts for those who have children and particularly flexible shifts for female officers after childbirth.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:53): (837) My question is to the Minister for Public and Active Transport, and it is a very simple question: when will the upgrades to the Ballarat train station – $50 million – be completed? Works have not even started yet. I went to the train station on Monday this week to inspect them to see if anything had happened. Nothing has happened at all. We were really glad to see in the local media last year that the member for Wendouree apologised due to the lack of upgrades to disability groups, because it is disabled users that are being short-changed. If you go to the station, you cannot actually get over to the other platform because there is no lift access at all. Those with any sort of movement disability would find it very difficult, unless they want to traverse the train track themselves. So, Minister, when will it actually begin?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:54): (838) My constituency question is to the Minister for Housing. Minister, I live in the City of Casey. It is currently overseen by the state government. Many residents in Casey are experiencing or are at risk of homelessness. There are high levels of family breakdown and family violence and crimes against women and vulnerable people. These statistics are very high in the City of Casey. My question is: will the minister provide advice on the progress of the government's 2020 Big Housing Build announcement regarding the completion of the promised 147 homes in the Casey area? The last advice received from the minister in January this year was that only 76 of the 147 promised homes had been completed at the end of September. When will the other 71 much-needed houses be completed?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:54): (839) My constituency question is for the Minister for Health, and it is regarding a further concerning report of mismanagement of graves at a cemetery under the management of Bendigo-based Remembrance Parks Central Victoria. Will the minister finally take action to replace the board of RPCV with a competent board or administrator? A constituent has raised concerns about further recent mismanagement of graves overseen by RPCV at the Sunbury cemetery. In November last year a man returned just days after his wife's funeral to find that a large floral tribute his family had left on her grave had been moved and was covered with dirt. Then recently his daughter visited the grave only to find that it was covered with a massive pile of dirt and that tyre tracks had torn through the grass of several nearby graves. This is now the fourth controversial incident at the Sunbury cemetery, showing a pattern of governance failures and continued insensitivity to families who have buried their loved ones there. The minister must act immediately to replace the RPCV board.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:55): (840) My question is to the Minister for Education. I have recently been visiting a number of schools in Box Hill and Glen Waverley in my electorate, and the uncertainty amongst principals, teachers and parents is noticeable. Just a week before the state budget the hint of cancelled funding by the Allan Labor government has cast a shadow over the future funding of schools and their ability to plan and provide education for our children. At the last election there was a promise of up to $850 million to revitalise 89 government schools across Victoria. The schools in my electorate have absolutely no clarity on these promises and whether they will be met and cannot tell parents what comes next. As always, the local members and this government made big promises at election time of modern classrooms, enhanced sporting facilities and vibrant music spaces. Today it seems these promises hang by a thread. Minister, can you promise there will be no broken promises and that school funding in Box Hill and Glen Waverley will proceed?

Sitting suspended 12:57 pm until 2:02 pm.

Bills

National Electricity (Victoria) Amendment (VicGrid) Bill 2024

Second reading

Debate resumed.

Gaelle BROAD (Northern Victoria) (14:02): I am pleased to stand and speak today on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. This bill amends the National Electricity (Victoria) Act 2005, and there are some key areas in the bill. It confirms transmission planning functions for renewable energy zones to the chief executive officer of VicGrid, provides a process for the declaration of an area within Victoria to be a renewable energy zone, requires the CEO of VicGrid to cooperate with the Australian Energy Market Operator in performing respective functions, provides for payments to landholders who host new transmission infrastructure through a scheme of annual

payments for 25 years and enables recovery of the CEO VicGrid's costs from end users through transmission use of system charges.

Victoria needs reliable energy transmission, and we know in places like Euroa – that town has experienced 17 unplanned power outages in just two months. That is what some regional areas are living with, and it is very frustrating. These are not just storms, they are unexplained outages because of a deteriorating network and single lines in some areas that pose a high risk. These interruptions to electricity do have a really big impact. They cause a lot of stress. People depend on electricity for mobile coverage and for financial transactions. We know of people that lost significant amounts of food in freezers. Businesses have had to close because of these constant power outages. I know Annabelle Cleeland, my Nationals colleague in the other house, has been a very strong advocate on this. She has met with people that have lost medication – very expensive medication. They have been stuck in electric wheelchairs, people with disabilities that have found that these outages have had a really big impact on them. People with sleep apnoea, their machines do not work. And cars – people have been in difficult or emergency situations and have not been able to get cars out of garages. When we do not have power, it does have a big impact on our everyday life.

I really want to commend Annabelle Cleeland, because she has done an incredible job advocating with the local community, and AusNet has since announced a $10 million Energy Resilience Community Fund in addition to making changes to prevent regular power outages happening across the region. But I note that this bill does pave the way for payments to landholders who host new transmission infrastructure through the scheme – annual payments for 25 years.

Now, an area of interest in Northern Victoria in particular is the VNI West. That is the Victoria to New South Wales interconnector, and it is a proposed new 500 kilovolt double-circuit transmission line connecting the high-voltage electricity grids in New South Wales and Victoria. The proposal, which has had numerous different pathways put forward, is causing a lot of stress in the electorate of Northern Victoria, particularly in areas like Charlton and Boort. I know the community consultation has been very poor; I have attended a number of those events, and there has been very limited opportunity for people to contribute. I spoke with a farmer who actually had people advise his family, in front of his children, that they could take their land and their farm, a farm that has been farmed for generations. That was very stressful and inaccurate for that information to be shared, but you can get a bit of an insight into the stress and pressure that this has been placing on regional communities, and it has been going on for a very long time now.

These new lines are an eyesore. They are proposed to go through prime agricultural land, through irrigated regions, and we have farmers today that use drone technology, and they will have an impact on some of these modern farming techniques. I have raised this with the minister. I have asked about the costs of this project, because they are far from accurate. I also sought a response from the minister following her commitment to review plan B. This was a proposal that my colleague Melina Bath talked about in her contribution on this bill. It was put forward by Professor Bruce Mountain and other leading experts, and this plan B proposal matches the transmission capacity of VNI West, but it seeks to upgrade existing transmission lines. It is clear from the minister's response to my question that the state government are very keen to switch off any alternative plan to VNI West. To quote the minister:

> The review completed by Jacobs in March 2024 and subsequently published on VicGrid's website on 31 March, found Plan B to be an unviable alternative to replace VNI West …

Jacobs did the review, but I have significant doubts about how thorough this review actually was. On 2 April, Professor Mountain from Victoria University, on behalf of the plan B authors, published a statement in response:

> The Government then appointed Jacobs, without consulting us. We asked to see the Terms of Reference of Jacobs' appointment and we asked to be included in Jacobs' meetings with VicGrid and the Government. Both requests were refused.

> VicGrid did not ask a single question of us during this review. Beyond superficial details, Jacobs too had no questions and they did not ask to see our workings, which we were at pains to proffer. Jacobs told us they had no need to see our workings in order to reach their conclusions.

That seems to be a consistent theme with this government. It is just another example of this government's style: they are keen to shut down any alternative views or any different perspectives from their own. They do not believe in consultation; they do like 'consultold'. That seems to be a recurring theme across very different aspects – I am on a number of committees, and we have heard it time and time again.

The state government has also recently taken away the rights of regional communities to challenge or appeal transmission infrastructure through VCAT, again seeking to silence any opposition. The Minister for Planning, Sonya Kilkenny, has given herself full power for approvals of renewable energy projects, stripping local communities of their rights to be consulted or to appeal to VCAT on planning approvals for renewable energy projects statewide.

This change was brought about through backdoor regulations, not through the Parliament. Just yesterday the Liberals and Nationals put forward a motion to reverse this power, but unfortunately we did not have the numbers to succeed. Victoria once exported electricity, but under Labor we are now on track to import electricity. By 2040 – not that far away; we are going to be there before you know it – AEMO models that we will be importing 26 per cent of our electricity in Victoria. Instead of maximising our resources and producing our own energy, we will be dependent on other states.

There are a lot of questions around insurance. That remains a black hole for neighbouring properties of solar farms and big renewable energy projects. I have raised this matter in Parliament. I got a very poor response from the Assistant Treasurer, and I have written again on behalf of those local communities seeking answers on this issue.

The proposed lines pass through regions, but they provide very little benefit to those local communities. They can be very expensive, and it is not possible for local communities to tap into or contribute to that power. The bill provides for payments to landholders who host new transmission infrastructure through a scheme of annual payments for 25 years, but that is just the landholders.

Moira Deeming: On a point of order, Acting President, I am just struggling to hear my colleague speak, and I am just wondering about any danger of people being accused of making faces and gender-based aggression in the chamber, as happened the other day. We would not want that to happen again. So, if everyone could just be a bit quiet so I can hear the lovely member.

The ACTING PRESIDENT (Bev McArthur): Thank you, Mrs Deeming. Mrs Broad, you continue.

Gaelle BROAD: Thank you very much. This bill, as I mentioned, provides for annual payments for 25 years, but that is just to the landholders, and these large transmission lines, with huge towers and concrete footings, will be in place well beyond 25 years. Will they ever be removed, and who will cover the cost if they ever are?

I have previously raised concerns with the minister about transmission lines and the impact on the local community, because when you think about it – I want you to think about the MCG and think about how high those light towers are – I tell you what, they can be seen for miles.

Moira Deeming: On a point of order, Acting President, I would ask that you direct the member to stop pointing aggressively.

Tom McIntosh interjected.

The ACTING PRESIDENT (Bev McArthur): Mr McIntosh, perhaps you could be restrained.

Gaelle BROAD: These towers are as tall as the MCG lights and can be seen for miles, so it does have an impact on the communities and certainly the aesthetics, tourism and everything contributing to the region.

I have also been contacted by local residents, who are very concerned, as I mentioned, about these large solar farms and renewable energy projects, including battery storage, happening on prime agricultural land. This is in areas with good soil and access to water. It is interesting when you look at the AEMO website, their integrated system plan identified six Victorian REZs – that is, renewable energy zones. We see on the map central north, Gippsland, Murray River, Ovens–Murray, south-west Victoria and western Victoria. They are all located in regional areas, not Melbourne.

In Colbinabbin there is a big solar farm proposed for the area. It is a winery district, and you will see solar farms popping up on the map all over the place. It is very hard to compete when you think about the income that farmers generate. Energy is very expensive, and it is not surprising that some farmers close to retirement are very keen to lease their land to international companies looking to build solar farms. Renewables are an important part of the energy supply chain, but we cannot ignore the voices of local communities. People who have worked hard, people who live there, people whose families have contributed to those local communities for generations are the ones that need to live with this.

When I look at projects I think of the Bendigo Livestock Exchange. I spoke about the need to build a roof over that, as the saleyards there do not currently have any roof, but other main saleyards across Victoria do. This is where solar panels could be built on a huge roof space. That is the type of project that we should be investing in. We can see solar panels going in at supermarkets, at universities, at industrial sites and on sheds – so many opportunities to generate solar and contribute to our energy supply. But this bill talks about recovering the CEO of VicGrid's cost from end users through transmission use of system charges. At the end of the day consumers will pay the cost and our electricity bills keep going up, yet we live in a state that has so many energy resources.

Victorians are paying the price for Labor's inability to secure the state's energy supplies. Recent figures released show a 40 per cent rise in the amount of people seeking assistance to pay for their gas and electricity bills compared to this time last year. These figures followed a recent St Vincent de Paul Society report that revealed Victorians have paid 22 per cent more for gas and 28 per cent more for electricity over the past year. To keep up with energy demand and a growing population we need to produce a huge amount of energy. Every form of energy has positives and negatives, and we need to get the balance right to deliver sustainable, reliable and affordable power for all Victorians.

David LIMBRICK (South-Eastern Metropolitan) (14:16): I also rise to speak on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. I will state from the outset that the Libertarian Party will not be opposing this bill. Although I think many of the things that it is doing are bad, the status quo is bad too, so I feel like we are stuck between a rock and hard place.

I will go back to some of the things that I have said about energy since coming to this place. In 2019 I spoke on another bill called the Renewable Energy (Jobs and Investment) Amendment Bill 2019. For the sake of clarity I referred to it as 'the blackout bill', noting that the government was driving us into the dark. Let us have a look at how we have gone on energy since 2019. If we look at the reported spot price of the 2019–20 financial year, it was $84 per megawatt hour – that is megawatt hour, not just megawatt. In the 2022–23 year that went to $114 per megawatt hour, a 34 per cent increase. So whatever savings we were promised in our bills clearly did not eventuate.

I also had an interesting discussion with a group representing dairy farmers recently. If you are not familiar with their power requirements, it is very important for dairy farms to maintain a reliable power supply for powering machinery, for refrigeration and for all that sort of thing. If it breaks down, it is catastrophic; they can lose their entire supply. So it is vitally critical to have a reliable power supply, and they were saying that power was becoming so unreliable that many dairy farmers were being

forced to install very expensive backup equipment, which is probably the last thing that they need at the moment.

Also, recently the Victorian Chamber of Commerce and Industry said:

> The biggest risk for Victorian businesses and consumers is the reliability, the security, and the affordability of energy …

In this new world that we are heading into, this renewables-focused world, we do not have many international examples to point to of places that have tried it. But one that has attempted it – and it has been a total disaster – is Germany. The CEO of RWE is Markus Krebber. He is the head of Germany's largest energy company, and he warned that high prices for energy due to limited supply threaten the continued existence of the country's industrial foundation:

> We see the first signs of deindustrialisation …

They said one of the biggest drivers has been Germany's net zero energy policy – a policy like what we are trying to implement – Energiewende. Under the country's rapid move to variable renewables wind and solar for electric generation they necessarily require backup generating capacity since the wind does not blow and the sun does not shine all the time. That is usually provided by fossil fuels or nuclear power plants, but Germany also passed legislation in 2019 to shut down all its coal plants by 2038, and last year, rather foolishly, the country shuttered the last three plants of its once formidable nuclear fleet. In 1990, in fact, a quarter of electricity in Germany was produced by nuclear, but they have turned away from it. As a result, the country has been forced to import electricity and natural gas at substantially higher prices.

During the debate on the blackout bill, I also attempted to introduce an amendment to consider nuclear power, because I was sceptical at the time whether this bill had anything to do with carbon emissions or was rather providing corporate welfare to selected technologies. Of course I was right, because they refused to add that into it. I have also initiated an inquiry into nuclear here in Victoria and introduced a bill to repeal the prohibition on nuclear activities in Victoria. It is no secret that I am a fan of nuclear. I think it is a great technology, and in a land that is rich with uranium, it is crazy that we are not doing it ourselves but rather we are exporting our uranium for other countries to use.

I note that back in 1998 was when the federal ban was put in. It was not done through some big discussion process, and it was not actually done by the Labor Party either. What happened was that in the dead of night the Greens and the Democrats sneakily got together and put together an amendment. At the time the Labor Party was not antinuclear. Back in their glory days they had a lot to say about nuclear. Even now many unions are very enthusiastic about nuclear. Yes, AWU, CFMEU –

A member: Which ones?

David LIMBRICK: The AWU and the CFMEU. They put in submissions to the 2019 inquiry. You can go and read them. They are very, very good submissions, actually. I was very impressed with them, although I do note that the Electrical Trades Union did not share that view. So there you go. That is true. Anyway, it was not the Labor Party, it was the Greens and Democrats in the dead of night putting together and sneaking through an amendment. This was under a coalition government, and I am unsure whether the coalition did some deal with the Greens or whether they just were not paying attention. But somehow it got through, and so it was that under a coalition government we ended up prohibiting nuclear at the federal level.

The federal energy minister and the Labor Party in Victoria continually talk about how nuclear costs too much and takes too long. They probably said it back in 1998 as well. It is 26 years ago. Anyone that thinks that we could not build nuclear capacity in 26 years is seriously underestimating our country's capacity, considering that UAE built its Barakah plant in under 10. Here is the thing. I am sceptical about the transmission infrastructure required in Victoria for our renewables rollout. Let us have a look at some of the delays. Let us not even talk about what is happening with the Snowy Hydro

project. Let us look at VNI West. The Victoria Energy Policy Centre's Professor Bruce Mountain and retired transmission expert Simon Bartlett produced a report on VNI West. Professor Mountain said:

> … if VNI West goes ahead, it will be a giant public policy failure …

He said it could blow out to $11 billion, and that:

> The only big winner is the developer and owner of the transmission infrastructure, who gets a regulated charge for the assets that they'll build. Everyone else is paying a price. And that is surely not acceptable.

The Victoria Energy Policy Centre's report also argues that AEMO's extended VNI West plan will not do enough to help Victoria reach its target of 95 per cent renewable energy generation by 2035.

In January 2020 Transgrid first estimated HumeLink's expense would be $1.35 billion. That rose to $3.3 billion in 2021, and now Transgrid is asking the Australian Energy Regulator to approve an outlay of $5 billion. As I noted before, rather surprisingly the new Leader of the Greens in this place acknowledged that there is local opposition and a lack of social licence for much of this infrastructure that is happening in regional Victoria. I think it is a very good thing that the Greens finally acknowledge this, because it is a big problem. I will quote some newspaper articles and a potato grower. This was in the *Sydney Morning Herald* in August last year:

> Potato grower Glenden Watts, from Glengower between Bendigo and Ballarat, whose land could be traversed by the proposed VNI West transmission project, said farmers had marched on Melbourne because no one was listening to their concerns.

Another article says:

> … the Victorian Farmers Federation has lodged its submission to the Government's directions paper on the creation of the six new renewable energy zones calling for reforms so that farmers are not left to bear the burden of renewable energy.

And then there was also a report today on the government pulling back on the wind power auction. This is a quote from the *Australian* only today which says:

> … the state government is considering a delay of at least a year amid concerns that it would attract few if any bids.
>
> "In reality, maybe one project would be in a position to make bids and the government thinks that by putting it back a year it will mean the majority of those with a licence will be in a position to catch up," said one source, who spoke on condition of anonymity.

So how are we doing in these five years since we had the blackout bill? You would have to say not great. Energy is more expensive, delays and blowouts are routine and community opposition is increasing, and it looks to me like this is just the beginning. If we only end up in a state like Germany, that could be a good outcome compared to the worst case scenario, where it goes so bad that we end up like South Africa. I really hope that is not the case.

I understand the need for this bill. The experts and the government have finally realised the scale of the task that they are attempting, just how complicated it is and how much infrastructure is required. They have realised that we are way behind where we need to be and they need to take the task seriously. But unless we want to continue to live in fantasy land, we also need to remember that the cost of this infrastructure is passed on to consumers. It is beyond just the cost of building, deploying and maintaining the infrastructure. There is also this sneaky government tax, the easement tax on transmission infrastructure. In the 2022–23 financial year the costs passed on to consumers just from this one small component was $55,919,000.

The overall approach of the government should be treated with scepticism. Let us recall that it was just a short time ago that a bill was passed through this place that set targets for energy storage which did not have a unit for energy but one for power. If the thousands of people working within the department could not get this basic fact right, I cannot see them managing the infrastructure either. I expect we will have far higher energy costs in the future and more blackouts to come.

Moira DEEMING (Western Metropolitan) (14:27): I would also like to speak on the National Electricity (Victoria) Amendment (VicGrid) Bill 2024. Again it appears to me that what this government do is set an unachievable and ideological target, and then they use that to justify changing the rules to concentrate the power in their own hands so that they can finally achieve this energy nirvana. But I would say to you that the ends do not justify the means. Property rights are not pesky, unjustifiable stumbling blocks in your way. They are fundamental human rights. They are important. Consultation rights are important. Communities have rights. We as communities have rights over land, not just the government. All these things are important, and I just keep seeing this government bulldoze them, remove them and take them for themselves. And what results do we get? We are in a cost-of-living crisis. Energy is so expensive that it is crushing families. Heads of charities that do not even get political normally have come out criticising the government. We all want to look after the environment, but you have to deal with reality. You cannot bulldoze human rights – not for any excuse.

Adem SOMYUREK (Northern Metropolitan) (14:28): I rise to speak on the bill before the house. In terms of the energy crisis, just at the outset I will say I will not be opposing the bill, but I will be supporting the opposition's amendments with respect to community consultation. I think when you are doing reform it is always wise to consult. When you are legislating and when you are doing reform, I think you cannot do too much consultation, let me put it this way. The reforms and the amendments in this bill certainly warrant more consultation. There are also additional add-on costs which may be transferred to the consumer. With the cost-of-living crisis I think we have got to be very careful not to put families and businesses under more stress.

If I can just say a few words on the issue of energy, I was the shadow minister for industry from 2010 to 2014, and I have got to say I give it to the business community and to industry in particular: they were shouting at the top of their lungs about the oncoming energy crisis that they knew we were about to have in Australian and in Victoria in particular. When I went to industry as the shadow minister, I would say to them, 'Well, what can government do for you?' They would say, 'Fix the impending energy crisis. That is our big problem. Otherwise get out of the way.' That was coming our way from 2010, before we had the two-speed economy at that point too.

I think both the major parties and the Greens are guilty in not doing enough. In 2012 the Baillieu government imposed a moratorium on conventional gas exploration in Victoria, and the Labor Party did not repeal that for a very long time. As Mr Limbrick said, the unions were actually screaming about that moratorium and wanted the Labor Party to do something about it, but the Labor Party did not. The Labor Party at that point – as it continues to, although at that point more so – was trying to fight and not be outflanked by the Greens on the left. So I think it has been both the major parties – the Libs initially for imposing that moratorium on conventional gas exploration. There was no need to do that at all. I understand why they did it and the political sensibilities there. There was a report into the energy sector in the Victorian Parliament in 2016 where I did a minority report advocating for the moratorium on conventional gas exploration to be lifted, but nothing was done about that. So I think both parties have their hands dirty a little bit on this particular issue. This crisis was coming our way for a very, very long time. With that I again reiterate I will not be opposing the bill. I will also be supporting the opposition's amendments.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:32): Of course Victoria is undergoing one of the most rapid energy transitions in the world. Investment in renewables effectively ground to a halt under the previous Liberal government. But we have nearly quadrupled the share of renewable energy in power generation since 2014, hitting nearly 40 per cent in the year to date. We will hit 65 per cent by 2030 and 95 per cent by 2035, but to get there we need to unlock about 25 gigawatts of new capacity.

Victoria's record investment in renewable energy already means that Victoria has the lowest wholesale electricity prices in the country, and that is an important point for people to absorb. To get this cheaper, cleaner and more reliable renewable energy to homes and businesses across the state we actually need to modernise and expand our electricity grid. The current legislative framework was never designed

to accommodate a transformation of this scale. The last time we built a major new transmission line was more than 30 years ago, before the Liberals sold off all our energy assets to the private sector. The current arrangements simply are not fit for purpose. They do not allow for anticipatory planning and investment, they do not hold private companies that have built and own transmission assets accountable and they do not properly account for land use. Most importantly, they do not bring communities and traditional owners into the process early enough.

The bill will address these issues by implementing an entirely new way to plan and develop transmission and renewable energy zones in Victoria, known as the Victorian transmission investment framework. The VTIF will be implemented by the new government body VicGrid, which will be more accountable and more responsive to the needs of Victorians and the wishes of the community. It sets out an approach that creates investment certainty to foster renewable energy investment and ensure the coordinated development of electricity transmission and renewable energy generation infrastructure to deliver energy affordability, reliability and security for Victorians. The main components of the bill are the establishment of a new electricity transmission planning objective and supporting framework for the planning of major electricity transmission infrastructure in Victoria; the establishment of interim measures to enable the CEO of VicGrid to support the delivery of high-priority electricity transmission projects such as the Victoria to New South Wales interconnector, VNI West, Marinus Link, Western Renewables Link and transmission connections for offshore wind projects; the provision of cost recovery of VicGrid activities in electricity transmission infrastructure planning and project development, as is industry standard, allowing for the integration of the reforms into the existing national electricity transmission planning framework; and the provision for payments to landholders who host major new electricity transmission infrastructure easements.

There has been a lot said in this debate today about consultation, and what I think some of those contributing to the debate have failed to explain is how they expect to keep the lights on and the bills down as we transition to renewable energy. The reality is that the coal-fired power stations are leaving and we need to build this new transmission capacity. But those opposite do not have a plan. They have no plan for Victoria's energy future. I note their contributions about community consultation in the transmission process, and that is exactly what the bill will achieve. I am so pleased that Acting President McArthur is listening to my contribution.

The draft VTIF was released two years ago and opened to public consultation for six weeks. VicGrid received over 100 submissions and 600 responses to the online survey. The final VTIF was published in June 2023, and this bill implements the first phase of this new framework. The VTIF puts community engagement at the very beginning of the transmission planning process, with a strategic land-use assessment to map land use across the state to identify the areas most suitable for new energy development. The strategic land-use assessment will feed into the Victorian transmission plan, which will be published in mid-2025. The development of the VTP will also involve the establishment of local and technical reference groups. They will include regional partnerships, agricultural representatives and energy industry representatives. The views of regional communities are crucial to this, and that is what this bill will achieve.

Any declarations of new renewable energy zones are subject to the views of communities, and any declaration must have the stakeholder feedback included, along with the reasoning for the decision. Consultation will also take place in relation to the community and traditional owner fund, which will complement the landowner payments included in this bill. In fact VicGrid have already arranged the first community workshops to be held across Victoria. Nine sessions will run in May and June. The VTIF already provide multiple avenues for public and stakeholder consultation. The community advisory committee, as proposed by the opposition, is therefore an unnecessary duplication.

The bill also provides for payments to landholders who host new transmission infrastructure through a scheme of annual payments for 25 years. The payments recognise the important role that host landowners play in the energy transition. The payments are in addition to any compensation that landholders are entitled to under the Land Acquisition and Compensation Act 1986, which covers any

loss of land value. Our government has also publicly committed to developing renewable energy zone development funds for host regional communities and traditional owner funds. VicGrid will commence consultation on the structure of these funds in the coming weeks with further legislation expected later this year. The opposition's attempt to specifically exclude traditional owners through their amendment is very disappointing. Every group that hosts this critical infrastructure should benefit directly from the energy transition.

To conclude, the bill completely reforms the way we plan and develop infrastructure in Victoria. All of these changes are about making sure that we can build the new energy infrastructure we need efficiently while ensuring that regional communities, traditional owners, landholders and others are considered in that process. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:41)

David DAVIS: I should just inform the committee that I have a number of questions on clause 1, but perhaps I should, with the leave of the committee, just quickly set the context. We have some amendments which have been circulated, one of which relates to the pass-through of costs for any traditional owner payments. We will seek to remove that section of the bill, and I will come to that when the time comes. There is also the establishment of a community advisory committee. Many in the chamber today have talked about the failure of the government, of VicGrid and indeed of the Australian Energy Market Operator to properly consult. The community advisory committee will be dealt with in clause 4, and if I am correct that will also be a test for the other aspects. So there will be one vote to test it there and then a second vote on the traditional owner aspect.

I should also indicate, as many have said, the opposition is very concerned about the pass-through of taxes and charges that are hitting families in a cost-of-living crisis. There are massive charges. I discussed in my contribution the land tax component that the state government is imposing, but there are also these traditional owner charges. Also in clause 8 of this bill there are a raft of charges under new section 67. That deals with AEMO and VicGrid and their ability to splice in whatever charges they want and to pass them through, and indeed in the case of AEMO they need not even consult on the matter. I am just putting the context here, and then I will come to the detail in a minute. In that context, we will oppose clause 8, which contains the offensive new section and allows the unrestrained pass-through of additional costs. At this point we have seen gas prices up, electricity prices up and huge surges across the board, and families and businesses are being slugged heavily. They are reeling in a cost-of-living crisis, and more taxes and charges are the last things they need.

As a genuine preliminary, I should note that as a member of the Scrutiny of Acts and Regulations Committee I am in possession of a letter from Lily D'Ambrosio, which I do not believe has been tabled in the chamber yet. It is a response to Gary Maas, the chair of the Scrutiny of Acts and Regulations Committee. It might be worthwhile, if I could be so bold as to suggest it, as it is not really mine to circulate, if the minister may wish, to circulate that for the chamber for the benefit of having Lily D'Ambrosio's response to SARC's questions circulated while this is proceeding. That is a matter for the minister, of course.

The DEPUTY PRESIDENT: Mr Davis, was that letter published in the digest or is it committee correspondence?

David DAVIS: It is correspondence to the committee. As I said, it is not mine to distribute. I am suggesting that it might be worthwhile for the chamber in committee to have the minister circulate a copy. Otherwise it will be tabled, as I understand it, with the next *Alert Digest* after the bill has passed.

The DEPUTY PRESIDENT: I am advised that that is private committee correspondence and that it would be discourteous to the committee for –

David DAVIS: It is the minister's correspondence. If the minister wanted to circulate it, she could circulate it to the world at large. It is her piece of paper, and she could send it, in my humble mode, to whomever she wished.

The DEPUTY PRESIDENT: That would be a matter for the government to decide whether they want to do that.

David DAVIS: That is why I am putting it to the minister in the chair that it would be useful. What I can say to the committee is it is my understanding that this relates to the issues of subordinate legislation and whether the matters in the National Electricity (Victoria) Act 2005 are disallowable, and it is mine that the minister may wish to confirm for me that matters or regulations made under that are disallowable in the normal way under the Subordinate Legislation Act 1994.

Ingrid STITT: My apologies for that taking a little bit of time, Mr Davis. What I can confirm, and I think this is contained in the correspondence that you are in possession of from the minister to the chair of SARC, is that regulations made under the National Electricity (Victoria) Act 2005 are subject to the Subordinate Legislation Act 1994. Part 5 of the SLA sets out the requirements for the disallowance of a statutory rule or part of a statutory rule. While the NEVA does not explicitly state that regulations made under that act are subject to disallowance by Parliament, section 23 of the SLA enables regulations to be disallowed by a house of Parliament by notice of a resolution following consideration of a report to each house by the committee that recommends the regulations be disallowed in whole or in part or a report by the committee on a failure to comply with section 15(1) or (1A) of the SLA.

David DAVIS: I wonder if you would also confirm that regulations made by the South Australian minister under the National Electricity Law applied to NEVA are largely machinery in nature and disallowance would not therefore be possible, given that the agreement of all states is required for that?

Ingrid STITT: I can confirm that regulations made by the South Australian minister under the National Electricity Law are largely machinery in nature and require unanimous agreement from the jurisdictions of Queensland, South Australia, New South Wales, Victoria, Tasmania and the ACT and underpin the operation of the National Electricity Law. Therefore disallowance would be inappropriate.

David DAVIS: All right. Again, in terms of expedition here, or being as swift as possible, I might just ask the minister a number of overall questions. She may not be able to answer all of them now, but I would accept that she may be able to come back with details, not necessarily today but tomorrow or the next day.

This sets up a regime for recovery of fees and charges across a wide front by AEMO and by VicGrid. That is in the context of other charges and fees that are applied to or that are passed through into the bills of electricity consumers, both business and household. I wonder if the minister would be able to provide the aggregate level and the breakdown of all the taxes, charges and levies that are currently applied to power. For example, the land tax that is applied to the transmission lines is one of them; the traditional owner levy that is proposed in this but is also in other contexts as well is another one; and there are the current AEMO levies. I wonder if the minister would be able to provide a breakdown and an aggregation too of the different taxes, charges and levies that are applied to electricity. The

importance of that is that we are erecting new charges and levies in this bill, and it is important to have the context of how much is already levied or charged.

Ingrid STITT: Mr Davis, I do not know whether that rather large piece of work that you have described would be something that we would be able to readily provide, but I will certainly give you the courtesy of checking whether that is possible. I would say that that is not within the scope of this bill, but I understand the point you are making about cost recovery. What I would point out, though, is that the CEO of VicGrid must publish VicGrid's fees and charges on its website, and I am talking about the provisions of the bill before the house today. We are obviously constantly mindful of the impacts and cost-of-living pressures on Victorians, and so the charges will be recovered on a not-for-profit basis through transmission use of system charges. Currently AEMO, in its role as Victorian transmission planner, recovers the costs for planning the shared transmission network through directly connected customers, generally customers with large loads and distributors. Consistent with this practice, VicGrid will recover its ongoing renewable energy zones (REZ) planning function costs in a similar way.

David DAVIS: I thank the minister for that, and I certainly would be grateful if she could provide that base load of taxes and charges that are applied now, noting that this bill erects a new layer of taxes and charges on top. I accept what she is saying about publication of some of these details. They publish some fees and charges, but it is not easy to work out the aggregate amount of each category and then the aggregate of the current charges. So that is why I am seeking this information.

In terms of the community consultation, I heard what the minister said before about consultation. I will make the point that it is our view that the consultation is not adequate, and that is why we are moving this particular amendment. But I want to ask one simple question regarding the new transmission lines and new renewable energy zones. Will local councils or communities have the ability to say no if the government chooses an inappropriate location or VicGrid chooses an inappropriate location or inappropriate route?

Ingrid STITT: I think in my summing-up comments I took you through how the consultation would occur moving forward, and that consultation with the community, with landholders, with traditional owners and with farming communities would happen at the beginning of the process, which is, I guess, acknowledging that the current systems we have are not really fit for purpose given the scale of our renewable energy plans in Victoria. Local councils would be able to participate in those consultation processes. There would also obviously be the ability to see where the proposed corridors were, if you like, for renewable energy projects, and so it would be a much more robust and informed community consultation process. I will just take a second to ask the box specifically about any other –

David Davis: Can they say no?

Ingrid STITT: Yes, I heard what your question was, Mr Davis. We are enhancing community consultation at the front end of this process, but the normal planning processes would still apply. So there are all of the rights that any person or organisation would have under the normal planning approval process.

David DAVIS: The minister may remember yesterday in this chamber – it feels a little bit like groundhog day – that VC261 is a planning amendment which strips away precisely those powers and enables the Minister for Planning to proceed and provide permits for renewable infrastructure, for renewable transmission and for batteries without any consultation whatsoever. The normal processes would leave councils as the responsible authorities, but that is not the case under that amendment. Will the minister confirm that VC261 will be used for renewable infrastructure and will be used for renewable transmission lines?

Ingrid STITT: Thanks for your patience, Mr Davis. Utility installations, including infrastructure to transmit and distribute electricity, are eligible for streamlined assessment under the development facilitation program. However, most large transmission projects will still need to prepare an

environment effects statement, requiring public exhibition and referral to an inquiry. Projects requiring an EES cannot apply for a permit under the DFP until this process is complete.

David DAVIS: It is divergent from what is written in VC261. It is very clear in that that actually transmission wires can go through that process. So if the government's intention is to use a different process, perhaps they could publish a list of all the locations in which they will use a different process and avoid the confusion that appears to be there.

The DEPUTY PRESIDENT: Mr Davis, was there a question?

David DAVIS: No, that is it.

The DEPUTY PRESIDENT: Just a statement. Thank you.

Bev McARTHUR: Minister, further on what Mr Davis has been asking you: local government currently has absolutely no role in renewable projects these days. They could perhaps put in a submission somewhere if they wanted to. It would probably go in the bin. You have just told us that local government will be consulted in the consultation process. Are you very clear that that is the case?

Ingrid STITT: They will be able to participate in the community consultation that I outlined. I am happy to outline it again.

Bev McARTHUR: Minister, how will this consultation process differ from the four years of an absolutely abhorrent consultation process that has gone on so far with the transmission projects?

Ingrid STITT: What I will do by way of answering your question, Mrs McArthur, is I will just take you through the public and stakeholder consultation associated with this bill that we are dealing with today. It implements the Victorian transmission investment framework and puts community consultation at the head of transmission and renewable energy zone development. The VTIF has been in development for some two years, and the draft VTIF was released for public consultation in July 2022. I think I had already indicated in my summing-up comments that that process resulted in a large number of submissions and responses to the online survey, and VicGrid incorporated that feedback and released the final –

The DEPUTY PRESIDENT: Sorry, Minister. I need to interrupt you there. The emergency sirens are sounding, so I ask everyone to evacuate. The bells will go to resume the sitting.

Sitting suspended 3:06 pm until 3:30 pm.

Ingrid STITT: I had been speaking about the process that was undertaken over the last two years. I was about to move on to one of the key elements of the strategic land use assessment that will map land use in Victoria, and this will involve in that part of the process going forward with the deep community consultation and identifying the most suitable areas for renewable energy development. This has never been done before in this way. The strategic land use assessment will feed into the Victorian transmission plan, which will be published in mid-2025. The development of the VTP will also involve the establishment of the local and technical reference groups. They will include regional partnerships, agricultural representatives and energy industry representatives. VicGrid will also commence public consultation on the community and traditional owner funds in the coming weeks. The VTIF already provides for multiple avenues for public and stakeholder consultation, and it is for those reasons that the government will not be supporting the opposition amendment that has been put forward by Mr Davis for our committee.

Bev McARTHUR: Minister, can you just describe what 'deep community consultation' means?

Ingrid STITT: Thorough.

Bev McARTHUR: So it is like it has never been before. Is that what you are saying, Minister? Because there has never been thorough consultation before.

Ingrid STITT: No, that would be putting words in my mouth, Mrs McArthur. I think that what the government has said in relation to the bill before the house is that the current systems are not fit for purpose given the scale and complexity of the transition we are going through. Therefore we have brought forward in this bill a process that will have consultation up-front in the process, much, much earlier with the community.

Bev McARTHUR: Well, Minister, I do not know whether you have ever been out to talk to any of the individuals, groups, stakeholders, farmers that are going to be afflicted by above-ground transmission lines to get their views on what consultation should really mean and what it has not meant. Have you ever spoken to any of them?

Ingrid STITT: I am not sure that is a relevant question. I am representing the Minister for Energy and Resources in the upper house. As Minister for Mental Health, Minister for Multicultural Affairs and Minister for Ageing, I do not have responsibility for this area of government policy.

Bev McARTHUR: I apologise, Minister. I understand you are only representing the other minister, who refuses to engage and has up to this point refused to engage with any community groups or any stakeholders involved in this whole project. Are you saying now the minister will get involved also in deep consultation?

Ingrid STITT: I think, Mrs McArthur, that the architecture of the bill that we are considering today establishes VicGrid to ensure the energy transition delivers the safe, reliable and affordable power that we need in our state. They are responsible and will host the opportunities for communities to have a real say in the planning of new transmission infrastructure so that we can get on with keeping the lights on and transitioning away from fossil fuels and to renewable energy, to avoid dangerous climate change.

Bev McARTHUR: And who will be the arbitrator of this consultation process? If the community and the stakeholders and everybody that is going to be afflicted by these projects are not satisfied with the consultation process, albeit robust as you are attempting to describe, who will then arbitrate and who will penalise those that are meant to be consulting properly?

Ingrid STITT: Under the provisions of the bill before us, Mrs McArthur, the CEO of VicGrid has a number of responsibilities, including consulting on the Victorian transmission planning guidelines.

Bev McARTHUR: So we are now going to be totally dependent on the CEO of VicGrid ensuring that the stakeholders involved in this process are able to have real input into this process, and if there is still no satisfaction, what happens after that?

Ingrid STITT: In answer to a question that Mr Davis asked earlier I did point out that normal planning approval processes apply on top of the processes outlined in this bill.

Bev McARTHUR: So, Minister, will that mean that those that are concerned can go to VCAT, or will they not be able to, as we learned yesterday with your regulation planning amendment VC261?

Ingrid STITT: Well, you are not really being very specific about what it is you say would need to be the subject of any appeal. If you could narrow it down a little bit, Mrs McArthur, I might be able to get some more targeted advice from the box on your question.

Bev McARTHUR: Well, the appalling consultation that has taken place so far has not only been the subject of much consternation by numerous groups, but it has been a subject in the Supreme Court. The minister changed the rules at the eleventh hour to make it even more difficult for stakeholders along transmission lines to get justice in the process. So are we going to say that everybody probably will just have to go to the Supreme Court? Is that what is going to be the end result of this?

The problem, Minister, is that in many areas where these transmission lines are proposed you are trespassing across fine agricultural land, across even biolinks, across reservoirs and across extraordinary situations, rendering many agricultural industries totally redundant, like the potato

industry. These are well-documented concerns that have been going on for some time. What they would need to know is what is going to be different about the arbitration system in this new VicGrid proposal to what has occurred so far.

Ingrid STITT: I think I will just reiterate the point, Mrs McArthur, that the whole architecture contained in this bill is about setting up a process so that everyone with an interest, including landholders, can have their say. The bill also includes a process for an independent review of decisions about landholder payments. Persons who are aggrieved by a decision with respect to payments, including determinations of eligibility, may apply to VCAT for a review of the decision of the minister or CEO of VicGrid regarding landholder payments.

Bev McARTHUR: Another grave concern for many people is the fact that they can no longer get insurance on their properties and on their infrastructure where there is transmission infrastructure on the easements involved. How do you propose to rectify that?

Ingrid STITT: It is not within the scope of this bill, but I am seeking to get an answer to that question for you.

Bev McARTHUR: The other issue that I am sure people will be interested in is: you say there will be compensation provided for 25 years. Are you proposing to pull these towers down after 25 years, or what happens after that?

Ingrid STITT: The bill is quite clear in that it provides for payments to landholders on private land for 25 annual instalments, but the bill does not deal with any matters beyond that 25-year period, and of course we are not going to propose to tear down important infrastructure after that period of time.

Bev McARTHUR: Given that these transmission towers will be on land in perpetuity, given what you have just said, why is the compensation only for 25 years? There will be massive loss of productivity in many of these landholdings. I know that in some of them the farms which are small, because they are intensive farms, will be rendered unviable or the production will be cut by at least 50 per cent, and yet you are saying they will only get compensation for 25 years. How is that fair?

Ingrid STITT: I just wanted to check with my learned friends back there, Mrs McArthur, and it is as I anticipated, because that is effectively the predicted life of the asset, 25 years. I mean, 25 years ago we did not think we would have to phase out coal-fired power. So that is why 25 years has quite deliberately been determined in terms of the compensation arrangements in this bill.

Bev McARTHUR: That is quite extraordinary. While the life of a renewable project might be 25 years, you are suggesting that the infrastructure will remain – the transmission lines. No? So you are going to remove the transmission lines after 25 years?

Ingrid STITT: The life value of an asset is not the same issue that you are trying to conflate there, Mrs McArthur. The bill sets out compensation arrangements for 25 years – that is seen by the state as the appropriate length of time for compensation to be payable for the infrastructure on that private land.

Bev McARTHUR: I am sure all the stakeholders and landholders involved in this will now be comforted by the fact that they will only have compensation for 25 years yet they will have to put up with this infrastructure in perpetuity. Some of them, where transmission lines are now, have been there for 40 years, and you are saying 25 years is the limit for the compensation and they will just have to wear it. Is that what the government is saying?

Ingrid STITT: No, and do not seek to alarm people and make mischief with this issue, Mrs McArthur, because as you well know, landowners are already compensated for any loss of land value and loss of productivity. It is something that is provided for under the Land Acquisition and Compensation Act 1986. This 25 years of compensation is on top of the compensation that they already receive under that other act.

Bev McARTHUR: I am sure that is no comfort, Minister, honestly. The valuations that we can imagine will emerge will be absolutely less than adequate to compensate them for their loss of productivity and their loss of income over a period of time. In some instances in these properties 50 per cent of their productive land will be taken away where there is a transmission line plus the easements. In the potato growing area, boom sprayers are huge, and they will not be able to operate within an easement or anywhere near the transmission lines. They will lose half their productive land. You will not be able to compensate them up-front adequately, and if they are only going to get payment for 25 years, I am sure they will be most interested to learn that, and I wonder how your social licence will go.

Minister, you mentioned that regional partnerships would be involved in that sort of consultation group, or whatever you are calling it. Regional partnerships are not held in high regard in country areas –

David Davis: To put it mildly.

Bev McARTHUR: Absolutely to put it mildly, Mr Davis. The CEOs who have to be on them hate them; the councillors who are not on them find their role has been usurped; the other people who are on them are hand-picked government appointees; and the chair is always a government lackey. So suggesting that regional partnerships will be involved in this consultation process is no comfort to people in rural and regional Victoria. Why don't you consider a fairer proposal for advocacy, as Mr Davis has suggested?

Ingrid STITT: Mrs McArthur, Victoria's nine regional partnerships were established by the Victorian government in 2016, and they recognise that local communities are in the best position to understand the challenges that they face in regional Victoria. Through ongoing consultation the partnerships ensure that communities have a greater say. Are you suggesting that we should reduce that additional layer of communities being able to have input into government priorities and policies? It is a way for voices from those communities to be directly heard by the government. So I would reject the premise of your question.

Bev McARTHUR: Minister, thank you for that explanation. Regional partnerships have no community input apart from a few hand-picked appointed people. There are local councils, who are elected, who are the arbitrators of what goes on in their local areas. Local councils are not involved at all apart from the CEO of a council, who does not want to be on the regional partnership because it is a waste of time. And you are saying that –

David Davis interjected.

Bev McARTHUR: Yes, absolutely hamstrung by secrecy. That is quite farcical, but I will leave it there, because the minister will not elaborate any further, I am sure.

Ingrid STITT: Well, I'm happy to.

Bev McARTHUR: Good.

Ingrid STITT: I am very happy to elaborate, Mrs McArthur, and try to be helpful. I think that they are only one element of the number of different people that would be involved and groups that would be involved in consultation. VicGrid also have a significant role to play, and their staff are going to be out in the community and consulting widely. I would just note that what Mr Davis has put forward in his amendment, as you know, is a committee largely made up of peak bodies with only two community members on it. So I guess we are not agreeing here on what is the best model for consultation. The government has put forward a proposal in this bill, and we stand by that proposal.

Sarah MANSFIELD: Will the changes that are proposed in this bill and the role of VicGrid apply to VNI West and the Western Renewables Link?

Ingrid STITT: Dr Mansfield, the landholders would be eligible for the compensation payments associated with this bill, but because those projects are on foot we would not be proposing to apply all of the provisions of this bill to those projects that are already in train.

Sarah MANSFIELD: Will VicGrid play any role in consulting with those communities that will be affected by those projects?

Ingrid STITT: Yes, they will.

Sarah MANSFIELD: Can you provide any detail? Given that they have obviously missed their very early planning stages that future projects will hopefully work through with VicGrid, what sort of engagement is VicGrid going to undertake with the specific communities that are affected by the VNI West and Western Renewables Link projects?

Ingrid STITT: VicGrid staff are on the ground attending community information sessions, they are meeting landowners, they are holding regular meetings with important stakeholders like the Victorian Farmers Federation and so on. And VicGrid is already providing oversight of AEMO's Transmission Company Victoria's activities on VNI West.

Sarah MANSFIELD: We understand that there is a second tranche of VicGrid legislation coming that will introduce community benefit schemes or it will provide for some form of community benefit programs. When will this legislation be introduced?

Ingrid STITT: It is still subject to development and government processes. I am not in a position to be able to say, I am sorry, Dr Mansfield.

Sarah MANSFIELD: Are you at least able to provide some information on whether and how you are consulting on the development of those community benefit proposals?

Ingrid STITT: I am further advised, Dr Mansfield, that the second tranche of legislation will most likely be late this year or early next year, but that will be following consultation.

Sarah MANSFIELD: Are you able to provide some more detail about that consultation – who is being consulted, what information is the government considering in the development of that?

Ingrid STITT: I will certainly check that for you.

I am just trying to put my hands on that information for you, Dr Mansfield. I think I had mentioned earlier in answer to another question from another member that there were a number of regional workshops that were going to be undertaken – about nine across the regions. That was in relation to the setting up of the traditional owner and community fund. That work will be ongoing. We do not have any concrete information available for you right now, but I can certainly see whether or not we would be able to get any further information. But there are some details about those workshops on the Engage Victoria website already.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (15:57)

The DEPUTY PRESIDENT: Mr Davis, I would invite you to move your amendments 1 to 3, which test your amendments 6 to 8.

David DAVIS: I move:

1. Clause 4, line 4, omit "definition" and insert "definitions".
2. Clause 4, line 6, omit '52;".' and insert "52;".
3. Clause 4, after line 6 insert –

'***Community Advisory Committee*** means the Community Advisory Committee established under section 88;".'.

This is the establishment of a community advisory committee. As the Deputy President has outlined, this is a test for the other amendments related to the community advisory committee, including the matters in clause 8 of the amendments, which deals with the composition of the community advisory committee. I see the minister would like more people on the committee. We would not have been opposed to that, if the minister wanted to move an amendment to our amendment; we would be certainly open to that if that is where she wanted to go. But this is on top of any consultation the government is intending to undertake. Consultation to date has been poor, and I think it is widely accepted that AEMO and VicGrid have not adequately consulted with the community, so this is an additional layer to make sure that there are actually some voices heard. I would urge the crossbench and others to support these amendments. They would establish a community advisory committee which the minister and the CEO of VicGrid must consult with, and it would have a series of representatives. We have crafted that with respect to groups that have not had the input that is required – farmers, industry, the Municipal Association of Victoria.

We have heard here from the minister that regional partnerships would be involved. Well, none of us have great enthusiasm or much belief that the regional partnerships actually reflect the views of the community or rural councils, for example. We think that small business needs to be represented, and the seafood industry, and one of my colleagues is very determined to see that. A number of the lines that will connect to offshore wind actually reflect matters around the seafood industry. But we certainly would be interested to see if the government wanted to add additional people to it. We would be very open.

But this is just a further attempt to try and have some genuine community input into the way this is operating. It is a well-accepted point that the government's community consultation has not been adequate. In any event, I accept the government is not going to support this, but that is our proposal.

Sheena WATT: Mr Davis, in relation to the community consultation committee, you have 11 seats on the committee, and I note that none of those are for traditional owner representatives. For me, I am not particularly happy about that. Are Victorian energy consumers only 18 per cent as important as lobbyist groups? I ask because they make up only 18 per cent of the 11 seats on this committee. I am interested in your perspective on that.

David DAVIS: You are correct that traditional owners are not represented on that committee. They have other mechanisms of representation, as you are well aware, and there are other mechanisms outlined in the bill that will deal with their input. But having said that, the advisory committee is in addition to what is in the bill already. It would improve it. But if you were to move an amendment to add additional consumers, we would certainly be prepared to consider that.

Sheena WATT: I would just like to make it clear that traditional owners are not only consumers of energy but also rights holders when it comes to land in this state, and I think that is worthy of knowledge. I also just want to ask a question about the consumer advocacy groups. Have you in fact met with consumer advocacy groups around proposals for the make-up of this consumer committee?

David DAVIS: We have met with a number of groups, but we have not met with every consumer advocacy group. It is very clear that many of the groups have had their rights trampled on and have not been properly consulted. This is an attempt for them to be represented here in a way that ensures their voices are heard.

Ingrid STITT: I will just make a few comments about the opposition's amendment, if I can. Of course, as I have already indicated in the committee stage, one of the key elements of the Victorian transmission investment framework is a strategic land use assessment. That will map land use in Victoria, and that will involve significant community consultation. This has never been done before, and I think that it is an important element of this bill going forward. It is important for that information and consultation to feed into Victoria's transmission plan, which will then in turn be published in 2025. The development of the VTP will also include the establishment of local and technical reference groups. We have already had some discussion about the role of regional partnerships and other

representatives, including agricultural and energy industry representatives. VicGrid will also commence public consultation with the community, and the VTIF already provides multiple avenues for public and stakeholder consultation. For those reasons and because of the robust provisions of the bill, we will not be supporting the opposition's amendment.

David DAVIS: Look, I respect the minister's view, but with the greatest of respect, this has been drafted as an additional guarantee for significant groups that have not been properly consulted. We are responsive to the fact that these groups have been overridden, and this is an attempt to have some greater level of consultation. There is no need to claim that this is everything for consultation, but the question is: will it improve the input? Our view is that it would.

Council divided on amendments:

Ayes (16): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 5 to 7 agreed to.

Clause 8 (16:11)

David DAVIS: Clause 8 inserts a number of new sections, and I would specifically like to talk about new section 67, which starts on page 18 of the bill:

> **67 Recovery of fees and charges**
>
> (1) VicGrid fees and charges may be recovered by the CEO VicGrid, subject to, and in accordance with, Chapter 6A of the Rules as modified by this section.

It goes on to say this can be for the performance of the CEO in planning functions, so this is a bureaucratic function, and:

> … costs incurred by AEMO are taken to include VicGrid fees and charges …

AEMO must pay amounts it collects to VicGrid. It goes on at (2)(e):

> … fees and charges form part of AEMO's maximum allowed revenue …

It goes on further, and I will be quite specific here:

> (g) despite anything to the contrary in the Rules –
>
> (i) AEMO may publish amended prices for prescribed shared transmission services for the regulatory year that commenced on 1 January 2024 to take effect from 1 July 2024 –

so this is a little bit retrospective –

> to include VicGrid fees and charges; and
>
> (ii) AEMO may amend its revenue methodology for the regulatory year that commenced on 1 January 2024 and each subsequent regulatory year to include VicGrid fees and charges; and
>
> (iii) AEMO is not required to consult the public in respect of any amendment that is required to its revenue methodology to provide for VicGrid fees and charges.

As I read it, VicGrid will be in a position to impose fees and charges almost at will, and indeed AEMO will be in a position to impose fees and charges. Indeed in the case of AEMO it will not even need to consult. Will the minister confirm, perhaps section 67(2)(g)(iii):

> AEMO is not required to consult the public in respect of any amendment that is required to its revenue methodology to provide for VicGrid fees and charges.

Does that mean what I think it means – that you can impose charges and there will be no consultation whatsoever if that is what AEMO and VicGrid deem?

Ingrid STITT: I can confirm, Mr Davis, that the CEO of VicGrid must publish VicGrid's fees and charges on its website, but I am just going to seek a little bit of clarity from the box around the question you have asked about AEMO.

Mr Davis, AEMO are not required to publish that now. This is entirely consistent with the way that it operates currently. The charges will be recovered on a not-for-profit basis through transmission use of system charges. Currently AEMO in its role as Victorian transmission planner recovers the costs for planning the shared transmission network through direct connected customers, but that is generally customers with large loads and distributors. Consistent with this practice, VicGrid will recover its ongoing REZ planning function costs in a similar way.

David DAVIS: If I can just put on record that this is precisely what I understood: that VicGrid will be able to recover as it wishes and AEMO will be able to recover as they wish. They will have to publish it, I accept that, but those costs will be paid by whom, Minister? Who will pay those costs?

Ingrid STITT: I just want to, before I get to that, reiterate that the bill enables the CEO of VicGrid, following consultation with the Premier, Treasurer and minister, to determine fees and charges for performing the CEO's VicGrid REZ planning functions. I mean, we are obviously mindful and aware of the price pressures on Victorian electricity consumers, but at the same time it is critical to recognise that transmission planning arrangements need to respond to the broader energy sector context in order to continue delivering secure, reliable and affordable electricity. While there will be changes, this will be offset by benefits to electricity consumers from the timely coordination, transmission, generation and storage infrastructure required to deliver affordable power. I would point out that we have the lowest wholesale prices in the country in Victoria.

David DAVIS: Because of coal.

Ingrid STITT: No, in fact the reason that the retail prices have been going up is actually as a result of coal-fired power and international events beyond the control of anybody in Australia in, for example, the Ukraine. The reason why our wholesale price is so much lower than anybody else's in the country is because of renewables.

David DAVIS: We will just have to agree to disagree about that matter. But leaving that aside, essentially my question to the minister is: who will these costs be passed through to? It is a fact I think, Minister, isn't it, that households and businesses – that is, consumers – will pay all of these costs? Because they are all straight pass-through matters.

Ingrid STITT: Well, transmission charges are passed through to distributors, as you know, and they are repackaged into network charges, which are then passed on to retailers. That is the way the system operates – a system that you privatised.

David DAVIS: In fact this will also incorporate the planning functions and every other function, including the zones. All the costs there will be passed through to households and businesses – that is, consumers. That is a fact, isn't it, Minister?

Ingrid STITT: Well, I can see where you are going here, Mr Davis. What I will reiterate to you is that this is the next bill to deliver the transmission infrastructure that we need. AEMO does that

planning now, and these costs already exist. So what you are trying to do here is actually present that this bill will somehow change that, and it does not.

David DAVIS: Minister, with the currently planned infrastructure – you know, VNI and so forth, the currently announced infrastructure – how much is the cost of those projects, and how much will be passed through?

Ingrid STITT: The cost of planning, building and maintaining energy infrastructure is borne by consumers, and the establishment of VicGrid will ensure that they are not paying more than they need to into the future, because VicGrid will have the power to plan and deliver that infrastructure in a more considered and coordinated way than it has in the past. That is the primary driver behind the government bringing this bill, because the current processes are not fit for purpose.

David DAVIS: I thank the minister for her answer, and I note that a figure has not been provided for the announced infrastructure. I understand the minister may not have that figure, but she could undertake to provide it. My question therefore moves to a separate set of infrastructure. At the briefing – and I thank the minister for the briefing, which was provided very late in the piece I might add – we asked about additional planned long-distance transmission, and the bureaucrats indicated on top of the announced projects new long-distance transmission of 550 kilometres of line. I ask the minister whether that also would be a set of costs that are passed through to consumers – that is, businesses and families.

Ingrid STITT: Sorry, are we still on clause 8, Mr Davis?

David DAVIS: Yes.

Ingrid STITT: It is the same answer, Mr Davis.

David DAVIS: Minister, I thank you for your answer there, and I do invite you to reconsider that earlier option of the announced structure, to have the cost estimates and the pass-through costs provided to the committee. That would be helpful, but I accept that the unannounced infrastructure is not yet planned and the costs are therefore not known. But I do accept what you are saying, that the principle is that those costs will all be passed through to consumers – that is, families and businesses.

Ingrid STITT: Well, Mr Davis, what I have clearly said is that processes that are going to be undertaken as part of our significant infrastructure planning and delivery – in terms of how the costs are borne, there is absolutely no difference between how that currently operates and how it will operate in the future. But again I would just make the point that putting downward pressure on costs is one of the many benefits of renewable projects of this magnitude.

David DAVIS: I am not sure about the downward pressure. Prices have been going up, Minister. But I will leave it there, and we will just have to –

Members interjecting.

David DAVIS: Well, you know, 28 per cent for electricity last year and 22 per cent for gas – those are the St Vincent's figures. I do not think anyone thinks that is trivial. Just as a statement, I think this is going to be a huge surge of additional costs onto families and onto businesses. The state government has had years to plan for this, and now it is going to come in a very significant rush and the costs are going to be enormous and passed through in full. But I will leave it there in the interests of time.

Bev McARTHUR: Minister, clause 53 refers to the CEO having regard to the most recent *Gas Statement of Opportunities* published by AEMO. The 2024 AEMO *Gas Statement of Opportunities* highlights risks of peak-day shortfalls on some days under extreme weather conditions from 2025 and the potential for small seasonal supply gaps from 2026 in southern states. So, Minister, will the CEO be able to advise the government to unlock and invest in Victorian gas projects and reverse the ban on gas, or does the CEO have to have regard to the statement but keep quiet and make no comment on the impact on the Victorian power network?

Ingrid STITT: I will not comment on the commentary you have just provided at the end of your question, Mrs McArthur – you are very good – but I would just indicate to you that that is not part of the role of the CEO of VicGrid.

Bev McARTHUR: Minister, it distinctly refers to the *Gas Statement of Opportunities* published by AEMO under section 8 of the National Gas (Victoria) Law. So you are saying that the CEO will have no role in this whatsoever?

Ingrid STITT: Perhaps I will answer it this way. The CEO will have the following responsibilities under this bill: recommending to the minister geographical areas in Victoria to be considered for declaration as renewable energy zones – I might note that gas is not a renewable; planning and the development of major transmission infrastructure within the renewable energy zones; planning for the connection of major transmission infrastructure to the declared shared network; and planning for the connection of generation and storage within the renewable energy zone through the preparation and publication of the Victorian transmission plan. In addition, the bill provides for further functions to be conferred on the CEO of VicGrid by an order under section 16Y of the National Electricity (Victoria) Act to empower VicGrid to assist the Australian Energy Market Operator in the performance of its functions, enabling VicGrid to help facilitate the pace of development required to meet net zero. One of AEMO's roles is to plan for and manage supply constraints in the gas market, which you would be well aware of, I am sure.

Bev McARTHUR: Clause 56 states:

> (1) The Victorian transmission planning objective is, in relation to Victoria –
>
> …
>
> (b) the delivery of transmission services consistent with a least-regrets development pathway …

Minister, AEMO's VNI West modelling results show that from 2030 Victoria will be a net importer of around one-sixth of its electricity annually, mainly from New South Wales, and one-quarter by 2035 onwards. Specifically, the modelling shows Victoria will depend on New South Wales for around 40 per cent of its typical electricity needs during more than 20 per cent of all hours by 2040, rising to 35 per cent of all hours by 2050. Will the CEO of VicGrid be directed to accept this scenario or to provide an alternative which does not leave Victoria more dependent on New South Wales as a result of this expensive and unnecessary interconnector?

Ingrid STITT: I feel like I am in question time. I stand by my previous answer as to the specific role in the bill for the CEO of VicGrid.

Bev McARTHUR: Clause 57 states:

> The CEO VicGrid must –
>
> publish the Victorian transmission plan guidelines no later than 30 September 2024 …

Minister, will this transmission plan still be termed 'Victoria's first transmission plan', as it has been during the consultation? If so, do you have any understanding of how angry that makes those affected by the Western Renewables Link and the VNI West project? Why was the first transmission plan not done before their communities were blighted?

Ingrid STITT: I am just not accepting the premise of that question, Mrs McArthur. I am happy to outline what the timetable is for VicGrid publishing their transmission plan, the first one and then subsequent ones, but I do not accept the proposition that you are putting forward in your question.

Bev McARTHUR: Minister, clause 57(3)(b) refers to VicGrid's CEO undertaking a strategic land use assessment as part of the transmission plan. Will this strategic land use assessment include the percentage of Victorian agricultural land required for the renewables generation to meet the government's 95 per cent target?

Ingrid STITT: Unlike previous planning in this space, this assessment will consider key land use and environmental and community issues early in the planning process, well ahead of project identifications or approvals. It will be the first Victorian-specific plan. AEMO publish a national plan every two years. The process outlined in this bill will allow planners to identify the most appropriate geographic areas for generation and transmission development across the whole state while avoiding highly sensitive areas. I think I have a sense of your question, and I think it might relate to an out-of-date report. If you want to go into agriculture a little further for me, I can get you the answer that you are seeking, Mrs McArthur.

Bev McARTHUR: You may be referring to the information that we do have that says that 75 per cent of agricultural land will be needed if you are to meet your renewables energy target. Is this being scrapped?

David Davis: This is the disappearing report.

Bev McARTHUR: It is not on the website, but it was there.

Ingrid STITT: It is because it is out of date and modelling that is no longer relevant for the purposes of this exercise. Implementation statements have replaced this, and we have three implementation statements on the website and publicly available, Mrs McArthur. So that is something I think it is important for the community to understand: that figure you have quoted is outdated and irrelevant for the purposes of this work.

Bev McARTHUR: Thank you, Minister. That is most encouraging. So what is the percentage of agricultural land that will be required to meet your renewable energy target? You must have a figure.

Ingrid STITT: I have pointed to the publicly available statements on the website, and I further indicate that the 70 per cent figure was based on a wild overestimate and it was not relevant.

Bev McARTHUR: It was your material, Minister, nevertheless. You have pared it down, have you? Clause 60, 'Preparing and publishing Victorian transmission plan'. The question, Minister, is in regard to 60(2)(e), which says the CEO of VicGrid 'may have regard to any other relevant information' in preparation of the transmission plan. Will this include an assessment of plan B, the alternative transmission proposal by Professor Bruce Mountain and Simon Bartlett that we have debated here and mentioned, which takes a different approach, less reliant on interconnection, and reinforces and augments the existing grid with minimal sections of new transmission, instead of endorsing AEMO's organisational obsession with a nationwide, high-voltage AC network, which is unlikely to be in the interests of Victoria?

Ingrid STITT: Mrs McArthur, after careful and serious consideration, the independent review found that plan B just did not stack up. It would result in less renewable generation, long periods of power system disruption during construction and lower reliability and would likely require the acquisition of homes in Ballarat and Bendigo, something I am sure you would be absolutely opposed to.

Bev McARTHUR: Clause 63, 'Declaration of renewable energy zones' – this section says the minister must publish 'engagement requirements and expectations of project proponents during project development'. What is the mechanism here if those engagement requirements are not met?

Ingrid STITT: Sorry, can you just repeat that, Mrs McArthur – the end bit?

Bev McARTHUR: The preamble is:

> engagement requirements and expectations of project proponents during project development.

What is the mechanism here if those engagement requirements are not met?

Ingrid STITT: Perhaps the way I can answer this, Mrs McArthur, is to just set out what the process is for those declarations. In preparing a REZ order, the minister must have regard to the Victorian

transmission planning objective, the current VTP and any other relevant information. The minister must publish a draft of the order and invite stakeholder feedback so that the Minister for Energy and Resources by order may declare an area of Victoria as a REZ, and the minister must publish a declaration together with reasons in the *Government Gazette*. The REZ declaration will set out preferred corridors for siting new transmission infrastructure within a REZ, as well as between the REZ and the existing network. It is obviously a significant decision that requires balancing a range of objectives, land use and economic factors, and the decision will guide infrastructure development in regional communities and councils, First Nations communities and for farmers and industry, and therefore it is appropriate that such a decision is made by the minister. Hopefully that gives you a bit more of a sense of the process.

Bev McARTHUR: Well, Minister, the consultation process and the failures of AusNet are apparent for all to see. What happens if this is repeated? What is the sanction?

Ingrid STITT: VicGrid will coordinate consultation, not AusNet, but it is not a relevant question. It is outside the scope of this bill.

Sarah MANSFIELD: Just regarding new section 59, will you engage environmental NGOs, community and landholders in the development of the multicriteria analysis that is going to then be used to undertake land use assessments?

Ingrid STITT: Yes.

David DAVIS: I have listened carefully to the contribution of the minister in response to many of the questions in this part. This is clause 8, and there are a significant number of insertions there, but in particular the pass-through components are ill defined and the community will be hit heavily with increased charges and costs. These will be passed through without restraint to businesses and to households. Households are suffering very significantly at the moment, and the government appears to have no idea of the actual costs and no idea of how much will be passed through to consumers – households – in a cost-of-living crisis. In those circumstances we will not support the clause but will seek to oppose the clause and delete the clause to protect consumers, businesses and households from the massive pass through that reflects the government's lethargy over the last 10 years in actually putting in place proper steps that would have dealt with these infrastructure requirements.

Ingrid STITT: Just in response to that little flourish, I reject the embellishment contained in that contribution. Mr Davis, I have already explained on about three occasions that the cost recovery processes will be identical to those that currently exist.

The DEPUTY PRESIDENT: The question is that clause 8 stand part of the bill. Mr Davis is seeking to omit this clause, so if you agree with him, you should vote no to the clause. If you agree with the government on this clause, vote yes.

Council divided on clause:

Ayes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (16): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Clause agreed to.

Clause 9 (16:49)

David DAVIS: I move:

4. Clause 9, line 3, before "Before section" insert "(1)".
5. Clause 9, after line 12 insert –

'(2) After section 12A(4) of the Principal Act **insert** –

"(4A) Regulations made for the purposes of section 75(1) must not provide that a traditional owner right within the meaning of the **Traditional Owner Settlement Act 2010** is a prescribed interest in public land.".'.

These amendments will amend clause 9. Consistent with our concern earlier about the pass through of costs, we are concerned about the pass through of payments to traditional owners, and we are also concerned about the pass through of all costs through to consumers, to those who are in business, to those who are households, and in that sense we would seek to move this to prevent the payment of these fees or charges by the operators, who will ultimately pass these costs through to consumers – to households and businesses.

Ingrid STITT: The bill is about making sure everyone in regional communities, including farmers and traditional owners, can share the benefits of renewable energy transition. As I have already indicated, it is very disappointing that the opposition is attempting to specifically exclude traditional owners through their amendments, and we will be opposing the amendments.

Sheena WATT: I just think it is worth noting that the Victorian transmission infrastructure framework embeds benefit sharing for everyone in the communities that will host this infrastructure, including farmers, regional towns and traditional owners. I have a question for Mr Davis. Why would you specifically exclude traditional owners from an equal share of the benefits with everyone else?

David DAVIS: On public land, we think that additional costs generated will be passed through and we are concerned about all of the pass-through of costs. We have sought to exclude some of those pass-throughs in the recent clause that we just voted on.

Harriet SHING: Mr Davis, I have just heard the question that was asked around the pass-through of benefit on the one hand and the answer that you appear to be giving is the one directed to the pass-through of costs. Now, I am concerned that you are actually not understanding the link between public land on the one hand and traditional owner rights as they accrue in that space on the other. The question that Ms Watt has asked about is the extent to which benefit will be conferred upon traditional owners unless your amendment operates to exclude them from that benefit.

David DAVIS: We are concerned about costs being passed through, and this will prevent some costs being passed through. We are looking at a number of different aspects of this, and we are very concerned about the costs on a broad front. The minister will recall earlier in this proceeding we asked about the costs in a broader context, and all of these costs are concerning.

Harriet SHING: Mr Davis, based on your answer just now then, is it an intended or unintended consequence that as a result of your amendment traditional owners will be excluded from the operation of a framework that would confer them benefit?

David DAVIS: It is our intention to lower costs for consumers, so the pass-through of costs is what concerns us.

Harriet SHING: Just for the record, I would take that as a yes. It is your intention to exclude traditional owners from this framework.

The DEPUTY PRESIDENT: Ms Shing, we do not verbal in committee. The answers given by the minister or by the person proposing the amendment are the answers, not what people interpret them to be.

Harriet SHING: As you would be aware and as the house well understands from the operation of convention and the rules in the committee stage, I am in a position to be able to put a comment and in a position to be able to put a proposition to Mr Davis. He should feel free to refute that, and you yourself, Deputy President, are aware that Mr Davis is never, ever backward in coming forward in that regard. It is an inescapable conclusion to my mind, having heard what you have said, Mr Davis, that it is your express intention to exclude traditional owners from the conferral of any benefit as a consequence of your amendment. Mr Davis, I would ask that if in fact it is not your intention that you put that on the record or otherwise clarify the position for the public record given your amendment and the discussion that we are having at the moment. That is my question, Deputy President. If I can put that to Mr Davis in terms as plain as possible: yes or no, Mr Davis?

The DEPUTY PRESIDENT: That was a better way of phrasing it. Thank you.

David DAVIS: I will be as plain as I can here. We are concerned about the pass-through of costs. This will lower costs to consumers. It will lower the costs to a range of businesses and households. We are concerned on a number of fronts, as has been indicated through this process, about costs that are being passed through to consumers.

Sheena WATT: Mr Davis, you have said you are concerned about costs, but you are only wanting to exclude traditional owners. My question is: why are only traditional owners and not other groups in this proposal?

David DAVIS: As I have indicated in the earlier stages here, we have actually highlighted the costs being passed through on a number of fronts and have sought through the opposition to clause 8 to deal with a number of those matters that are being passed through. That is specifically what we have done on a number of different fronts. We are concerned about the costs that will be passed through.

Sheena WATT: Mr Davis, I wonder if you have in fact met with any traditional owner groups or representatives of traditional owners before the drafting of this amendment where you decided to exclude them. I am interested in some feedback on that, because having met with some representatives earlier today regarding this amendment, they certainly have not heard from you. I am wondering if you can furnish me with some details on your consultation with traditional owners on this amendment.

David DAVIS: We have consulted widely on this, but let me be clear: if the member has people that she wishes me to speak to, I am happy to do that and happy to do that at future points.

Sheena WATT: There are certainly traditional owners in this state that have rights under the Traditional Owner Settlement Act 2010 that I think are probably worthy of consultation throughout this process, including the peak body for Victorian traditional owners, and I would certainly make that recommendation. But I have got a further question for the opposition: do you believe that traditional owners should also be excluded from other aspects of transmission planning, along with consultation?

David DAVIS: Well, if I can make a more general point, we are worried about the framework on the consultation by both AEMO and VicGrid, as we have outlined repeatedly through this debate – not just me but a range of others. We do have issues with the government's approach to consultation here. We did have one attempt to improve it through the consultation committee, but I am open to other ways that we could improve consultation on a broader front. I think, yes, it can be on a broader front.

Sheena WATT: I would just highlight that I certainly cannot support these amendments that are before us today from Mr Davis. I will say that, in light of the Yoorrook Justice Commission and what has come out only this week, having talked to a range of representatives they are indeed quite upset with this amendment before us. I would like it noted that there is a difference between Aboriginal people being consumers of energy, as you mentioned earlier, and actual rights holders of the public land estate. I think that that needs to be particularly acknowledged as we continue our committee stage on this bill. That is it for my questions.

Council divided on amendments:

Ayes (12): Georgie Crozier, David Davis, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to.

Clause 10 (17:06)

Sarah MANSFIELD: I am just curious to understand, Minister, why the government chose to legislate the exact figure of landholder payments? Why was that put in legislation and not done via regulation?

Ingrid STITT: We wanted to provide certainty and be transparent; therefore we included it in the bill, Dr Mansfield.

Sarah MANSFIELD: I thank the minister for that response. I am trying to understand as well why a per kilometre approach was used for these payments, because you might have a scenario where you have a farmer, say, with agricultural land that might not be high-value or it is something that they can easily continue their normal operations on, like grazing, so it will not have a huge impact on the productivity of that farm and they are going to be paid the same rate as another farmer where that infrastructure might be cutting across highly productive agricultural land, like a potato farm or something like that, or disrupt the structure of their farm. They are being paid the same amount as the other farmer because it is a flat rate per kilometre. That fails to recognise, I guess, the loss of productivity and the agricultural value of that land. So I am trying to understand the rationale for using this approach and not something that better reflects the actual loss of the productive value of that land.

Ingrid STITT: There are two separate components to the compensation. One is the compensation payable under the Land Acquisition and Compensation Act and that is the act that delivers compensation associated with any loss of land value. The per kilometre payments in compensation are over and above that. The reason why we chose to provide a per kilometre amount indexed and paid over 25 years is because it is consistent with New South Wales, and it ensures that landowners on each side of the border are being treated equally.

Sarah MANSFIELD: I understand that other piece of legislation looks at the value of the land – I am assuming it is if you were to sell that land, what it would be worth – but there is also, for the person who is staying on that land, the ongoing productivity of the land, if you are a farmer, that you are losing, which is not just about the loss of income that you may have generated from, say, growing potatoes or some other form of produce that is now being completely lost and disrupted. Is there going to be some other way of recognising the loss of ongoing productive value of land for some landholders who are affected by this infrastructure? Is that something that might, for example, be a consideration of the next round of VicGrid legislation?

Ingrid STITT: The landholder payments established by the bill that we are dealing with today are separate to any compensation under existing arrangements, including for transmission easements acquired compulsorily under the Land Acquisition and Compensation Act. The act ensures that property owners are fairly paid for the acquisition of their land or an interest in their land, including the impact of any business operations undertaken on the land and the cost to landholders of the acquisition process. VicGrid also recognise that some properties neighbouring transmission line developments may still be

affected, even after mitigation actions associated with project siting and screening are undertaken, so they are developing guidance to further consider this issue, which will be released later in the year.

Clause agreed to; clause 11 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:13): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:13): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

Council divided on question:

Ayes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Question agreed to.

Read third time.

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

National Energy Retail Law (Victoria) Bill 2024

Introduction and first reading

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

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to apply as laws of Victoria, and subject to any necessary modifications prescribed under regulations, the provisions of the National Energy Retail Law providing for retailer of last resort arrangements and the other provisions of that Law that support the effective operation of those provisions, to make related amendments to the **Electricity Industry Act 2000** and the **Gas Industry Act 2001** and to make other minor technical amendments to the **Electricity Industry Act 2000** and the **Gas Industry Act 2001** to improve their operation and for other purposes.'.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:21): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (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 National Energy Retail Law (Victoria) Bill 2024.

In my opinion, the National Energy Retail Law (Victoria) Bill 2024, 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 purpose of the Bill is to apply, with modifications, the retailer of last resort scheme in the National Energy Retail Law. The National Energy Retail Law is contained in the schedule to the *National Energy Retail Law (South Australia) Act 2011*.

The retailer of last resort scheme is the mechanism that facilitates the orderly transfer of customers from the failed retailer to a new retailer to prevent disruption of electricity or gas supply to those customers.

The Bill also revokes the existing retailer of last resort provisions in the *Electricity Industry Act 2000* and the *Gas Industry Act 2001*, and makes other minor and technical amendments to those Acts.

Application of non-Victorian Law

Part 2 of the Bill applies in Victoria parts of the National Energy Retail Law contained in the schedule to the *National Energy Retail Law (South Australia) Act 2011* and the regulations under the National Energy Retail Law. Clause 4 of the Bill provides that the applicable NERL provisions, as modified by regulations to be made under the Bill after its passage, apply as a law of Victoria and may be referred to as the National Energy Retail Law (Victoria), and apply as if they were part of Bill. Clause 5 applies the regulations made under the National Energy Retail Law as regulations in force in Victoria.

The 'applicable NERL provisions' are provisions of the National Energy Retail Law relating to the retailer of last resort scheme, and other provisions to give effect to that scheme.

As the Bill will apply parts of the National Energy Retail Law as Victorian law, the human rights impacts are addressed in this statement of compatibility.

Human Rights Issues

The Bill imposes obligations on energy retailers, regulators and other participants in the national energy framework. Section 6(1) of the Charter provides that only persons have human rights. A person is defined as a natural person. Although it is possible that an energy retailer, regulator or participant could be a natural person, in practice, energy retailers, regulators and other participants are corporate entities.

However, the retailer of last resort scheme has provisions impacting upon customers, which can include natural persons. The human rights issues identified below primarily relate to those persons.

The following human rights protected by the Charter are relevant for the Bill: the right to privacy, freedom of expression, property rights and rights in criminal proceedings.

The National Energy Retail Law (Victoria) Bill 2024 adopts parts of the National Energy Retail Law that engage these human rights under the Charter. The adopted parts will be referred to in this Statement of Compatibility as being the National Energy Retail Law (Victoria).

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

Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will be lawful if it is permitted by a law which is precise and appropriately circumscribed and will not be arbitrary provided it is reasonable in the circumstances and just and appropriate to the end sought.

Section 11 of the National Energy Retail Law (Victoria) Bill 2024 provides that regulations can be made to provide for the disclosure of information (including confidential and personal information) between regulators, where that information relates to a retailer of last resort event.

Section 149 of the National Energy Retail Law (Victoria) is an overarching provision stipulating that Division 7 (which pertains to providing of information) does not limit the information the Australian Energy Market Operator may require a failed retailer or insolvency official to provide to AEMO in relation to a retailer of last resort event, including customer details.

Sections 151–154 and 156 of the National Energy Retail Law (Victoria) permit the Australian Energy Regulator (AER) to issue a 'retailer of last resort regulatory information notice' to require a retailer to provide information about, amongst other matters, the customers of a failed retailer. This notice can be issued in connection with a retailer of last resort event, or with the exercise of the AER's powers. The provisions provide that the information can include names, contact details, billing addresses, whether a customer is a life support customer and debit arrangements. The retailer may be required to provide this information to the Australian Energy Market Operator, the AER, registered retailers of last resort or electricity distributors. It is intended that by amendments given effect by regulations, that the information can also be provided to the Essential Services Commission.

Section 157 of the National Energy Retail Law (Victoria) provides that the AER can share information it has received from a regulatory information notice with the AEMO, distributors of electricity, designated retailers of last resort and any other person that the AER considers necessary. It is intended that by amendment to this section given effect by regulations, that the AER will also be able to share this information with the Essential Services Commission.

Section 174 of the National Energy Retail Law (Victoria) also provides that, to the extent that information is personal information within the *Privacy Act 1988* of the Commonwealth, sharing or use of that information in connection with the retailer of last resort scheme between the AER, AEMO, distributors and designated retailers of last resort is authorised. It is intended that by amendment to this section given effect by regulations, that information can also be shared by the Essential Services Commission and that reference will be made to the *Privacy and Data Protection Act 2014*.

Sections 206–214, 216 and 220 of the National Energy Retail Law (Victoria) empower the AER to require a person to provide information or documents, enable the disclosure of that information in certain circumstances and enable the AER to use information obtained under the Law or the National Energy Retail Rules to perform a function or power. Section 268 empowers the Australian Energy Market Commission to publish information received in relation to a proposed change to the National Energy Rules. Other sections of the National Energy Retail Law (Victoria) also relate to the collection and sharing of information that may include private information.

Accordingly, the right to privacy is engaged.

The collection and sharing of information is to ensure the continuity of the sale of energy to customers, and to enable the AER and other regulatory bodies to undertake their regulatory functions. The provisions ensure important information about customers is available to all relevant entities following a retailer of last resort event, including, for example, whether a customer is a life support customer. The collection, use and disclosure of information are clearly defined and subject to a number of parameters. The provisions relating to information clearly set out in which circumstances they operate.

In addition, a similar information-sharing regime in relation to the sharing of customer information in a retailer of last resort event was included in the *Electricity Industry Act 2000* and the *Gas Industry Act 2001*. That regime has been revoked by the Bill. Therefore, the amendments do not impose any limitations on the right to privacy in Victoria.

Further, the Essential Services Commission is a public entity within the meaning of the *Public Administration Act 2004* and is bound by the requirements of the *Privacy and Data Protection Act 2014* and must ensure that any collection, use or disclosure of information is undertaken in accordance with the Information Privacy Principles set out in Part 3 of that Act. Similarly, the AER is bound by section 44AF of the *Consumer and Competition Act 2010* of the Commonwealth.

These provisions engage the privacy right but do not limit it because they are logical, rational, reasonable and proportionate to the purpose to ensure the continuity of the sale of energy to customers, and to enable the AER and other regulatory bodies to undertake their regulatory functions.

Accordingly, in my view, these provisions are not an arbitrary or unlawful interference with privacy and therefore do not limit that right.

Freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression. Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons and for the protection of national security, public order, public health or public morality.

Sections 158 and 206 of the National Energy Retail Law (Victoria) make it an offence for a person to provide false or misleading information in purported compliance with a retailer of last resort regulatory information notice, or a relevant notice issued by the AER. This may engage a person's right to freedom of expression.

However, section 158 is reasonably required to ensure that information collected by that notice is correct and that the bodies receiving that information can reasonably rely on the truthfulness of the information provided. Section 206 is reasonably required to enable AER to perform its regulatory functions. In addition, section 160 protects legal professional privilege, and section 161 provides for a protection against self-incrimination. Section 206 provides for similar protections.

For this reason, to the extent that the right to freedom of expression is engaged, the impacts are reasonable and necessary to enable the retailer of last resort scheme to operate effectively.

Property rights

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with the law.

As a contractual right could be considered a property right, sections 140 and 141 of the National Energy Retail Law (Victoria) may engage this right. Section 140 provides that the customer of a failed retailer ceases to be a customer of the failed retailer and becomes a customer of the retailer of last resort. Section 141 sets out that the contract for sale of energy between the customer and failed retailer is terminated in that circumstance.

The termination of a contract may deprive a person of their property rights in relation to that contract. However, the deprivation of property is confined to the circumstances set out in these sections. Any deprivation is for the legitimate purpose of ensuring continuity of the sale of energy to that customer.

Therefore, any deprivation of property would be in accordance with the law and do not limit property rights under the Charter.

Criminal rights

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.

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

'Reasonable excuse' offence provisions

Sections 161 and 206 of the National Energy Retail Law (Victoria) introduce offence provisions that contain 'reverse onus' elements. By creating 'reasonable excuse' exceptions, these offences in the Bill place an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence.

I do not consider that an evidential onus such as this limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

Section 159 provides that a person must not refuse to comply with a retailer of last resort regulatory information notice on the ground of any duty of confidence. Section 206 provides that it is not a 'reasonable excuse' to refuse to provide information to the AER on the grounds of a duty of confidence. Section 321 provides that if an individual has a privilege against self-exposure to a penalty, they are not excused from proving information, a document, evidence or answering a question. These sections may limit the protection against self-incrimination. However, these limitations are required to enable relevant information to be collected and shared so that the AER and other bodies can perform their functions and duties, including ensuring the continuity of the sale of energy. There are no less restrictive means available to achieve the purpose of enabling access to this information. Finally, section 159 and section 206 provide that a person, by complying with a notice, bears no liability for breach of contract, confidence or a civil wrong. The Bill also provides for other avenues for granting of relief from liability.

For these reasons, I consider that these provisions are unlikely to limit the right to protection against self-incrimination. However, to extent that that any limitation is imposed, that limitation is reasonable and justified under section 7(2) of the Charter.

Accessorial liability of officers of body corporate for offences

Section 304 of the National Energy Retail Law (Victoria) provides that officers of a body corporate to be liable if the body corporate commits an offence by contravening breach provisions of the National Energy Retail Law, if the officer knowingly authorised or permitted the contravention or breach. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

This provision is relevant to the presumption of innocence as it may operate to deem as 'fact' that an individual has committed an offence based on the actions of another body, based on their association with that body. However, it is my view that the right is not limited in this context.

Section 304 provides that the relevant person only taken to commit the offence committed by the corporation if the person knowingly authorised or permitted the commission of the offence. In my view, these provisions do not limit the presumption of innocence as the prosecution is still required to prove the accessorial elements of the offence – that is, that the relevant person knowingly authorised or permitted the commission of the offence.

In the event that this provision is considered a limit, I am of the view that any limitation is reasonably justified. As with any regulated industry concerning essential services to the public, such as energy, there is a strong need to ensure adequate deterrence of regulatory offences that may cause harm to industry participants or the public at large. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance. These provisions only target persons who have elected to undertake a position as an officer of a body corporate, which includes assuming the responsibilities and duties that apply to that role, and who have the capacity to influence the conduct of the entity concerned.

The provisions ensure such persons are appropriately held responsible for all breaches that occur by or on behalf of the entity in which they have responsibility for, enabling offences to be successfully prosecuted and operate as an effective deterrent. Affected persons should be well aware of the regulatory requirements and, as such, should have the necessary processes and systems in place to effectively meet these requirements and not incur accessorial liability. In my view, there is no less restrictive way of ensuring accountability of officers of bodies corporate for breaches of the Bill, and it follows that these provisions are compatible with the Charter.

Penalty provisions

The Bill also repeals certain provisions relating to civil penalties in the *Electricity Industry Act 2001* and the *Gas Industry Act 2000*. This amendment does not affect any Charter rights.

The National Energy Retail Law (Victoria) will also introduce a limited range of civil penalty provisions relating to the retailer of last resort scheme, and compliance by regulated entities (relating to sections 143, 156, 274, 276 and 282).

The imposition of civil penalties will generally not engage the right under sections 24 (fair hearing) or 25 (presumption of innocence) or 26 (Right not to be tried or punished more than once) the Charter, unless the penalty is in the nature of a punishment. Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. This rule only applies in respect of criminal punishment. The principle does not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa. The imposition of civil penalties will not, generally, engage the right, unless the penalty is in the nature of a 'punishment', or a penal consequence. To the very limited extent that these civil penalties apply to a natural person, the penalties and the powers of the Court to make orders set out in section 291 serve the purpose of ensuring that a person upholds their duties in a retailer of last resort scenario in relation to information notices. I consider the maximum civil penalty appropriate and not disproportionate given the central role these persons play in the regulatory scheme. Furthermore, the National Energy Retail Law (Victoria) provides that the breach of a civil penalty provision is not an offence. These provisions are largely protective in nature, with the aim of ensuring compliance with the regulatory scheme.

Accordingly, I conclude that the penalties attaching to these provisions are civil in nature and thus do not engage this Charter right.

A natural person may have a criminal penalty amount imposed on them if they breach section 158 or 206 of the National Energy Retail Law (Victoria). To the extent that section 24 or 25(2) of the Charter is engaged by

these sections, I do not consider the rights to be limited. A criminal proceeding will be heard by a competent court of relevant jurisdiction and the person entitled to the minimum guarantees. I consider the maximum criminal penalty appropriate and not disproportionate given the central role these persons play in the regulatory scheme. The extent to which section 25(1) of the Charter is engaged is addressed above.

Conclusion

I am therefore of the view that the Bill is compatible with the Charter.

Hon Ingrid Stitt MP
Minister for Mental Health
Minister for Ageing
Minister for Multicultural Affairs

Second reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:21): I move:

That the bill be now read a second time.

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

The Bill is an essential piece of legislation that will enhance protections for Victorian consumers and strengthen the resilience of the energy retail market. This Bill marks a significant step towards safeguarding the interests of energy consumers in the face of an evolving and, at times, challenging energy landscape.

The Bill adopts the national retailer of last resort scheme in Victoria, provided for in the National Energy Retail Law. The retailer of last resort scheme is a key consumer safeguard designed to transfer customers to alternative energy retailers should their current provider fail in the market. The scheme ensures customers continue to receive electricity and/or gas supply without disruption.

In any efficient competitive market, market exit is a natural occurrence. However, in essential services like electricity and gas, it is crucial to have well-functioning exit arrangements in place to ensure uninterrupted energy supply to customers. The scheme serves as the primary regulatory mechanism for dealing with market exits, quickly transferring customers of failed retailers to another retailer to avoid disruption to their energy supply.

While Victoria has had its own successful retailer of last resort scheme since 2007, recent energy market instability has prompted us to assess the scheme's suitability. Over the past year alone, there have been a total of nine retailer failures across the east coast electricity and gas markets, including four in Victoria. Factors such as the surge in wholesale gas and electricity prices, coupled with unexpected global events like the war in Ukraine, have added substantial strain on our retailers.

Recognising the need to enhance the scheme, the Bill proposes the adoption of the national retailer of last resort scheme in Victoria. This national scheme, already operational in several jurisdictions, provides a uniform framework for managing retailer failures, ensuring consistency and reducing the risk of unintended consequences for customers.

The Bill will provide the Australian Energy Regulator with the power to direct the failed retailer's gas contracts and supply to the retailer that takes on the failed retailer's customers. This ensures that the retailer has the necessary gas to service a larger customer base. This provision addresses a crucial gap in Victoria, where the Essential Services Commission does not have equivalent powers in Victoria and the Victorian retailers of last resort are at risk of having insufficient capacity to service their new customers.

The Bill also allows for the transfer of affected customers to multiple retailers, minimising the disruptive impact across the community and energy market. This stands in contrast to the current Victorian scheme, which does not allow additional retailers to be appointed after an event, placing undue pressure on a single retailer.

The Bill provides better financial protection for affected customers of a retailer of last resort event. Unlike the current one-time fee imposed on customers of failed retailers in Victoria, the Bill spreads costs across a wider consumer base, mitigating the impact on those unexpectedly affected by the aftermath of a retailer failure.

Lastly, by adopting the national retailer of last resort scheme, amendments made to the scheme will automatically apply in Victoria. On 12 August 2022, the Australian Energy Market Commission proposed recommendations to Energy Ministers, aiming to enhance the national RoLR scheme and address crises and the risk of market participant failure. These changes are proposed to commence in 2024. The reforms

considered include expanding the Australian Energy Regulator's powers to direct gas storage supply to the designated retailer of last resort; coordinated crisis management approaches informed by scenario planning; and introducing the option for small customers of a failed retailer to be transferred to a market retail contract, which offers competitive prices.

Unlike in other jurisdictions where energy retail laws are regulated by the National Energy Retail Law and monitored by the Australian Energy Regulator, Victoria maintains its own regulatory framework enforced by the Essential Services Commission. Victoria has some of the strongest energy consumer protections in the country and these will continue.

While the Australian Energy Regulator will regulate the National Energy Retail Law retailer of last resort arrangements to be introduced by the Bill, the rest of the energy retail laws will still be overseen by the Essential Services Commission under Victorian legislation.

Some of the retailer of last resort scheme in the National Energy Retail Law will need to be modified to ensure that the provisions operate consistently with the Victorian energy retail framework and terms are defined consistently with how they are used in the Victorian framework. These modifications will be effected by regulations made under the Bill.

As we navigate both the opportunities and the challenges posed by the shift towards clean energy, the Bill acknowledges the potential disruption to energy retailers. The increasing adoption of clean and distributed energy generation, including household solar photovoltaics and batteries, will decrease the amount of supply purchased from retailers, leading to reduced revenue and likely increase the market exits of smaller retailers with marginal profitability. Strategic planning and proactive measures are therefore essential to ensure the financial stability of retailers in a transforming energy market.

In conclusion, the Bill introduces a clear and robust scheme that ensures well-functioning exit arrangements, which are crucial for maintaining an uninterrupted energy supply to consumers and protecting retailers from cascading retail failures.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (17:22): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Commercial and Industrial Property Tax Reform Bill 2024

Introduction and first reading

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

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to reform the taxation of commercial and industrial property, to amend the **Duties Act 2000**, the **Taxation Administration Act 1997**, the **Treasury Corporation of Victoria Act 1992** and other Acts and for other purposes.'.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:22): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:23): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Commercial and Industrial Property Tax Reform Bill 2024.

In my opinion, the Commercial and Industrial Property Tax Reform Bill 2024 (**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

This Bill reforms the taxation of commercial and industrial property by introducing the commercial and industrial property tax (**CIPT**). In doing so, the Bill also make consequential amendments to the *Duties Act 2000* (**Duties Act**), the *Taxation Administration Act 1997* (**TA Act**), the *Treasury Corporation of Victoria Act 1992* (**TCV Act**), the *Heritage Act 2017*, the *Property Law Act 1958* (**Property Law Act**), *Retail Leases Act 2003* (**Retail Leases Act**), the *Sale of Land Act 1962* (**Sale of Land Act**) and the *Valuation of Land Act 1960* (**Valuation of Land Act**).

Many provisions of the Bill do not engage the human rights listed in the Charter because they either do not affect natural persons, or they operate beneficially in relation to natural persons.

Human rights issues

The rights under the Charter that are relevant to the Bill are the right to property, the right to privacy, the right to freedom of movement, the right to a fair hearing, the presumption of innocence and the right against self-incrimination.

Right to property: section 20

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

Imposition of CIPT

Parts 2 and 3 of the Bill prescribe the regime by which the CIPT reform scheme operates. Clauses in these Parts engage the right to property to the extent that a natural person taxpayer may be liable to CIPT.

The imposition of CIPT is not arbitrary because it is precisely formulated in Parts 2 and 3 of the Bill. These clauses are adequately accessible, clear and certain, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Furthermore, taxpayers will have the protections provided by the TA Act including rights of objection, review, appeal and refund of overpaid tax.

Change of use duty: Duties Act

Clause 37 inserts section 69AR into the Duties Act which imposes duty in respect of certain dutiable transactions over property which has entered the CIPT reform but subsequently undergoes a change of use.

Clause 41 inserts section 89FB into the Duties Act which imposes landholder duty in respect of certain relevant acquisitions where property in which the landholder has an interest has entered the CIPT reform but subsequently undergoes a change of use.

The right to property may be engaged by these amendments as natural person taxpayers may become liable to duty.

To the extent that a natural person's property rights are affected by the above amendments to the Duties Act, any limitation is in accordance with the law, which is clearly articulated, not arbitrary, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Any deprivation of property arising from the payment of duty under the change of use provisions is further justifiable since these provisions are anti-avoidance in nature.

Transition loan program: TCV Act

Clause 57 of the Bill inserts provisions relating to the transition loan program into the TCV Act. Under this new Part 3C of the TCV Act, natural persons may apply for and enter into a transition loan with the Treasury Corporation of Victoria (**TCV**), and such loan is to be used for the payment of duty under the Duties Act on

transactions that result in land entering the CIPT reform. A natural person who is a borrower under a transition loan would be required to repay amounts to TCV under that transition loan. Further, under the proposed section 36S(1) of the TCV Act, TCV will have a first statutory charge on the borrower's interest in the land to secure any amounts owing under the transition loan. Under the proposed section 36U of the TCV Act, in the event of non-payment by a borrower, TCV may enforce a statutory charge and the enforcement of that statutory charge may result in the sale of the property by TCV.

The right to property may be engaged by these amendments as natural persons may become liable to repay amounts to TCV under a transition loan agreement. Further, natural persons may be deprived of their property if they do not repay the transition loan when it is due, as the property may be sold as part of the enforcement process.

Transition loan repayments and the enforcement of the statutory charge are not arbitrary because natural persons will enter into the loan agreements voluntarily and repayment terms and enforcement terms will be agreed between the relevant natural person(s) and TCV in the applicable transition loan agreement and by virtue of the proposed amendments to the TCV Act under the Bill. Natural person borrowers under the transition loan scheme will have the requisite information to inform themselves of their legal obligations and to regulate their conduct accordingly.

Investigative powers of tax officers

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

The powers of an authorised officer include, under section 76 of the TA Act, the power to seize a document or thing where the officer has reason to believe or suspect it is necessary to do so to prevent its concealment, loss, destruction or alteration. Similarly, section 81 of the TA Act provides that an authorised officer may seize a storage device and the equipment necessary to access information on the device if the authorised officer believes, on reasonable grounds, that the storage device contains information relevant to the administration of a taxation law and it is not otherwise practicable to access the information on the device.

Sections 76 and 81 of the TA Act, as they will apply to the Bill, do not limit the right in section 20 of the Charter because they are sufficiently confined and structured, accessible, and formulated precisely such that any deprivation occurs in accordance with the law. Further, these provisions guard against any permanent interference with property where no offence has been committed. For example, the TA Act provides that reasonable steps must be taken to return a document or thing that is seized if the reason for its seizure no longer exists (section 84), and the document or thing seized must be returned within the retention period of 60 days, unless the retention period is extended by an order of the Magistrates Court (section 85).

Right to privacy: section 13

Section 13(a) of the Charter provides that every person has the right to enjoy their private life, free from interference. This right applies to the collection of personal information by public authorities. An unlawful or arbitrary interference to an individual's privacy will limit this right.

Notification requirements

Clause 33 of the Bill requires persons served with a notice of assessment of CIPT to notify the Commissioner of State Revenue (**Commissioner**) of certain errors or omissions in the notice within 60 days after the date of issue of the notice of assessment. Clause 34 of the Bill requires owners of tax reform scheme land to notify the Commissioner within 30 days if the land or any part of it undergoes a change of use.

However, to the extent that the collection of this personal information may result in interference with a natural person's privacy, any such interference will be lawful and not arbitrary as these provisions do not require that a person's personal information be published, and only require the provision of information necessary to achieve the purpose of accurate and correct CIPT taxation.

Permitted disclosures under the TCV Act

Clause 57 of the Bill inserts new section 36W into the TCV Act, allowing TCV to disclose to any person information about whether any land is subject to a statutory charge under the new section 36S(1) of the TCV Act or any information obtained by TCV under or in connection with the transition loan program.

To the extent that TCV's discretionary power to disclose transition loan program or statutory charge information relates to natural persons and engages the right to privacy, I consider that engagement to be neither arbitrary nor unlawful. TCV's power to disclose information obtained under or in connection with the transition loan program does not extend to information obtained by TCV from a tax officer under section 92

of the TA Act. These amendments ensure that TCV can administer the transition loan program in accordance with legislation.

Investigative powers of tax officers and secrecy provisions under the TA Act

The inclusion of the Bill as a taxation law under the TA Act ensures that the investigative powers of the Commissioner and authorised tax officers apply to the administration of the Bill. The following investigation powers may engage the right to privacy, as well as the right not to impart information, which forms part of the right to freedom of expression under section 15 of the Charter:

- Section 73 of the TA Act provides that the Commissioner may, by written notice, require a person to provide the Commissioner with information, produce a document or thing in the person's possession, or to attend and give evidence under oath.
- Section 76 of the TA Act which provides for entering and searching premises, as outlined above.
- Section 77 of the TA Act provides that an authorised officer may apply to a magistrate for a search warrant in relation to a premises, including a residence, if the authorised officer considers on reasonable grounds that there is, or may be within the next 72 hours, on the premises a particular thing that may be relevant to the administration or execution of a taxation law.
- Section 81 of the TA Act which provides for obtaining information from a storage device, as outlined above.
- Section 86 of the TA Act provides that an authorised officer may, to the extent it is reasonably necessary to do so for the administration or execution of a taxation law, require a person to give information, produce or provide documents and things, and give reasonable assistance, to the authorised officer.

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

Section 92 of the TA Act permits a tax officer to make certain disclosures of information obtained in the administration of a taxation law. Specifically, section 92(1) permits the disclosure of such information for several different purposes, including in accordance with a requirement imposed under an Act, in connection with the administration or execution of a taxation law, to an authorised recipient such as the Ombudsman or a police officer of or above the rank of Inspector, or in connection with the administration of a legal proceeding arising out of a recognised law.

The types of information that may be disclosed include, but are not limited to, information regarding land ownership, tax liabilities and payments by taxpayers, taxation defaults by taxpayers, and applications for objection, appeal and review under Part 10 of the TA Act by taxpayers.

Permitted disclosures are strictly confined to their legitimate purposes and are subject to considerable legislative safeguards. In particular, section 94 of the TA Act prohibits 'secondary disclosure', that is, on-disclosure of any information provided by a tax officer under section 92, unless it is for the purpose of enforcing a law or protecting public revenue and the Commissioner has consented, or a disclosure made with the consent of the person to whom the information relates (or at the request of a person acting on behalf of that person). Further, section 95 provides that an authorised officer is not required to disclose or produce in court any such information unless it is necessary for the purposes of the administration of a taxation law, or to enable a person to exercise a function imposed on the person by law.

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

Permitted disclosures to TCV under the TA Act

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

Consequential amendments to the TA Act pursuant to clause 48 of the Bill will now prescribe TCV as an authorised recipient where the disclosure is for the purpose of, or in connection with, the transition loan program introduced by the Bill. There will be instances where a tax officer (as defined in section 3(1) of the TA Act) may disclose information protected under section 91(1) of the TA Act to TCV to assist in its administration of the transition loan program.

To the extent that a tax officer's discretionary power to disclose protected information to TCV engages the right to privacy, I consider that engagement to be neither arbitrary nor unlawful. These amendments ensure that the Commissioner and TCV can exercise their respective regulatory and administrative functions in accordance with legislation.

Property clearance certificates: TA Act

Clause 49 of the Bill amends section 95AA of the TA Act to provide for the inclusion of information relating to CIPT on property clearance certificates. This may engage the right to privacy to the extent that natural persons' information may be disclosed.

Only an owner, mortgagee or bona fide purchaser may apply for a property clearance certificate under section 95AA of the TA Act. The Commissioner is required to disclose the amount payable with respect to any charge on the land for unpaid CIPT, whether the land is CIPT reform scheme land and, if so, when it became or will become subject to CIPT. The Commissioner may also provide additional information. This may include, for example, an amount of CIPT that has not yet been assessed, or information relating to another debt payable to the Commissioner under a revenue law with respect to that property.

To the extent that information that may be disclosed in a property clearance certificate is personal information, the right to privacy is engaged. However, the right to privacy is not limited. The disclosure contemplated by this amendment will not be arbitrary, nor will it constitute unlawful interference. The disclosure of this information will be expressly permitted by and subject to the secrecy provisions of the TA Act.

Section 32 statements: Sale of Land Act

Clause 63 of the Bill amends section 32A(c) of the Sale of Land Act to require certain land information relevant to CIPT to be disclosed in vendor statements. This may engage the right to privacy. To the extent vendors of land will be required to disclose this information to prospective purchasers, this is not unreasonable or arbitrary, as the amendment helps to reduce information imbalances between vendors and purchasers in property transactions.

Freedom of movement: Section 12

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

As set out above, the administration of CIPT may involve the exercise of investigative powers provided in section 73 of the TA Act. Among other things, this section provides that the Commissioner or an authorised officer may exercise their power to direct a natural person to attend and give evidence in relation to a matter. Accordingly, a person's right to move freely within Victoria may be engaged.

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

To the extent that section 73 of the TA Act limits the right of freedom of movement, any such limit is demonstrably justified under section 7(2) of the Charter, as the Commissioner's power to compel a person's attendance to give evidence will in certain circumstances be essential to obtain the information needed for the proper administration of the CIPT, and for the collection of reportable information in accordance with the TA Act.

Right to fair hearing: section 24(1)

The right to a fair hearing is protected under section 24 of the Charter which provides that a person charged with a criminal offence or a party to a civil proceeding have the right to a fair hearing. The right to a fair hearing applies to both courts and tribunals, such as the Victorian Civil and Administrative Tribunal. Generally, the right to a fair hearing is concerned with procedural fairness and access to a court or tribunal, rather than the substantive fairness of a decision of a court or tribunal determined on the merits of a case.

Clause 55 of the Bill inserts a new subsection (13) into section 135 of the TA Act to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the TA Act, as those sections apply after the commencement of clause 55, to alter or vary section 85 of the *Constitution Act 1975*. These provisions preclude the Supreme Court from entertaining proceedings of a kind to which these sections apply, except as provided by those sections.

The central purpose of this Bill is to introduce the CIPT and provide for its administration under the TA Act consistent with other Victorian taxes. Section 5 of the TA Act defines the meaning of a non-reviewable decision in relation to the TA Act, which will apply to the Bill. 'Non-reviewable' is referred to in sections 12(4) and 100(4) of the TA Act.

The reason for limiting the jurisdiction of the Supreme Court in relation to a compromise assessment under section 12 of the TA Act is that agreement has been reached between the Commissioner and a taxpayer on

the taxpayer's liability, and the purpose of section 12 would not be achieved if a compromise assessment were reviewable.

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

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

A power is provided to the Commissioner under section 100 of the TA Act, which provides that Commissioner with discretion to allow an objection to be lodged even though it is out of time. This decision is non-reviewable to ensure the efficient administration of the TA Act and to enable outstanding issues relating to assessments to be concluded expeditiously.

To the extent that limiting the jurisdiction of the Supreme Court may limit a person's fair hearing rights as protected under section 24(1) of the Charter, any such limit would be demonstrably justified. The classification of certain decisions under the TA Act as 'non-reviewable' is directly related to the particular statutory purpose and context of those particular decisions, and the TA Act provides an alternative regime for dealing with objections, which is necessary for the efficient discharge of the Commissioner's functions under the TA Act, which will now include the administration of the Bill as a taxation law.

Presumption of innocence: section 25(1)

The right in section 25(1) is engaged where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that the accused person is not guilty of an offence.

Sale of Land Act amendments and TA Act defence of reasonable excuse

The right to be presumed innocent may be considered relevant to clause 62 of the Bill as well as several offences under the TA Act which place an evidential burden on the defendant.

Clause 62 of the Bill amends offences in the Sale of Land Act to enforce a prohibition on passing on CIPT liability under certain arrangements over land, e.g. contracts of sale. The right to be presumed innocent may be considered relevant to these strict liability offences which place an evidential burden on the defendant to rely on a defence such as the defence of honest and reasonable mistake.

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

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

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

Although these provisions require a defendant to raise evidence of a matter to rely on a defence, they impose an evidential, rather than legal burden. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. The defences and excuses provided relate to matters within the knowledge of the defendant, which is appropriate in circumstances where placing the onus on the prosecution would involve the proof of a negative which would be very difficult.

Failure to exercise due diligence: TA Act

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

Section 130C(3) provides that it is a defence to a charge for an officer of a body corporate to prove that they exercised due diligence to prevent the commission of the offence by the body corporate. The defence in 130C(3) of the TA Act imposes a legal burden on the defendant. The imposition of a legal burden to rely on the defence of due diligence is compatible with the right to presumption of innocence in section 25(1) of the Charter, as any limits on the right will be reasonably justified under section 7(2) of the Charter. Section 130C applies only to a narrow range of offences of dishonesty, and only to officers of a body corporate as persons who carry on a specific role and possess significant authority and influence over the body corporate. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. Further, a defence is available for the benefit of an accused to escape liability where they have taken reasonable steps to ensure compliance in respect of what could otherwise be an absolute or strict liability offence.

The purpose of these provisions is to ensure compliance with the Bill by deterring intentional acts of dishonesty in the administration of the CIPT. A person who elects to undertake a position as officer of a body corporate accepts that they will be subject to certain requirements under the Bill and the TA Act and will be expected to be able to demonstrate their compliance with these requirements. This includes the expectation that an officer of a body corporate can demonstrate compliance with a requirement to exercise due diligence to prevent the commission of these offences of dishonesty by the body corporate taxpayer. Moreover, whether an officer of a body corporate has exercised due diligence is a matter peculiarly within the knowledge of that person.

Such persons are best placed to prove whether they exercised due diligence. Therefore section 130C(3) of the TA Act as it applies to the Bill is compatible with the right to the presumption of innocence protected by the Charter.

Rights in criminal proceedings: section 25(2)(k)

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

Section 86 of the TA Act, which will apply to the Bill, is outlined above. It is an offence to fail to comply with a requirement made or to answer a question under this section. Section 87(1) limits the right to protection against self-incrimination by providing that a person is not excused from answering a question, providing information, or producing a document or thing on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. Section 87(2) provides that, if a person objects to answering a question, providing information, or producing a document or thing, the answer, information, document or thing is not admissible in any criminal proceeding other than proceedings for an offence against a taxation law, or proceedings for an offence in the nature of perjury.

Section 87(1) of the TA Act is a reasonable limit on the right to protection against self-incrimination under section 7(2) of the Charter. The ability of an authorised officer to require a person to give information or answer questions will be necessary for the proper administration of the Bill. Section 87(2) of the TA Act only authorises the admission of evidence obtained under section 87(1) in an offence against a taxation law, or proceedings for perjury, and otherwise preserves both the direct use immunity and derivative use immunity. This section directly promotes the objective of the TA Act, which is to facilitate the administration and enforcement of Victoria's taxation laws and is a significant public purpose.

Further, with respect to the power of an authorised officer to require the production of documents, I note that at common law, the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents brought into existence to comply with a request for information.

There are no less restrictive means available to achieve the purpose of enabling the proper administration of the Bill, as providing an immunity that applies to the offence of perjury or an offence under the Bill or the TA Act would unreasonably obstruct the role of the authorised person to investigate compliance with the Bill.

Conclusion

For these reasons, in my opinion, the provisions of the Bill are compatible with the rights contained in sections 12, 13, 20, 24(1), 25(1) and 25(2)(k) of the Charter.

Hon Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

Second reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:23): I move:

That the bill be now read a second time.

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

Introduction

It is with great pleasure that I rise to speak in support of this Bill, a Bill which will reform the taxation landscape of commercial and industrial property in Victoria by moving away from stamp duty and towards a more efficient tax.

I am honoured to be a part of the first government in Victoria's history with a plan to abolish stamp duty on commercial and industrial properties in this State.

Replacing stamp duty on property purchases with a broad land-based tax has long been supported by a wide range of independent think tanks, policy commentators, industry groups and inquiries.

This is a transformational reform. It isn't a simple adjustment to tax settings. It is a different way of taxing commercial and industrial property that will support business to grow and expand.

It will make it easier for businesses to expand or set up in the best location, for example closer to their customers or where there is a growing workforce.

Economic modelling suggests that after 40 years, this reform will have added 12,600 jobs to Victoria's economy and have increased the size of the Victorian real economy by a cumulative $50 billion in net present value terms.

Overview of the Bill

The Bill introduces a new principal Act to provide the necessary legal powers to effectively introduce and administer this reform, and to help transition commercial and industrial properties from stamp duty to a more efficient tax. The Bill also amends other acts including the *Duties Act 2000*, the *Treasury Corporation of Victoria Act 1992*, the *Taxation Administration Act 1997*, the *Valuation of Land Act 1960*, the *Heritage Act 2017*, the *Property Law Act 1958*, the *Retail Leases Act 2003*, and the *Sale of Land Act 1962*.

This Bill follows the public announcement of the reform in the *2023–24 Budget*. External consultation with key stakeholders and industry groups has been undertaken to ensure the design of the reform supports property owners through the transition.

Policy design

The new tax system proposed under this Bill will apply to commercial and industrial property transactions with a contract and settlement date on or after 1 July 2024. For these properties, stamp duty will be paid one final time and Commercial and Industrial Property Tax (property tax) will be payable 10 years after the final stamp duty payment, regardless of whether that property has transacted again.

If a property is sold again, stamp duty will not apply on that transaction if the property continues to be used for a commercial or industrial purpose.

To smooth the transition to the new tax system, the Government will give eligible purchasers of commercial or industrial property the option of accessing a government-facilitated transition loan to finance the upfront stamp duty if they desire.

The reform is designed to be revenue neutral over time, with the property tax replacing revenue from stamp duty.

Entry into the tax reform scheme

The Bill defines eligibility for entry into the reform scheme and defines when transactions will bring property into the scheme.

The reform will commence on 1 July 2024. People who own commercial or industrial property prior to that date and do not transact will not be directly affected.

For the first time a commercial or industrial property is transacted with a contract and settlement date on or after 1 July 2024, one final stamp duty liability will apply, and the property will automatically enter the reform scheme. A 10-year transition period will commence for that property upon settlement of that transaction. Once this transition period has passed property tax will be payable.

At settlement, the property purchaser will pay the property's final stamp duty liability upfront by choosing to self-finance, or by financing the liability through a government-facilitated transition loan.

If the purchaser chooses the loan, the amount provided by the loan will be used to pay the full stamp duty payable at settlement of the property transfer. Following this, the purchaser will make fixed annual loan repayments over 10 years, equal in aggregate to the property's stamp duty liability plus interest.

The Bill amends the *Duties Act 2000* such that stamp duty will not be payable on future transactions of that property as long as it continues to have a commercial or industrial use.

Property will automatically enter the reform scheme if a contract of sale is entered on or after 1 July 2024, the transaction relates to 50 per cent or more of the property, there is a positive stamp duty liability, and the property has a qualifying commercial or industrial use at settlement.

Transactions such as landholder acquisitions or fractional interest transactions where less than 100 per cent of a property is transacted will cause a property to enter the reform scheme if the transaction relates to 50 per cent or more of the property.

Transactions eligible for the corporate reconstruction or consolidation concessions will not trigger entry into the reform scheme. This ensures an ongoing tax liability does not result from efficiency improving restructuring of corporate groups.

Dutiable lease transactions and economic entitlement transactions will not trigger entry into the reform scheme. These types of transactions occur infrequently.

Commercial and industrial property transactions that are exempt from stamp duty will not cause a property to enter the reform. These include transfers such as deceased estates, a transfer to a spouse or partner, and purchases by charities and friendly societies.

Existing stamp duty concessions will continue to apply for the final stamp duty liability on the property. This includes the stamp duty concession for property purchased in regional Victoria for commercial, industrial, and extractive industry purposes.

The Bill defines a property as having a qualifying commercial or industrial use if the property is allocated an Australian Valuation Property Classification Code that represents commercial, industrial, extractive industries, or infrastructure and utilities land. These codes fall in the range of 200 to 499 and 600 to 699.

In addition, some student accommodation will be included as a qualifying use for the purpose of the reform, despite having an Australian Valuation Property Classification Code outside of the qualifying range. Land which is solely or primarily used as commercial residential premises and also solely or primarily used for providing accommodation to tertiary students will be considered commercial property.

Some properties have a mix of qualifying and non-qualifying uses, for example a street shop with a residence above. For these properties, a sole or primary use test will be used to determine if the property will enter the reform scheme upon a qualifying transaction.

If reform properties and non-reform properties are consolidated into a single property, the consolidated property will be deemed to be in the reform scheme if 50 per cent or more of the consolidated property is in the scheme.

Child lots of a property that is subdivided will inherit the reform scheme status of the parent property.

Commercial and Industrial Property Tax

The *Commercial and Industrial Property Tax Reform Act 2024* implements the property tax, which will commence 10 years after settlement of the entry transaction.

The property tax replaces stamp duty for the property and will only apply for commercial or industrial property that is in the reform scheme.

The property tax will not apply to property used primarily for residential purposes.

Exemptions that apply to land tax will also apply to property tax for relevant commercial or industrial property. Therefore, commercial or industrial property primarily used for primary production, community services or sport, heritage, and culture purposes will be exempt from property tax if the criteria for exemption under the *Land Tax Act 2005* are met.

The property tax rate will be a flat one per cent of that property's unimproved land value per annum, with no tax-free threshold. It will be separate from, and in addition to the existing land tax system.

Like land tax, taxpayers will be able to pay property tax in a single annual payment or by instalments.

For property with a mixture of uses, if property tax applies, it will apply to the entire value of the property.

The Bill amends the *Retail Leases Act 2003* to align the treatment of the property tax with land tax, including prohibiting the property tax from being passed on to certain tenants subject to a retail lease under the *Retail Leases Act 2003*.

Passing on property tax to residential renters will also be prohibited through provisions included in the *Commercial and Industrial Property Tax Reform Act 2024*.

The Bill also amends the *Heritage Act 2017*, the *Property Law Act 1958*, the *Sale of Land Act 1962*, and the *Valuation of Land Act 1960* to ensure consistency between the treatment of property tax and land tax and allow for the administration of the reform.

Transition loan

As part of the transitional support built into this Bill, taxpayers will have the choice of paying the final stamp duty liability for a property upfront either using their own finances, or by accessing a government facilitated transition loan. The loan will in turn pay off the stamp duty liability upon settlement and be repaid by the taxpayer in annual instalments over 10 years.

The taxpayer has the freedom to take-up the loan if it suits their circumstances, however they are not mandated to and are free to pay their stamp duty without a government facilitated transition loan using their own finances.

The transition loan will help smooth the transition to the new tax system and allow eligible taxpayers who opt for the loan to transition towards annual payments from the time of purchase.

The loan will help free up capital for businesses to invest in property improvements and expand their business. This will be of particular benefit to small and medium-sized businesses as the loan will be available for property with a purchase price of up to $30 million.

To facilitate the implementation of the transition loan, the Bill amends the *Treasury Corporation of Victoria Act 1992* to empower Treasury Corporation of Victoria to administer the transition loan program. This additional power is confined to this specific transition loan program only.

The Bill allows the Treasurer to determine by written notice any matters necessary for the operation of the transition loan program, such as eligibility criteria and key lending terms. These lending terms will include parameters the Government has already announced. For example, that borrowers will be required to make ten equal repayments based on the property's final upfront stamp duty liability and a fixed commercial market-based interest rate.

The Bill also gives the Treasurer the power to execute a guarantee in favour of Treasury Corporation of Victoria in relation to the performance of borrowers' obligations under transition loan agreements on any terms and conditions that the Treasurer determines.

Treasury Corporation of Victoria will have a first ranking statutory charge over the borrower's interest in the land relating to the loan. As outlined in the Bill, this charge will be prioritised ahead of all other encumbrances. TCV must record this charge with the Registrar on the land title to inform prospective purchasers.

In addition, the Bill includes provisions to prevent a loan from being novated or transferred to a third party or subsequent purchaser. If the property is subsequently sold, the borrower will be obliged to repay the outstanding balance of the loan before it can be effectively transferred. The Bill supports this by restricting the Registrar from transferring land title in instances where the statutory charge has not been removed from the title. Further, the borrower will be contractually obliged under the transition loan agreement to repay the outstanding balance of the loan if the property changes to a non-qualifying use.

Information regarding the existence of the statutory charge recorded on the certificate of land title will be publicly accessible by interested parties, including prospective purchasers, through a title search. This information will also be included as part of a Section 32 Statement provided by vendors to prospective purchasers under the *Sale of Land Act 1962*. In addition, the Bill provides Treasury Corporation of Victoria with the power to provide information in connection with the transition loan program or the statutory charge to any person it thinks fit.

Industry consultation

In designing the reform, the Government engaged with the property, real estate and financial sectors. The Government consulted with policy advocacy groups, chambers of commerce, planning and local government representative groups and the tax law community.

Feedback from these sectors was used to inform the final design of the reform. This feedback has helped ensure that the reform maximises the economic benefits for Victoria and supports business.

Administrative powers

The Commissioner for State Revenue will be able to recover property tax subject to a tax default from lessees, mortgagees or occupiers of the land, subject to the Commissioner serving a written notice. This is consistent with land tax recovery provisions.

The Bill amends the *Taxation Administration Act 1997* to extend the provisions for the administration and enforcement of taxation laws to the property tax and the tax reform scheme.

The Bill also amends this Act to permit disclosure of taxpayer information to the Treasury Corporation of Victoria for the purposes of the transition loan program.

Further amendments to the *Taxation Administration Act 1997* include allowing property clearance certificates issued to prospective purchasers of land to be updated with information on whether the land is tax reform scheme land, when it became tax reform scheme land, and when the land will become or became subject to the property tax.

The Bill introduces additional anti-avoidance provisions through amendments to the *Duties Act 2000*, including the introduction of change of use duty that may apply to properties that received a stamp duty exemption and subsequently changed to a non-qualifying use.

Change of use duty will disincentivise taxpayers from avoiding stamp duty by purchasing a property that is in the reform and converting it to a residential or other use.

The *Commercial and Industrial Property Tax Reform Act 2024* will require the aggregation of multiple qualifying dutiable transactions for the purpose of determining entry of properties into the reform scheme. This is an integrity measure to ensure properties cannot be kept outside of the reform scheme by splitting up a transaction.

Implementation

Subject to parliamentary endorsement, the reform will begin on 1 July 2024. In the lead up to the start date, the Government will provide educational support on the reform, including helping industry and taxpayers navigate the new scheme given its complexities and transformational nature.

Once again, I note that this reform only applies to commercial and industrial properties which are transacted under contracts entered into on or after 1 July 2024. Transactions with contracts signed before this date will not be affected.

This provides a clear and transparent break so that previous property purchasers who are awaiting settlement are not impacted, and prospective purchasers will be fully informed of the new tax system before entering a contract.

We're making history by being the first government in Victoria to eliminate stamp duty on commercial and industrial properties in this State. This reform will encourage businesses to invest, create jobs and grow, and help drive productivity in our state. And it will facilitate this transition in a manner that supports businesses in a sustainable way.

Jurisdiction of the Supreme Court of Victoria

I draw the members' attention specifically to clause 55 of the Bill. This clause proposes to limit the jurisdiction of the Supreme Court to ensure that the legislative regime under the TAA applies to property tax in the same way as it does in relation to any other taxation law. Accordingly, I provide a statement under section 85(5) of the *Constitution Act 1975* of the reasons for altering or varying that section by this Bill.

I commend the Bill to the house.

Section 85(5) of the Constitution Act 1975

Harriet SHING: I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Commercial and Industrial Property Tax Reform Bill 2024.

Section 85 of the Constitution Act 1975 vests the judicial power of Victoria in the Supreme Court and requires a statement to be made when legislation that directly or indirectly repeals, alters or varies the court's jurisdiction is introduced. Clause 55 of the bill inserts a new subsection (13) into section 135 of the Taxation Administration Act 1997 to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of the bill, to alter or vary section 85 of the Constitution Act 1975.

This bill reforms the taxation of commercial and industrial property by introducing the commercial and industrial property tax. Division 2 of part 5 of the bill makes consequential amendments to the Taxation Administration Act 1997 to enable the CIPT, consistent with other state taxes, to be administered under the Taxation Administration Act 1997 and any regulations made under it.

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

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

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

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

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

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

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

Evan MULHOLLAND (Northern Metropolitan) (17:28): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (17:28): I am pleased to rise and make a contribution to the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024. In any event this is a bill that we have some reservations about on two levels. We think there is not sufficient focus on what will be replacing a number of these bodies, and the government has not fleshed out what it intends to do. For that reason, we would seek to move a reasoned amendment, but we would also seek to move a textual amendment. It might be appropriate to circulate both of those now if that is possible.

Amendments circulated pursuant to standing orders.

David DAVIS: The purpose of the bill is to amend the Estate Agents Act 1980 and abolish the Estate Agents Council. It amends the Business Licensing Authority Act 1998 to facilitate closure of the Sex Work Regulation Fund. It amends the Public Records Act 1973 to abolish the Public Records Advisory Council. It amends the Residential Tenancies Act 1997 in relation to funding dispute resolution and advocacy services.

There are a number of points I would make here. The bill seeks to expand the use of funds from the Victorian Property Fund (VPF) and the Residential Tenancies Fund (RTF) to allow the establishment of a new dispute resolution body and advisory body. The bill does not contain any detail about the new body. I think the contribution of my colleague Mr McCurdy in the lower house outlined a number of the opposition's concerns, concerns that related to what comes next and how this is to operate, and there did not seem to be any great clarity from the government.

I make a number of points here. The second-reading speech referenced Rental Dispute Resolution Victoria, which was announced as part of the government's 2023 housing statement. The body is designed to relieve the residential tenancies list cases from VCAT as well as to provide advocacy for tenants and renters. The body itself will not be established through this bill; however, these clauses enable the government to use funding for the establishment of the body. The body will oversee disputes on the Company Titles (Home Units) Act 2013, the Conveyancers Act 2006, the Owners Corporations Act 2006, the Residential Tenancies Act 1997, the Retirement Villages Act 1986, the Rooming House Operators Act 2016, the Sale of Land Act 1962 and any other prescribed housing or property-related matter.

As I say, the Estate Agents Council is abolished, and the government is working through establishing a more informal, flexible and ongoing consultative mechanism to inform policy and the minister. The bill deals with the associated wind-up of both groups – that is, the Public Records Advisory Council – including the logistics behind the members remuneration and the last days of groups. The bill provides no legislative replacement for either of these bodies, and I will come to the Public Records Advisory Council in a moment. As I said, the Sex Work Regulation Fund has a minimal balance, and it is fiscally prudent for it to be dissolved to save on administration costs, as the fund no longer receives any revenue from fines or licensing. Additional amendments are also made to various acts to replace gendered language with non-gendered language and to fix typographical errors. The point here I think is that the government has not provided what replaces a lot of these bodies, and it has not provided detail of the way forward. That is a set of real issues.

The Real Estate Institute of Victoria is concerned about the lack of details, has requested that the bill be delayed and feels the government needs to share more information on the structure, time frame, engagement plan, strategy and new legislative language. Further to this, the REIV has raised concerns about the use of the VPF, which was designed to fund compensation claims from consumers and

industry as well as provide specific grants for housing initiatives. They are concerned that the original purpose will be overridden by demands of funding a new dispute resolution service. Further, REIV has expressed concerns about the disbandment of the Estate Agents Council prior to the establishment of an alternative engagement program and the potential removal of industry consultation as well as a result of that. The Strata Community Association of Victoria have indicated they would like further detail on the bill and the proposed dispute resolution body – again, this theme that there is no clarity about the way going forward.

I move our reasoned amendment:

> That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government provides:
>
> (1) proof that tenants and rental providers will not be disadvantaged by the bill;
>
> (2) more information about how the Rental Dispute Resolution Victoria (RDRV) will work;
>
> (3) a breakdown of costings and how the RDRV will be funded;
>
> (4) advice on the time line of when each stage of establishing the RDRV will be reached and for full operations;
>
> (5) details on how the minister intends to seek advice in the absence of the Estate Agents Council (EAC) and Public Records Advisory Council (PRAC); and
>
> (6) details on what bodies will replace the EAC and PRAC, including plans for appointments, remuneration, and public information about those bodies.'.

This is again one of those government bills where there is a vacuum. It is not clear what the replacements are and how it will work, and in that circumstance that is why we have the reasoned amendment to indicate the need to deal with a lot of these key matters.

In relation to the Public Records Advisory Council, this is a body that has been in existence since 1973. It is a body that was established by then Premier Dick Hamer and his government. It is a body that has any illustrious history. It is chaired by a former Labor MP. It has got people of great merit and character and knowledge on it – people who have got librarian knowledge, knowledge as archivists, knowledge as historians and knowledge of a range of different points and groups. It is a very significant body, and it has played a very significant role in protecting public records in this state.

We are concerned that the state government is seeking to abolish the Public Records Advisory Council without a proper replacement – without a replacement that has the standing of legislation or the standing of a strong, clear position and an ability to influence government policy. We think it is detrimental step, and it is not just us that thinks that. I have consulted very widely and, for example, History Monash has emailed to stay they strongly support the position to prevent the proposed abolition of the Public Records Advisory Council. So our textual amendment will be directly dealing with this matter. It will seek to stop this process – to protect the Public Records Advisory Council and to ensure that it remains in place. I hasten to add I do not believe that people on that council are actually paid. I think it is a very frugal body, and there is just no clarity as to why the government would want to kill that body.

The Accountability Roundtable has written to me, and the former Victorian Auditor-General's Office CEO and Deputy Auditor-General Peter Frost said:

> The keeping of comprehensive, accurate records is a key constituent element of good governance. Without it, government and bureaucracies will be free to rewrite history.

The Accountability Roundtable strongly supports the safeguards and protections and retention of state records. They believe it is a foundation for the investigative work of state integrity and oversight bodies

like the Office of the Victorian Information Commissioner, the Victorian Auditor-General's Office, the IBAC and the Ombudsman's office:

> We also support reform of the status of the Public Records Office Victoria … in particular to give it statutory authority equal to the other Victorian integrity bodies … This would bring it into line with the … equivalent Federal body, the National Archives of Australia under the *Archives Act 1983*.

So they have a very sensible agenda going forward, and that is something that is persuasive to me.

As I say, I have heard from History Monash and other groups. The Royal Historical Society of Victoria has been very clear about the importance it sees in the protection of the Public Records Advisory Council. Others have too. I just think it is very unclear what the state government is actually trying to achieve by ruining a very effective and respected oversight body. People have said:

> Abolishing a legislated advisory council … puts PROV [Public Record Office Victoria] at odds with the vast majority of Australian and New Zealand state and national archives, which continue to operate with boards, committees or councils all established under their legislation …

That is what the background paper prepared by the Public Records Advisory Council stated in March. The council said its abolition would put the Public Record Office Victoria at odds with other cultural institutions, including the state library and so forth, and the *Age* reported:

> Indigenous cultural records, such as maps of Country drawn by European linguists and ethnographers in the 1800s after speaking to elders …

These documents are expected to pay key roles in a number of forthcoming points.

The Australian Society of Archivists president Nicola Laurent, who I met with, said:

> … this was why Victoria's public records office needed a legislated oversight body.
>
> "We have seen through royal commissions and the recent Yoorrook commission the difficulty even commissions can have in accessing required records for truth telling," Laurent said. "Without a legislated council, there is [also] no guarantee that Public Record Office Victoria and the minister will have an ongoing model of consultation."

So this I think is a very important set of points that have been made, and this is right across the whole librarian community; the archivists and the historical groups are all absolutely outraged that the government is seeking to abolish this body with no clarity of replacement. This will leave the government in a position to destroy documents without the proper oversight. The *Age* produced a very sensible editorial. They say Labor's plan is bad for transparency and they talk about the scale of the Public Record Office; it is a very significant body. They talk about the Public Records Advisory Council, the 10-person council that scrutinises the record office activities and provides advice to the responsible minister. The decision has drawn criticism – this decision to abolish it – from the Australian Historical Association. The Australian Society of Archivists have publicly backed the role of the legislative advisory body.

I do not think Gabrielle Williams had much to say that was constructive, and I make the point here that the government has attacked the support for history on a wide front: last year's abolition of funding to the Public Record Office for local history grants and competitions and the funding to the Royal Historical Society of Victoria, funding that had been there in both cases since the 1990s when Rob Maclellan and Jeff Kennett introduced it. It was just outrageous. The government has restored that funding, under direct pressure, for one year. I think many people are very, very concerned now as to what will happen with the funding in this financial year coming forward. If the government is going to cut funding to zero, as it sought to do, I think many people would be very concerned. The Royal Historical Society runs on very little money, and the small grant money that was provided to support awards and local historical society projects was very modest. The idea that that could be cut to zero is I think a direct attack on history, our history as a community and all layers of that history, early and more recent. I think the government has made a major mistake with that approach.

But let me be clear – I am conscious that we are needing to be expeditious – there are concerns with this bill. We do not see the replacement for a number of those other bodies, and there is no clarity on the way forward for them. For that reason we are moving the reasoned amendment. In the case of the textual amendment, it will amend the bill to protect the Public Records Advisory Council, and I will say more about that in committee.

Tom McINTOSH (Eastern Victoria) (17:43): I stand to speak in support of the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024. As we know, on 20 September 2023 the Labor government released a landmark package to boost housing supply and affordability in Victoria, representing the largest scale planning and housing reform in Victoria in generations. *Victoria's Housing Statement: The Decade Ahead 2024–2034* was developed to account for the fact that Victoria is the fastest growing state in Australia, with our population set to hit 10.3 million by 2051. This bill is the first step in our establishment of Rental Dispute Resolution Victoria. The amendments proposed to the Estate Agents Act 1980 and the Residential Tenancies Act 1997 will allow government to contemporise the uses of the Victorian Property Fund and the Residential Tenancies Fund (RTF) to support alternative dispute resolution services, including Rental Dispute Resolution Victoria. These amendments will ensure that funds can be used to facilitate a fairer rental market for renters, industry professionals and rental providers through a contemporary, responsive, faster and cheaper dispute resolution service.

The Victorian Property Fund is a trust fund established under the Estate Agents Act 1980 and administered by Consumer Affairs Victoria. The fund receives income from several sources, including licence fees paid by estate agents and conveyancers, any fines and penalties payable under the Estate Agents Act 1980 and the Conveyancers Act 2006 and interest on estate agents' and conveyancers' trust accounts and investment income. Currently CAV administers grants and compensation claims from the Victorian Property Fund, including compensation for individuals and corporations where an estate agent, conveyancer or the representative has misused or misappropriated trust money or property. The Residential Tenancies Fund receives income from payment of penalties and fees under the Residential Tenancies Act 1997, transfer of surplus funds from investment income earned via the Residential Tenancies Bond Authority or any gifts, donations or bequests of money made to the fund.

The RTF is currently used to fund the administration of the act and costs relating to residential tenancy matters at VCAT. Under the legislation the funds were specifically established to fund the administration of the legislation. These changes will contemporise the ways in which government uses these funds to allow us to continue to administrate the legislation through alternative dispute resolution services. This change will also enable the funds to be used to resource organisations that deliver critical advocacy and assistance to consumers in relation to housing and property issues under the act. This includes funding for the financial counselling program administered by CAV, which alleviates the impacts of economic abuse and financial hardship and helps Victorians manage debts, stabilise their financial situation, rebuild and get on with their lives. When Victorians are facing issues paying for those essential services, whether it is energy, telcos, toll roads, or whatever it might be, the services that financial counsellors and others provide are absolutely vital.

We know that housing is an essential service, and it is this side, this government, that has put in 130 reforms to make renting fairer. I could spend a lot of time going through those, but I simply do not have the time. But Victorians know that it is this side that is ensuring that those fair rental laws are in place. So with more people in Victoria and more renting than ever before, we could likely see an increase in the number of disputes. Often a rental dispute can just be one, as I mentioned before, of those essential services and cost-of-living pressures that they could be facing, so they need a quick resolution. It is not always the best outcome when renters and industry professionals end up at VCAT, especially when it comes to straightforward disputes. Rental Dispute Resolution Victoria will provide a one-stop shop for renters, agents and landlords to resolve tenancy disputes over rent, damages, repairs and bonds. It will be a clear pathway to settle issues in a faster, fairer and cheaper way, freeing up VCAT for more serious or complicated matters.

The bill will also see the discontinuation of the Estate Agents Council, the EAC, and the Public Records Advisory Council, the PRAC. As we are constantly reviewing and modernising the ways in which we consult with stakeholders, this decision was made by government last year in recognition of the need for flexible consultation with a broader group of stakeholders, including First Nations people.

The final thing I would like to touch on is the Sex Work Regulation Fund closure. As the Sex Work Regulation Fund was established as a trust account to support the operation of the previous sex work licensing and registration scheme, following the full decriminalisation of sex work on 1 December 2023 it is fiscally prudent for the government to make the administrative change to close the fund, given it no longer serves the required purpose. It is the final administrative step in our decriminalisation of sex work to ensure that sex workers have access to the same rights as any other Victorian employee, regardless of who they work for – themselves, a small employer or a large company.

Katherine COPSEY (Southern Metropolitan) (17:48): This bill establishes the funding for the government's new rental dispute resolution body. My colleagues have already spoken to the bill in the other place. I will just add a few more remarks.

As the rental crisis has continued to get worse, the Greens and renters across the state have been pressuring Labor to fix these issues. Given the current dispute system is underfunded, has a backlog that now stretches out to years and adversely affects thousands of renters, a new body is good news. However, this bill only establishes the funding stream to a body about which we have little information, so I will ask a number of questions during the committee stage to get as much information as we can. I will also note that the bill does not address the substantive problems that renters face. Until the government is willing to tackle the power imbalance between renters and landlords and put controls in place to ban unlimited rent rises and no-grounds evictions, then renters will continue to live with unfair arrangements that cause stress, fear and distress.

Moving to the part of the bill that aims to reduce the public's right to access government information, I am circulating today amendments in Mr Puglielli's name. Could I ask that those please be circulated now.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: These amendments uphold the public's right to access government information. The Greens do not support the government's move to abolish the Public Records Advisory Council. As has been canvassed in debate so far, that council provides formal oversight and accountability of our Public Record Office Victoria, and it plays a crucial role safeguarding the public's right to access government records and information. Its expertise and oversight are essential in upholding the principles of open governance and preserving the integrity of our democracy, which needs more transparency and oversight, not less.

Abolishing a legislated advisory council would, as has been noted in debate, also put our public record office at odds with the vast majority of Australian and New Zealand state and national archives, which continue to operate with boards, committees or councils that are all established under their legislation. That is the purpose of our amendments, which I understand are similar – in fact identical – to the substantive amendment that has been circulated by the Liberals. I commend those amendments to the house. I will leave my comments there and resume with some questions in committee.

Richard WELCH (North-Eastern Metropolitan) (17:51): I am pleased to rise to speak on the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024 with some very brief remarks. I am all for any innovation, modification or reform that will make administration more efficient, fairer and faster, but with Rental Dispute Resolution Victoria it is simply not clear how it is going to work and how it is going to be resourced. We know how it might be funded, but we do not know what funding it will actually require. We know it winds up the Estate Agents Council and the Public Records Advisory Council, but the industry are very uncertain how industry consultation will occur thereafter. There is no legislated replacement. Not that this would be covered in the bill itself;

perhaps we can cover it in committee. But without that detail you would presume there has not been any analysis of how many cases it can address in and of itself versus VCAT, whether it will be cheaper to run than the equivalent in VCAT, whether it will be more productive than the present system and whether it will be better at balancing the rights of tenants and landlords. They are my brief remarks. I also commend the amendments to the house.

Ryan BATCHELOR (Southern Metropolitan) (17:52): Thirty per cent of Victorians are renters. It is higher amongst low-income households and higher amongst those under the age of 35. With declining rates of home ownership, people are renting for longer. We see growth in renting even in higher income groups. More older people have less choice about whether they want to rent. The rental market is getting tighter and tighter. These conditions in the housing market are creating a power imbalance between landlords and tenants, and renters are bearing the brunt. In these circumstances Labor stands up for renters.

The housing statement released in September last year built on the 130 reforms we had already put in place to make renting fairer. That housing statement signalled further reforms like restricting rent increases between successive fixed-term rentals, banning all types of rental bidding, introducing a portable rental bond scheme, extending notice for rent increases and notice to vacate to 90 days, introducing mandatory training and licensing for real estate agents, protecting renters' data and personal information, introducing a rental stress support package and importantly – this is what this bill is about – establishing Rental Dispute Resolution Victoria, because we know that when there are disputes between landlords and renters, renters need a place to go to help them resolve those disputes.

There have been issues with the way VCAT and the VCAT rental list have been operating. This bill, through the mechanisms and the changes to the Victorian Property Fund – the trust fund established under the Estate Agents Act 1980 – and the Residential Tenancies Fund, will assist in the establishment of that new body. It will help resolve these disputes and be one of the important mechanisms we have put in place to help renters in the Victorian rental market. These are incredibly important reforms, and we strongly support them.

Evan MULHOLLAND (Northern Metropolitan) (17:54): I rise to speak on the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024. I would like to start by thanking my colleague Mr Tim McCurdy for his work on the bill. Indeed I joined him in the briefing on the bill. This comes out of the government's housing statement, which is a part of their grand plan to fix housing – which is failing every day – and their hopes to slash the VCAT backlog. I am all for an approved dispute resolution process and the fast-tracking of dispute resolution, but this bill is big on ideas and very short on detail. I asked a number of questions, in particular: would landlords be able to go through this body? After a while I was told yes, which is good. It is good to have that two-way dispute resolution. But I have also asked the Minister for Housing in this place – and she could not quite answer the question: would this dispute resolution process also apply to, and would you be able to have disputes resolved against, the state's biggest and probably worst landlord, which is the government. If we are going to create bodies like this, I think it is only fair that it also applies to the state's biggest landlord, which is the government and public housing. I am looking forward to the amendment which gets rid of the government's sneaky attempt to abolish the Public Records Advisory Council. They seem to be doing that a lot with these kinds of bills, and we know there will be another one coming up as well.

This is part of the government's housing statement. I want to talk about that, because I tuned in to lower house question time today, and my ears pricked when the Minister for Planning actually mentioned me. She said that supply is the challenge we are facing and 'we are pulling every lever' to

deal with that challenge. In attempting to criticise the opposition she quoted from my maiden speech, which I am really glad that she read, specifically where I said:

> … it is immoral that large sections of our inner cities, flush with good transport, schools, health care and other infrastructure, remain almost flat, with obsolete overlays denying young Victorians a chance to buy their first home where they want to live …

which is a true statement and one I stand by.

Getting into the housing market for me and my generation has been made much harder by the nimby actions of this government, in which the member for Carrum has played a part. They have all talked about the housing statement and how they are all of a sudden yimbys and want to drive new housing regardless of what locals want, but I reckon it is an admission-of-failure statement. It is that side of the chamber that has made housing affordability worse for my generation. The biggest nimbys of them all are those on the other side of the chamber in the Labor Party, led by head nimby the former member for Richmond Richard Wynne – cheered on by the *Age* – who overturned many of the gains that were made in the housing space under the Liberals and Nationals. Richard Wynne's reformed residential zones in 2015 undid the work of the previous Liberal government. You have got all these Labor MPs with all their talking points about how they are the ones that are pro housing supply and how they want to get more supply into the market –

Michael Galea interjected.

Evan MULHOLLAND: Well, I have kept the receipts, Mr Galea, and I hope the member for Carrum is watching, given she is so interested in my statements on this. *Plan Melbourne* in 2013 – a great, visionary document by my colleague Matthew Guy, who had in place activity zones for future growth where we could have density – had Preston as an activity centre. That was overturned by Richard Wynne. Now it re-emerges, a decade later, in the housing statement as a zone for future development as an activity centre. If you want a reason why we are in a housing crisis, look in a mirror. This minister is the one who intervened in the Preston Market decision. They basically picked up and copied the Liberal Party's policy on it. So the minister does actually make decisions to restrict supply in Labor seats – exactly what she accuses my side of the house of doing. She even advocated against planning development in her own seat in regard to the Cove planning scheme amendment by Kingston City Council.

I have actually got a letter on this. She says:

> The proposed developments include two ten storey residential towers and one three storey residential development, with a total of 236 dwellings.

She goes on to say that:

> … the scale, scope and density of the proposed developments is entirely out of context with, and will very likely have negative impacts on, the local amenity and neighbourhood character –

which goes completely against what she is saying at the moment.

In a Facebook post from 7 November 2014, the then Labor candidate for Carrum, Sonya Kilkenny, said:

> An Andrews Labor Government will review the botched planning zones imposed on councils and allow communities to have their say.
>
> The Napthine Government has distorted growth and planning by forcing intensive high-rise development … Under Labor's plan, new planning zones will be reviewed with a full report tabled in Parliament. The review will examine:
>
> - The Napthine Government's consultation process
>
> …
>
> - Departmental advice on zone application and what weight is given to heritage, local character and the housing needs of the state

- The impact of the zone changes on our suburbs
- Alternative ways to meet our housing needs
- How the zones can better fit within the framework outlined in Plan Melbourne …

This Minister for Planning actually talked about how the status quo is not an option. Well, you have been in government for the last decade, and you are – the Labor Party is – responsible for the status quo and responsible for the housing crisis, and I will not let the Labor government forget it.

Richard Wynne said:

> Our suburbs have a unique character that's loved and valued by their residents. It's important that we preserve what makes our suburbs great places to live, such as our heritage …

He said:

> The Government's reforms protect the low scale and open character of Victoria's suburbs by strengthening mandatory height controls.

He said it was a priority for the government to:

> Provide councils, the community and … industry with an opportunity to be heard …

which is the exact opposite of what they are doing at the moment. A decade after they came to government, they are going against what this government has done. This government, the biggest nimby government you have ever seen, is now going against what they previously said.

The Liberals and Nationals approved more precinct structure plans in four years than that side of the house approved in 10 years, putting significant downward pressure on housing prices. They are locking up PSPs; they are not approving any more PSPs.

We get this accusation from the Minister for Planning that we are protecting our own seats, we just want density in our seats and that we are being political over this. Richard Wynne implemented mandatory height limits between four and 10 storeys in Brunswick – Brunswick, flush with good public transport, health and amenity, overturning our vision to develop Brunswick. Only two years later, Richard Wynne agreed with the planning panel's decision to reject Moreland council's bid to impose strict limits for building heights across Sydney Road, Lygon Street and Nicholson Street, instead putting in place discretionary height limits.

Labor are not the only nimbys in this place. Then Moreland mayor Samantha Ratnam said:

> The state government seems to be giving in to what developers ask for rather than what the community is asking for.

So do not let me hear the Greens talking about housing affordability.

Also in Brunswick, under the Liberal government, the *Age* stated:

> The owners of two terrace houses in Laura Street, Brunswick, have proposed knocking them over and replacing them with 10 apartments.

Richard Wynne led a campaign, cheered on by the *Age* and a few grey-haired locals – the same people this government believes should not have a say. There was Brunswick as well. We had then Moreland councillor Lambros Tapinos blasting the Liberals for improving development and density in Brunswick. It is weird because he was all against it then. He would get on the phone to Clay Lucas at the *Age* and be in a photo with all these grey-haired locals about how terrible Matthew Guy was. He is mute on Labor's plan to take over his council's planning controls – completely mute. I wonder why. That is probably because, as I have heard from many Labor councillors in the north, they are not actually allowed to speak out against this state government or they get a phone call to come into head office where they get told, 'Your membership is about to be ripped up if you ever criticise us again.' I know that happens because I have been told by a number of Labor councillors. It is a good opportunity to remind Victorians that when you are voting for a local government in October, if the person is a

Labor Party member, it is the Labor Party first and not the community, because they will rip up their membership and make threats if councillors speak out against this disgraceful government.

In 2017 Richard Wynne dramatically intervened just days before a tribunal hearing to block a $350 million apartment development in Fitzroy North and amended a 12-storey proposal for 8500 square metres on the Gasworks site on Queens Parade, which featured 135 fewer apartments. So when you see, as I do, lines 50 metres long to get into inspections in Fitzroy and Brunswick, know that it is Labor and the Greens fault that you cannot find a place to rent, that you cannot find a place to put a roof over your head. We had Richard Wynne and we had the Labor government, led by multiple Labor candidates, now Labor members, all screaming 'Overdevelopment!' and 'Communities can't have a say!' You are literally responsible for the housing crisis. We had a housing affordability unit in the department of planning scrapped by Labor. You literally cannot believe these people. They put the handbrake on supply in Victoria in inner, middle and growth suburbs. The Premier, the planning minister and the Labor Party are driving the fire truck to come put out the fire that they started when it comes to housing affordability in this state. That lot want to pretend they are on the side of young Victorians and young families trying to get into the housing market. Well, I will not let you and this government forget that all this Labor government have done is hurt young Victorians and create this housing crisis.

Trung LUU (Western Metropolitan) (18:06): In the time I have got left I would also like to rise to contribute to the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024. I will quickly say part of this bill is the creation of Rental Dispute Resolution Victoria. The body will be set up directly using Victorian public funds and the Residential Tenancies Fund. The purpose is to solve disputes in relation to different laws such as in the Residential Tenancies Act 1997 and the Sale of Land Act 1962, yet this bill essentially treats the symptoms of Victoria's rental crisis without treating the cause of Victoria's rental issues. It does not quite address the supply issue, if I may suggest. The response of implementing Rental Dispute Resolution Victoria is crucial and comes at a time when we are struggling with a backlog of cases within the residential tenancies list of VCAT.

I will cut it short, but in closing, there are concerns regarding the enforcement and punitive powers of Rental Dispute Resolution Victoria in that it is keeping with a perceived lack of support for landlords, real estate agents and property management. The Real Estate Institute of Victoria has voiced its reservations and cites the insufficient detail in relation to this bill. There is also a question regarding the dissolution of the Estate Agents Council without a proper alternative. The omission raised a red flag regarding the need for a balanced approach and to consider the interests of all stakeholders. Nevertheless, the strength of the bill is its productive approach to addressing the backlog of cases in the residential tenancies list of VCAT. But I note that it does lack clarity surrounding the original framework of the residential dispute resolutions.

The establishment of Rental Dispute Resolution Victoria does appear to be an opportunity to foster harmonious relations between tenants and landlords through a streamlined process that could enhance the effectiveness of our legal system. But the bill mainly focuses on renters, leaving landlords and real estate agents feeling marginalised and unsupported, and it is not quite the approach to cater to all parties. So in relation to that, I do support the amendment that Mr Davis has put forward, a reasonable textual amendment which will assist in relation to covering all the deficiencies in relation to the bill. In closing, I support the bill and recommend the amendment put forward by Mr Davis.

Council divided on amendment:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (18:18)

David DAVIS: I just thought it would be worthwhile to make sure that people understand what we are seeking to achieve with an amendment here. This is an amendment that will be tested by clause 1. It is the amendment I referred to in the second-reading speech, and it is widely understood, I think, now publicly. It is an amendment that seeks to preserve and protect the Public Records Advisory Council. It is a council that has been in existence since 1973, under a Dick Hamer government act, and it is an important advisory council replicated in different forms around the country, but in each jurisdiction there is some advisory council that has legislative backing to enable it to do the work of protecting records, guiding the protection of records, guiding archival work and guiding the work of, in this case, digitisation and other key steps. As I have outlined publicly and in the second-reading debate, the opposition was deeply distressed by the government's decision to bring forward a bill to abolish the Public Records Advisory Council without any replacement or any sensible way forward. It is a cheap committee. I do not believe it is an expensive council. It is a broad council. It has got archivists, it has got librarians and it has got people with expertise in digitisation. It is chaired by Judy Maddigan, I might say, a former Labor member for Essendon and a former Speaker, and there are other luminaries on that council. We are determined to preserve it.

We think that it is a council that actually helps protect public records. We think that leaving government without guidance on public records is deeply concerning. Governments, for a range of reasons – either sinister, by happenstance or by error – can see the destruction of important public records that are required long, long into the future. We strongly support the work of the Public Record Office Victoria, and this committee provides guidance to the public record office, and for that reason alone it is sufficient to protect the council and ensure that it is preserved. These amendments that we have here are tested, as I say, by clause 1, but they are intended to preserve the Public Records Advisory Council in its current form, with its current strength. It is true, it is tested, it has worked very effectively since 1973, and we do not believe it should be abolished.

A number of important organisations, which I outlined in the second-reading debate, have indicated their strong support. I should indicate the support of the *Age*, which has been fabulous on this matter. The *Age*, I think, has editorialised very directly about these matters, saying the Public Records Advisory Council should be preserved.

The DEPUTY PRESIDENT: Mr Davis, can I just get you to formally move your amendments 1 and 2.

David DAVIS: I move:

1. Clause 1, page 2, lines 7 to 9, omit all words and expressions on these lines.
2. Clause 1, page 2, line 10, omit "(e)" and insert "(d)".

As circulated, my amendments 1 and 2 amend clause 1.

The DEPUTY PRESIDENT: Perhaps Ms Copsey might like to explain – the Greens have an identical set of amendments.

Katherine COPSEY: I will just state that the effect of the amendments I have circulated, which are in Mr Puglielli's name, is identical to those that have been moved by the opposition, and the effect of those is to retain the Public Records Advisory Council. It is an important body. It is important in terms of the advocacy that has been shown. I think this whole debate has actually been very useful in demonstrating the utility of and continued support for the advisory council and the important role it plays. I think it has been very useful for Parliament to have the opportunity, actually, to canvass its important role, and I am pleased that we seem to have a set of amendments that will gain support across the chamber today to ensure that it is retained. I also have a number of questions that I seek to ask on clause 1.

Minister, what power will Rental Dispute Resolution Victoria (RDRV) have to make and enforce orders?

Enver ERDOGAN: I think it is very important for this new body that we are still considering the range of options to make agreements reached in a conciliation process. We are exploring the powers and seeing what other alternative dispute resolution mechanisms there are in other jurisdictions and the options to identify what is most appropriate and most efficient.

Katherine COPSEY: Minister, will Rental Dispute Resolution Victoria be a judicial body or a mediation body, or will it be some combination of both?

Enver ERDOGAN: We are being clear that it will be an alternative dispute resolution body. When you talk about it, it is not intended to be a tribunal or court, as they already exist, and it is our goal to see these matters resolved as quickly as possible without the need to go to a tribunal.

Katherine COPSEY: How will the role of Rental Dispute Resolution Victoria differ from Dispute Settlement Centre of Victoria, the existing body?

Enver ERDOGAN: It is important to make the distinction that the Dispute Settlement Centre of Victoria is not established under any Victorian legislation. It is also important to understand that the RDRV will also offer conciliation, which is not a feature of the current Dispute Settlement Centre of Victoria. There will be considerable differences, but I think the fact that it will be a legislative body is probably the most substantial.

Katherine COPSEY: Minister, how will distinctions be made between matters that do or do not require VCAT's involvement? How is that going to be determined? Will it just be a referral process from Rental Dispute Resolution Victoria, or will there be specific kinds of disputes that are able to bypass this new body and go straight to VCAT?

Enver ERDOGAN: I think it is important to understand that we envisage this body will complement the work of VCAT and not replace VCAT. I think it is clear that there will still be a role for tribunals to consider matters of importance. In particular, matters where there are urgent repairs and orders of possession of that nature will still be within the tribunal. Obviously once we release the funds I think there will be an opportunity for the minister's office to work with VCAT and see if there might be some processes that are a better approach for this dispute resolution mechanism.

Katherine COPSEY: If I could just tease that out a little more, Minister, my first question was around really the enforcement powers of this new body. So in some cases where an urgent enforcement is required, therefore VCAT may still end up being the appropriate place for the dispute to go.

Enver ERDOGAN: Yes.

Katherine COPSEY: Minister, what will happen if parties fail to find a resolution at Rental Dispute Resolution Victoria?

Enver ERDOGAN: I think in the final design we are exploring where that could take people, but this is, as I said, not meant to replace any of the existing tribunal or court options, and that will still be an option for those parties that partake. But the goal is really to have a binding agreement in this forum which is quicker and more efficient.

Katherine COPSEY: Minister, how are you going to ensure that disputes concerning unreasonable rent increases will be dealt with fairly, given there is no legislation that makes unlimited and disproportionate rent rises illegal?

Enver ERDOGAN: I think that is a very good question. Consumer Affairs Victoria already has existing guidelines under which unreasonable rent increases are determined, and Victorian renters can continue to request a review through that process.

Katherine COPSEY: Minister, in the case of an unreasonable rent increase, do you see this new body providing people with an alternative outcome, or are they just going to end up back at consumer affairs?

Enver ERDOGAN: I will just seek some guidance. We are looking at ways we can integrate the existing CAV processes with the new body, and we are exploring how that can be done, understanding that the Consumer Affairs Victoria powers will continue to exist.

Katherine COPSEY: Will renters be permitted to have advocates and representatives from support services present during disputes being heard by the Rental Dispute Resolution Victoria service?

Enver ERDOGAN: In this regard a decision has not been made, but I do envisage that increased accessibility will avoid costs and the need to go to tribunal, so I do envisage that there will be support mechanisms for renters and advocates.

Katherine COPSEY: Do you have an idea of what establishing and operating Rental Dispute Resolution Victoria will cost? Will the service have recurrent yearly operational funding? In order to accommodate that – perhaps we will get some clarity next week – will recurrent funding for VCAT or consumer affairs be reduced, and if so, by how much?

Business interrupted pursuant to standing orders.

Lee TARLAMIS: I move:

> That the meal break scheduled for this date, pursuant to standing order 4.01(3), be suspended.

Motion agreed to.

Enver ERDOGAN: The costings for RDRV are still being worked through, and obviously they will be dependent on the finalisation of the service design and the scope of it. Obviously, we envisage a system whose goal is to be more efficient, to be cheaper and definitely to be much quicker than what exists at the moment. In terms of funding for VCAT, that will be determined through the normal channels that currently exist, and I do not envisage any change in that process.

Katherine COPSEY: Minister, what portion of VCAT and consumer affairs functions does the government expect RDRV to replace?

Enver ERDOGAN: I think it is important to understand that RDRV is not there to replace VCAT, it is to complement VCAT. In terms of the workload differences or the costing differences, I think once we have the final design we will have a better picture, but the goal is not to replace VCAT, it is to complement it. Many disputes in this area are resolved outside VCAT already, and some of them may be captured by RDRV once it is finalised.

Katherine COPSEY: If I can ask that one again slightly differently, Minister, I suppose I am hoping to get some indication if you have any projection or understanding of how many matters might

not need to go to those other bodies, so the extent to which RDRV might take away from the workload of VCAT and CAV.

Enver ERDOGAN: I will just seek some advice. I think it is difficult to answer that question when we do not have the final scope of the design of RDRV, but also it may even generate more people enforcing their rights, because we know many people through the VCAT process do not pursue their rights for a number of reasons. That is why it is difficult to assess the unmet demand that exists.

Katherine COPSEY: Minister, how many staff will RDRV have, and how does this compare to consumer affairs, VCAT and dispute settlement Victoria respectively?

Enver ERDOGAN: This is still being worked through and is dependent on the final service design.

Katherine COPSEY: Minister, what differences will there be in terms of the skills, experience and training required of RDRV staff, especially those who are directly involved in mediation or in making decisions in relation to disputes – so decision-making power – and how will this compare to the current arrangements as administered by VCAT and the requirements for staffing of VCAT?

Enver ERDOGAN: What RDRV will not be is a tribunal, but in terms of the final skill set required for these roles, it will be depending on the final design.

Katherine COPSEY: What standards or requirements, Minister, will change or be dropped in order to make this service faster, fairer and cheaper, as described in the Victorian government housing statement?

Enver ERDOGAN: I think it is important to understand that RDRV will provide an alternative for tenants, rental providers and industry professionals to resolve their disputes. We know that VCAT or legal processes can be timely and significantly costly, and that is what RDRV will not be, and so it is envisaged that we will be able to avoid that process. In terms of the final design, it will be legislated and brought before the house in due course. If today's bill is passed, we will have some of that detail.

Katherine COPSEY: Minister, what kind of service standards or processing deadlines will this new entity be held to in relation to hearing disputes, and what volume of cases does RDRV expect to hear – matters or disputes?

Enver ERDOGAN: I think that is a matter that will be considered as part of the service design. Our goal is to have a quicker, more efficient system.

Katherine COPSEY: This is my final question. Minister, what other operational differences will it have in comparison with existing or equivalent services currently provided by VCAT, Consumer Affairs Victoria and Dispute Settlement Victoria?

Enver ERDOGAN: The service is intended to complement existing services such as CAV and VCAT, but this is all subject to the finalisation of the service design, and upon the release of these funds, we will be able to do that work and introduce legislation with the final design in the future.

The DEPUTY PRESIDENT: If there are no further questions, Minister, do you want to respond to the amendments?

Enver ERDOGAN: I do just want to say a few words in relation to Mr Davis's remarks, and I thank him for his contribution and for Ms Copsey's identical amendments that have been moved today. I think it is important to understand that as a government we value the role of the Public Records Advisory Council, and they do important work. I know the minister's office has been in discussions with them. But I think there is always a need and as a government we always look for opportunities to review and modernise the way our stakeholder consultations take place. I think that was the intended purpose. I might just leave it there in that regard, but I understand the reason why there have been amendments moved by both the opposition and the Greens.

Amendments agreed to; amended clause agreed to; clauses 2 to 19 agreed to.

Clause 20 (18:37)

David DAVIS: I move:

3. Clause 20, lines 11 and 12, omit all words and expressions on these lines.
4. Clause 20, line 13, omit "(b)" and insert "(a)".
5. Clause 20, line 15, omit "(c)" and insert "(b)".

Amendments agreed to; amended clause agreed to.

Clauses 21 and 22 negatived.

Clauses 23 and 24 agreed to.

Long title (18:39)

David DAVIS: I move:

8. Long title, after "**Public Records Act 1973**" omit "to abolish the Public Records Advisory Council".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (18:40): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (18:40): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council has agreed to the bill with amendment.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:41): I move:

That the house do now adjourn.

Warrandyte Mechanics Institute and Arts Association

David DAVIS (Southern Metropolitan) (18:41): (862) My matter for the adjournment tonight is for the attention of the Minister for Creative Industries, and it relates to a visit to the Warrandyte community pottery studio at the invitation of Nicole Werner, the member for Warrandyte. I met with a number of key people there, Grant Purdy the secretary, Bruce Turner, Marion Cooper and others, and I was very pleased to see their remarkable work that they do. The Warrandyte community pottery studio is part of the Warrandyte Mechanics Institute and Arts Association, which operates that organisation. The space that they operate in is heritage listed, and it is a beautiful space, a former and original CFA station – a stone CFA station with wood structures above that and behind it. It is the structures behind it that I want to draw to the attention of the Minister for Creative Industries, because

this pottery studio, widely used in the community for many, many decades by hundreds of people every month going through, learning pottery and continuing to operate in a great social environment, has a significant problem, and that is termites. The termites have eaten away much of the structure of the back half of the studio.

Nicole is very active in advocating for the people at the pottery studio and ensuring that there is some government money to help rebuild this important studio. It has been operating for a very long time. It is interesting to hear the long history of the parent body, the Warrandyte Mechanics Institute and Arts Association, which is owned by trust deed by everyone who lives within 2 kilometres or 2 miles of the institute. But the termites have eaten it away. It is going to require work. The Warrandyte arts group have actually done the work; they have got a proposal and a budget. It is going to cost $240,000, and they have raised $20,000 already. I would have thought, given the important social capital generated by this body, the important hub for the arts that this is and operates as, that there would be a significant level of state government support that could be available for it. Now, the council will provide some money, but money, perhaps in the order of $200,000, is going to be needed to rebuild the damage done by termites to this structure. Nicole is very active in pushing for this grant and for the support of the Warrandyte arts group. I was deeply impressed by them, very impressed by their positive approach.

Air pollution

Samantha RATNAM (Northern Metropolitan) (18:44): (863) My adjournment matter is for the Minister for Environment, and my ask is that he table the government's response to the inquiry into the health impacts of air pollution in Victoria. The inquiry report was tabled almost three years ago in November 2021, and the government still has not provided a formal response. This is not only a contravention of standing orders, it is also a complete dismissal of all the effort, time and thought that was put in by so many community groups and members during this inquiry. This Labor government's flagrant disregard of the rules of parliamentary procedure has garnered significant distrust from the community, not just with respect to this inquiry but many others where responses are extremely delayed if they are ever responded to at all. The government's refusal to act on expert advice and community consultation has resulted in a loss of faith in the ability for mechanisms such as inquiries to have a real impact.

The government hosted a Victorian clean air summit in 2018. The inquiry into the health impacts of air pollution was conducted in 2021, and in 2022 the state's air quality strategy was released. An enormous amount of work was put into these events, inquiries and strategies by the community and experts, but as of 2024 little has been done to action the key findings and recommendations from each of them. These were all supposed to be turning points in Victoria's approach to air quality policy, but years on we are lagging behind other states on this issue, to the detriment of people's health each and every day. For example, the inquiry and strategy both made clear the need to phase out wood heaters as the smoke produced by them is extremely polluting and harmful to our respiratory and circulatory systems. They also recommended the creation of clean air zones in the west and inner west, yet to date we have seen very little action to progress these recommendations. The air quality strategy promised that the government would commence wood heater policy reform in 2023, but this still has not happened. The inquiry made many similar findings about how serious our issues with air pollution are in Victoria and how these conditions are making people sick. It also exposed a lack of government action for decades despite mounting evidence and pleas from the communities to act. Minister, will you table the government's response to the inquiry into the health impacts of air pollution in Victoria?

Migrant Information Centre

Richard WELCH (North-Eastern Metropolitan) (18:46): (864) My adjournment is to the Minister for Multicultural Affairs. I recently visited the Migrant Information Centre in Box Hill. MIC provides a wide range of services, such as employment support, youth programs, housing assistance for families, migration advice, family violence counselling and much more to Australia's migrants.

Amazing organisations like MIC help newcomers to this country settle and integrate into their communities. Just like any other not-for-profit, MIC rely on government grants, donations and volunteers to provide their services. MIC have not yet received confirmation that the state government's strategic partnerships program will continue to support them beyond 30 June this year. The funds employ program workers to serve migrant communities in my electorate, and these workers are now unsure if their jobs will continue beyond 30 June. Program workers are from migrant backgrounds and are involved members of their ethnic communities. They work to strengthen community engagement, social inclusion, economic participation and settlement outcomes for the people of their communities.

If the strategic partnerships program is not renewed, MIC will have to let go of three staff, losing connection with these communities and the trust they have worked so hard to build. It would be a loss to see the strategic partnership program discontinued, similar to what happened to the Jobs for Victoria program. MIC received funding from this program from 2021 to 2023 and provided employment mentoring services. During this time MIC helped over 300 migrants acquire meaningful employment with significant career progression opportunities. Some entrepreneurial participants ended up founding small businesses and play an important part in my electorate's local economy. However, in October 2023 this government decided to cut funding for the Jobs Victoria program, restricting it to a select handful of councils and forcing MIC to shut down their employment mentoring services.

Migrants in my electorate are doing it tough and deserve access to employment mentoring just as much as any Victorian regardless of the council they reside in. The action I seek from the minister is to ensure proper funding and provide clarity on the future of MIC's strategic partnerships program and the Jobs Victoria program, including potentially reinstating funding where it has been discontinued.

Cannabis law reform

David ETTERSHANK (Western Metropolitan) (18:49): (865) My question is to the Attorney-General. Every year on 20 April cannabis communities across the globe gather at 420 events to celebrate all things cannabis and to call for law reform and destigmatisation. This year, around 300 brave souls gathered at Flagstaff Gardens to demonstrate their commitment to the cause, defying the alarming spectacle of 60 patrolling police with sniffer dogs. The event was sponsored by multiple crossbenchers from this place – the Greens, the Libertarians, Animal Justice and of course Legalise Cannabis Victoria.

The pre-emptive declaration by Chief Commissioner of Police Shane Patton that police would be adopting a zero-tolerance approach and vigorously enforcing the law was a shrewd one, albeit an overreaction, and had multiple effects. On the one hand, it significantly reduced the crowd, with many people arriving, appraising the police presence and heading rapidly away from the park. On the other hand, the commissioner effectively laid the blame for the many police actions that followed at the feet of the government: 'You, the government, make the law and we, the police, just enforce it.' Certainly Victoria Police's approach this year was far more nuanced than in the previous two years. Instead of scenes of police horses stomping over picnickers and medicinal cannabis patients being arrested and cable-tied, there was a focus on cautions and even some agreed protocols around medicinal cannabis patients.

From my perspective, the majority of officers were professional. Indeed most were positively embarrassed at having to enforce such draconian laws on citizens who clearly posed no threat to either peace or civility. One officer said, 'Yep. This is what I really trained for – to save lives and protect the public.' As far as we can determine, Victoria, supposedly the most progressive state in Australia, was the only place where such police interventions and around 40 arrests occurred. This is so shameful. So, well played, Chief Commissioner Patton. Hundreds of thousands of taxpayer dollars wasted, and you get to blame it all on the government.

Personal use of cannabis is often seen as a victimless crime, but the reality is that Victoria is annually arresting around 9000 people, mainly young citizens from marginalised and working-class

communities, which damages lives and careers and stigmatises consumers. We know that around 80 per cent of Australians support legalisation. We know that from the Australian Institute of Health and Welfare drug strategy household survey. I cannot imagine anything on the government's legislative agenda that comes even close to that level of support.

So my question to the Attorney is: when will this government accept that prohibition against personal use of cannabis has failed and that its policing is discriminatory and a waste of taxpayers money and respond to the overwhelming public support for personal cannabis consumption to be legalised?

The PRESIDENT: Your time has run out, Mr Ettershank. Can you change that question to an action, please?

David ETTERSHANK: The action I seek is for the Attorney to explain when this government will accept that prohibition against personal use of cannabis has failed and that its policing is discriminatory and a waste of taxpayers money and respond to the overwhelming public support for personal cannabis consumption to be legalised.

Library funding

Wendy LOVELL (Northern Victoria) (18:53): (866) My adjournment matter is for the Minister for Local Government, and it concerns the need to increase funding for public libraries across Victoria. The action that I seek is for the minister to allocate an additional $4.5 million over the next three years to the Living Libraries infrastructure program and to increase the public libraries funding program by $15 million over the three years.

Victoria is the Education State, and for many the love of learning is first kindled in a public library, where children are enchanted by storytelling and discover new adventures while browsing the shelves. For the curious, a library is an endless resource that can entertain as well as inform. Public libraries are about more than just loaning out books; they offer literacy education to kids and adults who want to improve their reading as well as to people from culturally and linguistically diverse backgrounds. They support vulnerable people who need help getting on the internet to lodge a form, make an application or pay a bill. They help people to access information about government services and find employment assistance. They support and promote Australian authors and facilitate connections and networking among local creatives and aspiring writers. They hold events and provide space for community groups to gather and meet and invite speakers and host forums to discuss important local developments.

Public libraries do all this and more, including hosting the Legislative Council in Echuca a couple of weeks ago. They are especially important in regional areas like my electorate, where towns do not always have commercial bookstores or conference rooms, yet their ability to continue providing these vital services is under threat. I was recently contacted by Suzanna Sheed, who is now the chair of Goulburn Valley Libraries but is also well-known to the current government. She advised me that the state Labor government has recently cut in half funding for library infrastructure. This will seriously jeopardise the future success of the public library network. Our population is growing. Provision of infrastructure and amenities must keep pace, or else services like libraries will be overwhelmed and eventually run down.

We also need new libraries in growth areas like the City of Whittlesea. It is imperative, therefore, that the government takes seriously the requests from library leaders all over the state to increase funding. Ms Sheed asked that the government allocate an additional $4.5 million over the next three years to the Living Libraries infrastructure program so that we can build new libraries as well as upgrade and extend existing ones. Ms Sheed also asked for an increase of $15 million over three years to the public libraries funding program, which is essential for maintaining and enhancing the ongoing operation of vital library services. These funds will also be important to assist in providing new libraries in growth and interface areas like the City of Whittlesea, where new libraries are desperately needed to keep up with population growth and demand.

Triple Zero Victoria

Rikkie-Lee TYRRELL (Northern Victoria) (18:56): (867) My adjournment matter today is for the Minister for Emergency Services. During the regional sitting of this house in Echuca I had the opportunity to speak with our wonderful, hardworking paramedics. Our amazing paramedics are facing burnout due to the demanding nature of their job and the shortage in the workforce. They have little to no work–life balance and feel they are being ignored by the Allan Labor government, with paramedics reportedly working dangerous amounts of hours of unpaid overtime. Speaking with James, he outlined to me one of the major issues they are having and are hoping to have resolved quickly. He described the failings in the dispatch process: minor health concerns are being triaged as priority 1, and people with major health concerns are being dropped down the list. James is concerned that this is happening due to the lack of medical training and experience of the call takers in the Triple Zero Victoria call centre. The action I seek is for the minister to commit to working with Ambulance Victoria to install staff with medical training at the Triple Zero call centres and more thorough training for call centre staff to ensure better working conditions for our hardworking paramedics.

Albury Wodonga Health

Georgie CROZIER (Southern Metropolitan) (18:57): (868) My adjournment is for the Minister for Health. As reported in the *Border Mail* last week, a lack of local dialysis services has led to kidney patients in the Albury–Wodonga border region choosing to die rather than wait for dialysis. A top renal specialist, Dr Russell Auwardt, speaking to the *Border Mail* last week, said his new patients were simply added to the waiting list. If the cases are urgent, there is the potential to seek treatment in Wangaratta, which faces similar challenges, and the next stop is Melbourne. He said that the cost and stress of travel to Wangaratta or Melbourne meant further treatment was often abandoned. People are choosing not to have dialysis and are just letting nature take its course, he said. The limitations of dialysis treatment on the border are well known. At present Albury Wodonga Health's under-resourced dialysis unit is at capacity every day. There are only nine dialysis chairs at the Wodonga campus of Albury Wodonga Health. Patients in acute and subacute care at the Albury campus must be transported across the Murray for dialysis. The dialysis unit has extended its workday and still cannot meet existing demand.

In 2021 a master plan for the future of health services – one which this Labor government refused to release publicly – forecast that the number of chairs would need to triple by 2040. That was based on a clinical services plan prepared in consultation with medical practitioners, which also took into account demographics and an ageing population. Earlier this year – and cynically, on the day preceding a local rally on the need for a new hospital to be built on a greenfield site – the latest master plan was released. It committed to a 10-storey tower that adds eight extra dialysis chairs by 2032, making it 17 in total, as part of an election commitment on a land-limited Albury hospital.

The 300,000 people in this Victorian hospital's catchment want to know what the government is going to do about the current crisis as well as future needs. The action I seek is for the minister to listen to the renal specialists such as Dr Russell Auwardt and provide the number of dialysis chairs that will be available to renal patients as part of the $450 million Albury Wodonga Health tower.

Wonthaggi infrastructure

Melina BATH (Eastern Victoria) (18:59): (869) My adjournment matter is to the Minister for Planning, and it relates to a housing precinct in Bass at the Wonthaggi North-East precinct. There is a contamination issue in Wonthaggi, and it is certainly concerning many people. The Bass Coast shire and the Victorian Planning Authority are having an exchange about who is to wear the imposition of the environmental audit overlay. A report was submitted to council back in 2016 by GHD, and at the time the member for Bass Ms Jordan Crugnale was also the mayor, as we know, and at the time GHD made recommendations in its report to council. The Victorian Planning Authority assumed control of the amendment C152, the north-east precinct, in 2020 for fast-tracking housing, but there has been a bit of grief ever since.

The state government, Minister – your government – made significant amendments to the Environment Protection Act 2017 in 2021, which incorporated amendment C152, and this amendment led to the inclusion of the EAO in 2024, and this affected over 250 properties in Parklands estate in Wonthaggi, potentially impacting up to 1000 properties. The overlay was put in place by the VPA. It was determined that parts of this precinct could have contaminated soil because there was a history of agricultural intent and farming that could have led to that contamination. In the end the EAO requires anyone that needs a building permit or planning permit in order to build and develop to pay for some very expensive and time-consuming investigations, and the costs look like this: a preliminary risk screen assessment, around $15,000; EPA lodgement fees, well over $300; costs to complete any environmental audit to commence, around $30,000; and for an environmental audit with EPA we are looking at over $1000, almost $2000. So clearly home owners are quite stressed about the prospect of having these significant cost imposts. The community is needing an arbiter, someone to intervene, so I call on the planning minister, and I urge them to intervene, to review this process, to find a successful resolution to support people both living in and wanting to build a home in this area and also to review those cost imposts and maintain environmental protections.

Education funding

Trung LUU (Western Metropolitan) (19:02): (870) My question is for the Minister for Education. Having no-means tests is designed to help public school students. Despite being the Education State, Victorian parents are required to pay hundreds of dollars every year for basic services and equipment for their kids while other states provide such services for free to students. So the action I seek is for the minister to provide Victorian students with more financial aid for basic school equipment and for services in 2025. New South Wales students travel for free on public transport on school days, while Victorian students spend around $720 a year to catch public transport. Secondary students in the ACT are given free Chromebooks, while Victorian students are forced to pay hundreds of dollars for a new laptop. In Queensland public school students receive an automatic annual textbook and school resource allowance of up to $337, while some parents are expected to pay $1500 for their child's new device and textbooks. A no-means test to help Victorian public school students is offered through State Schools' Relief, and devices, textbooks and other resources are not included – families must seek assistance from their school. Some students in rural and regional Victoria are offered free public transport and other services such as breakfasts, uniforms and glasses; however, these forms of service are only available to certain areas or eligible students. Relief is not being provided for big expenses such as books, devices and public transport, which cause most stress to families, and some university students are having to choose between buying groceries and paying for public transport. Minister, why are textbooks and devices not included in State Schools' Relief funding? Why don't Victorian students have access to free public transport on school days? Why isn't the Education State making it easier for Victorian students to access their education?

Northern suburbs faith communities

Evan MULHOLLAND (Northern Metropolitan) (19:04): (871) My action is to the Minister for Multicultural Affairs, and the action I seek is for her to provide an update and to review funding for security at places of worship in the northern suburbs. I think we were all pretty shocked and saddened to see the terrorist incident in Sydney recently involving Bishop Mar Mari Emmanuel. It sent chills down the spines of faith communities in Sydney and in the northern suburbs as well, particularly Middle Eastern Christian communities like the Chaldean, Syriac, Assyrian and Orthodox churches, who contribute so much to our vibrant multicultural communities. Whether it be Middle Eastern Christians from Iraq, Syria or surrounding nations, these communities have all faced some kind of persecution and have come to Australia for a better life and a safer life, so you can understand the trauma and the deep pain within these communities that events like this bring.

I was proud to work for the former Abbott government, which, under then immigration minister Peter Dutton, accepted 18,000 refugees after the Syrian crisis in 2015. This is when that persecution was most severe. He made the bold call, which was criticised by Labor and the media at the time, to

prioritise persecuted minorities in that intake who were fleeing for their lives. Many of the families I see at new citizenship ceremonies every week, especially up in Hume, were part of this intake. I have been privileged to attend mass with a number of these communities, and I want to read out a statement from Chaldean organisations Chaldean Federation of Australia, Chaldean League Australia, Vic.Talk and Upfield sports clubs on the incident, which reads:

> The freedom to practise one's faith without fear of persecution is a cornerstone of our society, and any attack on individuals based on their religious beliefs is an affront to our shared values. It is essential we come together as a community to promote peace, understanding and mutual respect among all faiths and cultures.

I also took the opportunity to meet with these organisations to listen to their concerns. I also recently convened a meeting with all the clergy from all of these churches in the northern suburbs and brought along my federal colleague the Honourable Michael Sukkar to express solidarity, to pay our respects and to listen to community concerns. One of the things that came across loud and clear was fear about security around churches, with several windows being broken and the police response to incidents being slow. So I seek the action of the minister to advise of any funding opportunities for these growing churches for security and CCTV and what the minister is doing to protect people of faith in the north and ensure community cohesion.

Outdoor recreation

Bev McARTHUR (Western Victoria) (19:08): (872) My adjournment debate is for the Minister for Outdoor Recreation and concerns the fantastic campaign led by the Electrical Trades Union, the ETU, in support of outdoor recreation in Victoria. They have brought together a huge coalition of supporters to show the government once and for all that outdoor activities are an essential, healthy, traditional part of Victorian life and incredibly important for individuals as well as our regional economies. Members of the ETU and other groups involved work long hours, and I can do no better than to quote them:

> For many, our way to "unplug and reconnect" with life is to enjoy the great outdoors. Whether it be boating, camping, fishing or hunting it is critical for our mental and physical health that outdoor recreation continues. It is a part of our history, culture and our right to do so and must be protected in a safe, regulated and sustainable way.

I have spent a long time since coming to this place opposing environmental activists who take an extremist position on this and who appear to believe that to protect ecology there must be no human interaction whatsoever with the environment. This has affected not just boating, camping, fishing and hunting but rock climbing, bushwalking, prospecting, horseriding – even firewood collection and much more. But this 'Lock them up and throw away the key' ideology will just ruin business, hobbies and leisure time. Interacting with nature makes us more likely to protect it.

Our national parks should be parks for the people. That is why they were established in times past, and it is a heritage we should fight for. As a loyal Labor member, I hope the minister will support this ETU campaign supported by – wait for it – the Australian Manufacturing Workers' Union, the CFMEU Victoria, the Plumbing and Pipe Trades Employees Union, the Mining and Energy Union and the Australian Workers' Union. It has been joined by the Australian Deer Association, Bush Users Groups United, Field and Game Australia, the Australian Climbing Association (Victoria), the Prospectors and Miners Association of Victoria, Victorian Hound Hunters, the Sporting Shooters Association of Australia, VRFish and Fowl Talkers. As they say, outdoor enthusiasts deserve the right to relax, adventure and unwind, irrespective of their particular recreational activity, without being demeaned, judged, despised and looked down upon. So the action I seek, Minister, is a statement of your wholehearted support for this worthy union-led campaign.

Land tax

Gaelle BROAD (Northern Victoria) (19:11): (873) My adjournment matter is for the Treasurer. When Labor were elected to government they promised not to introduce any new taxes, but in the last decade they have introduced more than 53 new or increased taxes. After a decade of financial

mismanagement under Labor, Victoria's net debt has risen from $21.8 billion and is projected to be more than $177 billion by 2027. Because Labor cannot manage money, Victorians now pay the highest taxes in Australia.

Rita contacted me recently about Labor's increased land tax. Several years ago she and her husband purchased two old homes in Bright. Both had mortgages, and they have spent a lot of money renovating the properties. They planned to live in one in retirement and use the other one as extra accommodation when their children come to visit. In the meantime the properties have been rented out to good tenants at low rent. Their land tax has skyrocketed from $2000 five years ago to $10,000 last year and, with Labor's further land tax changes, a whopping $20,000 this year. This tax is a huge burden on this hardworking couple. Rita's husband is a 68-year-old builder, and he has to keep working in a demanding physical job to pay these taxes. She said, 'We don't mind paying tax, but this is ridiculous.'

Last week I spoke with Tom, a local real estate agent who is also greatly concerned about the effect that land tax is having on the rental housing market in northern Victoria. Similar concerns were raised last year at a round table that I had with real estate agents in Bendigo. Under this government landlords are being forced to sell their properties and rentals are disappearing from the market. The lack of properties means that rentals are going up and many are struggling to put a roof over their heads. Labor's policies are pushing people out of rental properties onto the public housing waitlist. As landlords leave the industry, these homes are often sold to first home buyers who can no longer afford to build a new home. It is an unfolding disaster, and both landlords and tenants are suffering. With rising living costs, the government's land tax changes come at a time when Victorians can least afford it, and Victorians are being punished for Labor's economic mismanagement. Victorians cannot afford any more of Labor's taxes. The action I seek is for the Treasurer to stop wasting money on reckless city-based projects like the Suburban Rail Loop and to share a responsible state budget that sees regional Victoria receive a fair share of funding.

Eastwood Primary School and Deaf Facility

Nick McGOWAN (North-Eastern Metropolitan) (19:13): (874) I would like to congratulate and send a shout-out to all the boys and girls at Eastwood Primary School and Deaf Facility. I have to make my comments brief, because these special students were awarded an Anzac Day assembly award for their poems, and so I will now recite their poems, if I may.

> The blood of the brave stains the shores
> The product of this incorrigible war
> The young lay slain
> By the water their bodies stay
> Every dawn would bring a new day
> and a new hope for their campaign
> Among the death and the soldiers toil
> Came the poppies from the blasted soil

That is by the sensational Angus Betts. Congratulations, Angus.

The second poem:

> Pieces of lead flying through the hazy air.
> BANG, BANG!
> Bombs eco blasting towards you,
> Ever so slowly getting closer and closer,
> Sleepless nights;
> Not knowing the time;
> Time what's that?
> Every soldier knowing
> The one worded truth … Death.

Awesome job, Nate Newmarch.

The third is a beautiful poem by Kim Nu:

Crashed onto shore
With no sight of light,
Gun shots echo
As soldiers protect themselves
With all their might.
Bullets blast in the winds of war.
Many made sacrifices
For our future.

Their hope for living
Didn't last too long.
Their mission, to survive.
Faded was their battleground,
Filled with dead.
"Evacuate the land!"
So, they did.
The next day appeared,
The sound of war had vanished.

One sound still remaining,
The glorious sound of peace.
Years later,
A shiny red poppy grows,
Where once had been a war.
These mighty soldiers who had fought,
Should never be forgotten,
For the things they have done.
On Anzac Day,
Tears are allowed,
Lest we forget

Great job, Kim.

Last but not least is superstar Amelia Crawford, and hers is titled *The World Is Here*.

The world is quiet here.
We run against the mud, tears that our eyes will flood as we stand side by side we shall not try but yet we are to die.
The world is different here.
Our battle once fought when there is blood on the floor as our past haunts the present of the war we once went to never return as we try to earn.
The world is loud here.
As our bullets once shot fly through the air that we can't bear as we fight for our lives, the ones we wronged to make right.
The world is silent here.
Our fallen soldiers wounded who will always be wary but forgotten to be weary as we descend into the dirt our hearts are to hurt.
The world has disappeared. The world is not here.
ANZAC Cove full of empty souls once fought the land they own and so …
lest we forget our hearts filled with deepened sorrow.

The action I seek is for the Minister for Education to share with me in congratulating these young primary school children.

Gendered violence

Renee HEATH (Eastern Victoria) (19:16): (875) We are experiencing an epidemic of violence against women, yet unbelievably, rather than strengthening bail laws, this government has relaxed them. Breaching bail is no longer a criminal offence in Victoria, and that is after a change that took place in this house in March. The community is grieving and in shock, and the police have complained that they have fewer options to respond if a domestic violence offender breaches bail conditions, such as by turning up at somebody's house or harassing them with messages and phone calls. This is really despite ongoing advocacy from the community to see change in this area.

As a politician who has consistently advocated for change, I find this frustrating, and as a woman I find it disheartening and I feel let down. I think we need to have less marching, although I do applaud people that go out and hit the streets and march. I recently did it to raise awareness around the conditions, for instance, with Celeste Manno and how that case was handled by the courts. But we need to do less marching and more action, and that is what I believe the community is crying out for at the moment.

Despite all of this we have seen no changes in stalking laws. We have not seen the sexual violence strategy which was due two years ago. We have not seen that released. Like I said, we have seen a relaxation of bail laws, which is putting women in danger. So my adjournment is for the Attorney-General, and the action that I seek is for the Attorney to outline what the government is going to do other than marching in response to this crisis and what they will do in legislation to make this state safer for women.

Responses

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (19:18): This evening we have received 14 matters for the adjournment, to a range of different ministers, and they will be passed on for response in accordance with the standing orders. I do just want to give a shout-out, however, to the students whose incredible poetry was put on the record tonight – exceptionally touching contributions. I look forward to the response that Mr McGowan sought in the remaining moments of his adjournment, for the minister to congratulate those students, as I am sure the rest of the house does, for all of their work in bringing these scenes to life.

The PRESIDENT: The house stands adjourned.

House adjourned 7:19 pm.