



# **Hansard**

## **LEGISLATIVE ASSEMBLY**

### **60th Parliament**

**Wednesday 11 September 2024**



**Office-holders of the Legislative Assembly**

**60th Parliament**

**Speaker**

Maree Edwards

**Deputy Speaker**

Matt Fregon

**Acting Speakers**

Juliana Addison, Jordan Crugnale, Daniela De Martino, Paul Edbrooke,  
Wayne Farnham, Paul Hamer, Lauren Kathage, Nathan Lambert, Alison Marchant,  
Paul Mercurio, John Mullahy, Kim O’Keeffe, Meng Heang Tak, Jackson Taylor and Iwan Walters

**Leader of the Parliamentary Labor Party and Premier**

Jacinta Allan

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

Ben Carroll

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

John Pesutto

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition**

David Southwick

**Leader of the Nationals**

Danny O’Brien (from 26 November 2024)

Peter Walsh (to 26 November 2024)

**Deputy Leader of the Nationals**

Emma Kealy

**Leader of the House**

Mary-Anne Thomas

**Manager of Opposition Business**

James Newbury

**Members of the Legislative Assembly**  
**60th Parliament**

| <b>Member</b>                  | <b>District</b>  | <b>Party</b> | <b>Member</b>               | <b>District</b>    | <b>Party</b> |
|--------------------------------|------------------|--------------|-----------------------------|--------------------|--------------|
| Addison, Juliana               | Wendouree        | ALP          | Lambert, Nathan             | Preston            | ALP          |
| Allan, Jacinta                 | Bendigo East     | ALP          | Maas, Gary                  | Narre Warren South | ALP          |
| Andrews, Daniel <sup>1</sup>   | Mulgrave         | ALP          | McCurdy, Tim                | Ovens Valley       | Nat          |
| Battin, Brad                   | Berwick          | Lib          | McGhie, Steve               | Melton             | ALP          |
| Benham, Jade                   | Mildura          | Nat          | McLeish, Cindy              | Eildon             | Lib          |
| Britnell, Roma                 | South-West Coast | Lib          | Marchant, Alison            | Bellarine          | ALP          |
| Brooks, Colin                  | Bundoora         | ALP          | Matthews-Ward, Kathleen     | Broadmeadows       | ALP          |
| Bull, Josh                     | Sunbury          | ALP          | Mercurio, Paul              | Hastings           | ALP          |
| Bull, Tim                      | Gippsland East   | Nat          | Mullahy, John               | Glen Waverley      | ALP          |
| Cameron, Martin                | Morwell          | Nat          | Newbury, James              | Brighton           | Lib          |
| Carbines, Anthony              | Ivanhoe          | ALP          | O'Brien, Danny              | Gippsland South    | Nat          |
| Carroll, Ben                   | Niddrie          | ALP          | O'Brien, Michael            | Malvern            | Lib          |
| Cheeseman, Darren <sup>2</sup> | South Barwon     | Ind          | O'Keefe, Kim                | Shepparton         | Nat          |
| Cianflone, Anthony             | Pascoe Vale      | ALP          | Pallas, Tim                 | Werribee           | ALP          |
| Cleeland, Annabelle            | Euroa            | Nat          | Pearson, Danny              | Essendon           | ALP          |
| Connolly, Sarah                | Laverton         | ALP          | Pesutto, John               | Hawthorn           | Lib          |
| Couzens, Christine             | Geelong          | ALP          | Read, Tim                   | Brunswick          | Greens       |
| Crewther, Chris                | Mornington       | Lib          | Richards, Pauline           | Cranbourne         | ALP          |
| Crugnale, Jordan               | Bass             | ALP          | Richardson, Tim             | Mordialloc         | ALP          |
| D'Ambrosio, Liliana            | Mill Park        | ALP          | Riordan, Richard            | Polwarth           | Lib          |
| De Martino, Daniela            | Monbulk          | ALP          | Rowswell, Brad              | Sandringham        | Lib          |
| de Vietri, Gabrielle           | Richmond         | Greens       | Sandell, Ellen              | Melbourne          | Greens       |
| Dimopoulos, Steve              | Oakleigh         | ALP          | Settle, Michaela            | Eureka             | ALP          |
| Edbrooke, Paul                 | Frankston        | ALP          | Smith, Ryan <sup>7</sup>    | Warrandyte         | Lib          |
| Edwards, Maree                 | Bendigo West     | ALP          | Southwick, David            | Caulfield          | Lib          |
| Farnham, Wayne                 | Narracan         | Lib          | Spence, Ros                 | Kalkallo           | ALP          |
| Foster, Eden <sup>3</sup>      | Mulgrave         | ALP          | Staikos, Nick               | Bentleigh          | ALP          |
| Fowles, Will <sup>4</sup>      | Ringwood         | Ind          | Suleyman, Natalie           | St Albans          | ALP          |
| Fregon, Matt                   | Ashwood          | ALP          | Tak, Meng Heang             | Clarinda           | ALP          |
| George, Ella                   | Lara             | ALP          | Taylor, Jackson             | Bayswater          | ALP          |
| Grigorovitch, Luba             | Kororoit         | ALP          | Taylor, Nina                | Albert Park        | ALP          |
| Groth, Sam                     | Nepean           | Lib          | Theophanous, Kat            | Northcote          | ALP          |
| Guy, Matthew                   | Bulleen          | Lib          | Thomas, Mary-Anne           | Macedon            | ALP          |
| Halfpenny, Bronwyn             | Thomastown       | ALP          | Tilley, Bill                | Benambra           | Lib          |
| Hall, Katie                    | Footscray        | ALP          | Vallence, Bridget           | Evelyn             | Lib          |
| Hamer, Paul                    | Box Hill         | ALP          | Vulin, Emma                 | Pakenham           | ALP          |
| Haylett, Martha                | Ripon            | ALP          | Walsh, Peter                | Murray Plains      | Nat          |
| Hibbins, Sam <sup>5,6</sup>    | Prahran          | Ind          | Walters, Iwan               | Greenvale          | ALP          |
| Hilakari, Mathew               | Point Cook       | ALP          | Ward, Vicki                 | Eltham             | ALP          |
| Hodgett, David                 | Croydon          | Lib          | Wells, Kim                  | Rowville           | Lib          |
| Horne, Melissa                 | Williamstown     | ALP          | Werner, Nicole <sup>8</sup> | Warrandyte         | Lib          |
| Hutchins, Natalie              | Sydenham         | ALP          | Wight, Dylan                | Tarneit            | ALP          |
| Kathage, Lauren                | Yan Yean         | ALP          | Williams, Gabrielle         | Dandenong          | ALP          |
| Kealy, Emma                    | Lowan            | Nat          | Wilson, Belinda             | Narre Warren North | ALP          |
| Kilkenny, Sonya                | Carrum           | ALP          | Wilson, Jess                | Kew                | Lib          |

<sup>1</sup> Resigned 27 September 2023

<sup>2</sup> ALP until 29 April 2024

<sup>3</sup> Sworn in 6 February 2024

<sup>4</sup> ALP until 5 August 2023

<sup>5</sup> Greens until 1 November 2024

<sup>6</sup> Resigned 23 November 2024

<sup>7</sup> Resigned 7 July 2023

<sup>8</sup> Sworn in 3 October 2023

**Party abbreviations**

ALP – Australian Labor Party, Greens – Australian Greens,  
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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**Wednesday 11 September 2024**

**The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.**

*Rulings from the Chair***Constituency questions**

**James Newbury:** On a point of order, Speaker, I would like to refer you to guidance that was given to the house at the end of the last sitting week in relation to constituency question time and points of order being raised at the end of constituency question time. Since that guidance was given a number of members have raised with me their concerns about that guidance. I do note the clerks provided advice in relation to *Rulings from the Chair* where there were instances where a Speaker had ruled that where a member sought to take a point of order, including in 1999 in members statements, that the Speaker did rule that that member should not be taking a point of order in the middle of that session – that is, constituency questions or members statements – which I think is fair and reasonable. However, as far as I am aware, there is no standing order, sessional order or ruling from the Chair which would suggest that members do not have an absolute right, under standing order 104, to take a point of order at the start of constituency questions other than if there was an attempt for members not to read out the delays in responses when the media was still in the room.

There was no consultation that I am aware of with the opposition in relation to that guidance. The standing orders are clear and there was no consultation – the Leader of the House has not spoken to me about it. I am not aware of the government being consulted. The custom and practice has always been that a member has an absolute right to take a point of order, including at the start of constituency questions. In my six years there has been no instance otherwise, and the clerks did not have any record of it being done otherwise. I would appreciate consideration being given to that guidance. That guidance may have been given on that day, but under standing order 104 I see that members have an absolute right to take a point of order at the start of constituency questions.

**The SPEAKER (09:35):** Thank you, member for Brighton. That is a good point of order and gives me an opportunity to address the house on a number of matters in relation to constituency questions. As we head into the September sitting break I would like to make a few observations about constituency questions and how they are handled in and outside the house.

From my quick scan of the questions and responses database – this is not constituency questions – there are several constituency questions and questions without notice still to be answered, and I remind ministers that the standing orders require these to be answered in 30 days. I ask ministers to use the September sitting break to clear the backlog of unanswered questions, and in cases where the responsible minister is a Council minister I ask Assembly ministers to convey the urgency of this issue to their colleagues. I do not wish to get into the habit of continuously drawing the attention of ministers to their responsibilities to provide timely responses to questions, but if there is still a significant backlog when the house resumes in October I will do this.

I am reminded that in early 2015 Speaker Languiller set down a process for dealing with unanswered questions. At that time constituency questions were new, and the house sought some guidance on how the house should deal with late answers, given that answers are given outside the house. There was some uncertainty about whether members should raise it in the house or by writing to the Speaker directly. The Speaker at that time suggested that members should take a point of order in the house and that he would then write to ministers to remind them of their obligations. This largely followed the practice set down by Speaker Smith regarding late answers to questions on notice when the 30-day deadline for answers came in.

Speaker Languiller specified that members should take their point of order at the start of constituency questions and draw the Chair's attention to the database number of the outstanding question or

questions. Over time members have begun adding the date the question was asked, which minister it was addressed to, the subject matter of the question and other commentary. None of this is necessary. Not only does it push the boundaries of what is acceptable in points of order, it also delays the start of constituency questions. Accordingly I announced this week and last sitting week that I prefer to hear points of order about unanswered questions at the end of constituency questions, which is, under Speaker Languiller's 2016 ruling, also when members should take points of order about the content of constituency questions. It is a better use of the house's time and less inconvenience to members with constituency questions to hold all points of order until the end, as is the practice with members statements and the adjournment debate. I also ask members to keep their points of order to the point and succinct.

**James Newbury:** On a further point of order, Speaker, you have just made a ruling today, respectfully, without any consultation of this house, in contrast to the custom and practice of this house.

**The SPEAKER:** There is no point of order, member for Brighton.

**James Newbury:** Speaker, under standing order 104 I am entitled to take a point of order.

**The SPEAKER:** Member for Brighton, there is no point of order. If you wish to discuss my ruling, I am happy to speak to you in my office. I am happy to meet you in my office or take it in writing.

**James Newbury:** Speaker, you made a ruling in this chamber. I am entitled to speak.

**The SPEAKER:** Member for Brighton, I ask you to resume your seat.

*Members interjecting.*

**The SPEAKER:** Order! The house will come to order. Member for Brighton, what is your point of order?

**James Newbury:** On your ruling –

**The SPEAKER:** What is your point of order?

**James Newbury:** A ruling has just been given without any consultation and in sharp contrast to the practice of this house. If there were a view that the practice and custom of this house should change, it should be done by formal motion through a standing order or a sessional order. The only possible reason for this change is to stop the media from seeing the points of order at the start of constituency questions.

**The SPEAKER:** Member for Brighton, there is no point of order.

**James Newbury:** This is an inappropriate –

**The SPEAKER:** This is not a point of order, member for Brighton.

**James Newbury:** Speaker, you can see that this will cause disunity in this house and it will be an issue ongoing.

**The SPEAKER:** I ask you to resume your seat, member for Brighton. There is no point of order.

**Mary-Anne Thomas:** On a point of order, Speaker, I want to remind you and the house and the Manager of Opposition Business that –

*Members interjecting.*

**Mary-Anne Thomas:** I am raising a ruling from the Chair:

Taking a point of order is not an opportunity to ask the Speaker a specific question, instead the guidelines for asking the Speaker a question should be adhered to.

## RULINGS FROM THE CHAIR

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I want to point this out for the benefit of the Manager of Opposition Business, who has been in defiance of your orders today, Speaker.

**The SPEAKER:** There is no point of order.

**John Pesutto:** I have a two-part point of order, Speaker. First of all, standing order 104(3) allows a member to raise a point of order and/or to speak to that point of order. That is the first point. The second point is that this is not a ruling from the Chair. With respect, Speaker, you have effectively imposed a new standing order, and that is contrary to the custom and practice of this house.

**The SPEAKER:** There is no point of order. Leader of the Opposition, this is not a point of order.

**John Pesutto:** Speaker, with respect, I think you are shutting down debate and shutting down scrutiny.

**The SPEAKER:** This is not a point of order.

**Roma Britnell:** On a different point of order, Speaker, I would like to point out that the Minister for Health has a conflict of interest because she has a question outstanding for 90 days that I have been asking for an answer for. It is a complete conflict of interest.

**The SPEAKER:** Member for South-West Coast, there is no point of order.

**Michael O'Brien:** On a point of order, Speaker, your ruling referred to the convenience of members. I note that it is only non-government members who are inconvenienced by the failure of ministers to deal with questions in a timely manner, and I would ask you, therefore, to reconsider. It should be at the convenience of the whole house, not just those who are ministers.

**The SPEAKER:** There is no point of order, member for Malvern.

**David Southwick:** On a point of order, Speaker, in your explanation you noted the fact that a number of questions have not been answered, and that is something that we on this side of the house have been very concerned about for a very long time. There is a protocol and a process by which, if changes were to happen, that would be discussed. This is a major change to the process in how things are dealt with. We have seen this government hiding for far too long, and this is just another example of a lack of transparency to shove off the fact of being unable to answer questions for months and months and months.

**The SPEAKER:** Member for Caulfield, there is no point of order. It is not a point of order.

**James Newbury:** On a point of order, Speaker, as the Leader of the Opposition raised in relation to standing order 104, the Speaker's ruling directly undermines standing order 104. Not only does the coalition have concerns in relation to that ruling, but this will have broader implications on, frankly, the coalition's view of how this chamber operates.

**The SPEAKER:** Member for Brighton, that is not a point of order. I have advised the member for Brighton and other members as well, including the ministers who have outstanding constituency questions and other questions that they have not answered – do so – to please come and visit me in my office if you wish to discuss this matter.

**James Newbury:** On a point of order, Speaker, you have made a ruling in this chamber and asked me to see you privately. You did not show me the courtesy of talking to me before making the ruling, so therefore why am I not entitled to raise this issue in the house?

**The SPEAKER:** There is no point of order.

*Members interjecting.*

**James Newbury:** Speaker, you can see what the ruling is going to cause.

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**The SPEAKER:** Member for Brighton, there is no point of order. Members need to understand how to raise a point of order.

**Cindy McLeish:** On a point of order, Speaker, I seek clarification on your earlier explanation when we were discussing constituency questions and questions on notice. You did mention the word 'adjournment'. In my time in this place, since 2010 – the same amount of time as you – points of order for the adjournment debate have always been raised at the start. I seek clarification. Is there now a change of practice?

**The SPEAKER:** The issue around the adjournment debate is very similar in relation to the content of the adjournment debate, and a point of order is raised at the end of the adjournment debate.

**Brad Rowswell:** On a point of order, Speaker, I have five questions currently unanswered by the Treasurer in relation to his CFMEU affiliations. They are numbers 1459, 1458 –

**The SPEAKER:** This is not the time to raise these matters, member for Sandringham. They are to be raised at the end of constituency questions.

**James Newbury:** On a point of order, Speaker, the member for Sandringham is using standing order 104, which he is perfectly entitled to do, and I would respectfully request that he be heard.

**The SPEAKER:** Member for Sandringham, points of order need to be raised about the matter that is being debated in the house. This is not about constituency questions at the moment. We are about to move into introduction of bills and the business of the day, so the point of order cannot be raised. There is no point of order at the moment.

**James Newbury:** On a point of order, Speaker, on your ruling that members can only raise points of order on the subject matter, standing order 104 says otherwise. It says at point (3) that a point of order can also be raised where a matter has arisen. The member has decided at this time that a matter has arisen to raise a point of order to point out that a number of outstanding matters need to be raised and that has arisen now, and he should be afforded that right, as 104 provides.

**The SPEAKER:** It is a longstanding custom of the house that these matters are raised at the appropriate time when the debate is on in the house, so I ask the member for Sandringham –

*Members interjecting.*

**The SPEAKER:** It is a longstanding custom of the house that points of order in relation to business of the house such as consistency questions are raised at the appropriate time, which is after constituency questions.

**Brad Rowswell:** I still seek the call to raise the matter now.

**The SPEAKER:** It will not be a point of order. You can raise your matter at the end of constituency questions today, member for Sandringham.

**Brad Rowswell:** So I am seeking the call and I do not get the call?

**The SPEAKER:** Because we are not dealing with that at the moment. We are dealing with the business of the house. At the end of constituency questions today you can raise your point of order.

**Brad Rowswell:** But there are constituency questions that have been raised which have not been responded to, and we are speaking about that now.

**The SPEAKER:** Yes, I am aware of that. You can raise these matters at the end of constituency questions, when we get to constituency questions.

**James Newbury:** On a point of order, Speaker, may I seek your guidance. I wish to understand why custom and practice have been relied upon in relation to not allowing the member for Sandringham to raise a point of order but custom and practice of this house have been overruled today

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on the practice that has been adhered to every single day in relation to members taking points of order. In fact the clerks were not able to provide me with a single record that supports the decision made today. I would put to you under standing order 115 that the Speaker's role is to maintain the house, and on this issue the house cannot be maintained.

**The SPEAKER:** Member for Brighton, that is not a point of order. Questioning my rulings is not a point of order.

**Michael O'Brien:** On a point of order, Speaker, the standing orders trump custom and practice. The member for Sandringham has an absolute right under standing order 104 to raise a point of order. Custom and practice do not trump the standing orders. On that basis I would invite you to allow the member for Sandringham to put forward his point of order.

**The SPEAKER:** I ask members to appreciate that the customs and traditions of this house are as important – just as important. On the member for Malvern's point of order, there are various rulings and standing orders in relation to taking a point of order and when a point of order can be taken. It has been, as I mentioned – and there are rulings in relation to this – that a point of order needs to be taken when a debate on that point of order is being heard and once, obviously, the member has finished a contribution.

**James Newbury:** On a point of order, Speaker, further to the guidance you have offered the house, a point of order, as the member for Malvern has rightly pointed out, can be taken on matters that have arisen. That is also in the standing orders. Speaker, it is self-evident that this house cannot be maintained when members of the opposition are gagged from taking points of order.

**The SPEAKER:** Member for Brighton, this is not a point of order.

**James Newbury:** It is.

**The SPEAKER:** No, it is not. You need to come and speak to me in my office.

**James Newbury:** I can use this chamber. I have an absolute right.

**The SPEAKER:** If you wish to continue questioning my rulings, I ask you to come and see me in my office.

**James Newbury:** I am not questioning your ruling. On a point of order, Speaker, on standing order 115, it is clear from this chamber that at every change in business every coalition member will use the right afforded to them under standing order 104. They will use that right. We are making it clear that we have an issue and that any change should be considered by substantive motion. Standing order 115 is clearly not going to be maintained, especially when it disadvantages clearly the opposition and advantages the Labor Party.

**The SPEAKER:** There are levers available to the member for Brighton to raise these matters and to change the rulings if members so choose, but it is not through points of order. I ask you to take that into consideration as you continue to raise points of order that are not actually points of order.

**James Newbury:** On a point of order, Speaker, I am perfectly entitled to raise a point of order in relation to standing order 115. I am perfectly entitled to raise that point of order. I am perfectly entitled to raise the fact that the decorum of the house needs to be maintained. It is self-evident now that order in this house is not going to be maintained.

**The SPEAKER:** The member for Brighton has spoken on this matter a number of times. Unless the member for Brighton wishes to seek leave to continue to raise the same points of order, I ask him to resume his seat.

**John Pesutto:** On a point of order, Speaker, can I invite you as Speaker to defer your decision today? You have, with respect, addressed the question of convenience; that was in your remarks. We have not been engaged or consulted to contest the balance of convenience. It may be convenient for

some; it is certainly not convenient for us. We would simply like a genuine opportunity to engage with you, Speaker, on that question before you proceed. Would you take that into consideration?

**The SPEAKER:** It has been offered already that members are invited to come and speak to me in my office about this ruling, to discuss this matter in my office.

**John Pesutto:** Speaker, just for clarification, are you prepared to defer?

**The SPEAKER:** I am prepared to have a conversation about my ruling, in my office.

**James Newbury:** On a point of order, Speaker –

**The SPEAKER:** If this is on the same point of order, member for Brighton, I ask you to seek leave.

**James Newbury:** I am seeking clarification of what you have just said.

**The SPEAKER:** The clarification has been given that I will speak to members in my office about my ruling.

**James Newbury:** On a point of order, Speaker, on standing order 104 and a member's right to speak, from what I understand the Speaker has now ruled that members of the opposition cannot raise points of order in relation to matters that have first been raised in this house and that the only avenue the Speaker will provide is offline, off camera. Is that correct?

**The SPEAKER:** I think the member for Brighton has misinterpreted what I have said. Also, he continually repeats this point of order that seeks a ruling from the Chair that I am not prepared to give right now or the ruling that I have made this morning. I have already ruled on the member's original point of order, and I invite members to come and speak to me in my office if they have concerns about the ruling.

### *Bills*

#### **Building Legislation Amendment and Other Matters Bill 2024**

##### *Introduction and first reading*

**Sonya KILKENNY** (Carrum – Minister for Planning, Minister for the Suburbs) (09:58): I move:

That I introduce a bill for an act to amend the Building Act 1993, the Architects Act 1991 and the Victorian Planning Authority Act 2017 and for other purposes.

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

**James NEWBURY** (Brighton) (09:58): I seek a brief explanation of the bill, which will remove third-party rights.

**Sonya KILKENNY** (Carrum – Minister for Planning, Minister for the Suburbs) (09:58): This bill will enable implementation of key components of the *Gas Substitution Roadmap*, make important clarifications to the scope of building activities that may be required under a building order and protect consumers by ensuring they do not lose their right to bring legal proceedings in relation to building or plumbing work due to delays in transferring the matter from the Victorian Civil and Administrative Tribunal to a court. The bill also implements several amendments and administrative improvements to the Building Act 1993, the Architects Act 1991 and the Victorian Planning Authority Act 2017.

#### **Read first time.**

#### **Ordered to be read a second time tomorrow.**

**Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024***Introduction and first reading*

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:59): I move:

That I introduce a bill for an act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to petroleum production licences and for other purposes.

*Members interjecting.*

**The SPEAKER:** Order! Member for Bulleen, your disrespectful behaviour is unbecoming. I did not hear the bill, so the minister to continue.

**Lily D'AMBROSIO:** Speaker, do I need to repeat it?

*Members interjecting.*

**The SPEAKER:** Yes, please. The member for Bulleen will be removed from the chamber if he continues.

**Lily D'AMBROSIO:** I move:

That I introduce a bill for an act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to petroleum production licences and for other purposes.

**Motion agreed to.**

*Members interjecting.*

**The SPEAKER:** Member for Bulleen, you can leave the chamber for half an hour.

**Member for Bulleen withdrew from chamber.**

**James NEWBURY** (Brighton) (10:00): I seek a brief explanation from the minister for gas.

**The SPEAKER:** Order! Member for Brighton, there is no minister for gas.

**James NEWBURY:** I seek a brief explanation from the minister.

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:01): This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to permit holders of a petroleum production licence to conduct underground operations, including the injection and storage of gas into offshore reservoirs.

*Members interjecting.*

**The SPEAKER:** Order! Yesterday I spoke about disrespectful behaviour in this chamber, and it is a little bit out of control this morning.

**Read first time.**

**Ordered to be read second time tomorrow.**

*Documents*

**Documents**

**Incorporated list as follows:**

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** – The Clerk tabled:

*Subordinate Legislation Act 1994* – Documents under s 15 in relation to Statutory Rules 80, 82

Victoria Police, Chief Commissioner – Report 2023–24 under s 148R of the *Liquor Control Reform Act 1998*.

*Bills***Residential Tenancies and Funerals Amendment Bill 2024****Victorian Institute of Forensic Medicine Bill 2024***Council's agreement*

**The SPEAKER** (10:02): I have received messages from the Legislative Council agreeing to the following bills without amendments: the Residential Tenancies and Funerals Amendment Bill 2024 and the Victorian Institute of Forensic Medicine Bill 2024.

*Motions***Member conduct**

**James NEWBURY** (Brighton) (10:02): I move, by leave:

That this house acknowledges the responsibility that members of Parliament have to their community and the broader community in upholding social cohesion.

**Leave refused.**

**Community safety**

**James NEWBURY** (Brighton) (10:03): I move, by leave:

That this house notes its deep concern over the violence on the streets today from protestors putting at risk law-abiding Victorians and committing acts of violence against hardworking Victorian police officers.

**Leave refused.**

**Member for Richmond**

**David SOUTHWICK** (Caulfield) (10:03): I move, by leave:

That this house condemns the member for Richmond for being an overpaid, taxpayer-funded activist, condemns her actions which have again incited hate and compromised the safety of Victorians and Victoria Police and resolves that her repeated cheap stunts mean that she is not fit for office.

**Leave refused.**

**Community safety**

**David SOUTHWICK** (Caulfield) (10:04): I move, by leave:

That this house calls on the Allan Labor government to urgently bring back move-on laws to enable Victoria Police to deal with activists seeking to shut down our city and incite violence and hate.

**Leave refused.**

**Land tax**

**Brad ROWSWELL** (Sandringham) (10:05): I move, by leave:

Notice of motion 39 standing in my name relating to the establishment of a parliamentary inquiry into Labor's land tax.

**Leave refused.**

**Dissent from Speaker's ruling**

**James NEWBURY** (Brighton) (10:05): I move, by leave:

That this house dissents from the Speaker's ruling of 11 September denying members their right under standing orders from taking points of order.

**Leave refused.**



*Members statements***Lorraine Bell**

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (10:06): I rise today to acknowledge the fantastic contribution of Lorraine Bell, who is the principal at Monmia Primary School in Keilor Downs – 19 years of dedication to and hard work for the school community at Monmia Primary School, and of course 47 years of service in the education sector. Lorraine has worked with me in partnership to develop the school, just recently delivering close to \$7 million for the new STEM building and of course the new library and many other investments at Monmia Primary.

Can I just say that we will miss Lorraine. Lorraine has been integral through her commitment and work during COVID and her care and compassion not only for the students but also for the families and community. Her passion has truly shaped Monmia Primary School and of course the community in Keilor Downs. We are exceptionally sad that she is departing, but I do understand that Lorraine is taking her step into retirement to spend time with her family and friends and of course do all the things that she wants to do – travel and really take time with family. I understand that, but we will really miss Lorraine, and I want to thank Lorraine for her commitments and wish her all the best for the future.

**Lowan electorate**

**Emma KEALY** (Lowan) (10:08): This is a very exciting week for my electorate, because this week we will host thousands of Hawthorn fans who cannot afford a flight to Adelaide because of cost-of-living pressures in Victoria. They will be travelling up the Western Highway, and I urge every single Victorian who is heading through my electorate to support our local businesses – to stop in and have a cup of coffee or have a rest break. Go beyond the golden arches in Ararat and make sure that you drop in at Great Western, Stawell, Dadswells Bridge – get a pic with the big koala and drop in and say g'day to Pat – Horsham, Dimboola or Nhill. Of course the last stop with shops on the way through Victoria is Kaniva, the birthplace of Alastair Clarkson. We are all jumping on board the Hawks bandwagon. I am, even though I can safely say right now that my team, Collingwood, are still the reigning premiers for a couple of weeks yet.

There is one other message for people who drive through my electorate: our roads are terrible. The Allan Labor government have cut so much funding out of our road asset management budget that people who drive through my electorate to Adelaide this coming week will need to make sure they are driving on what is left of the road, not on the left-hand side of the road. Please take extra care on the roads. Make sure that you come back to Melbourne, you remember where this money is going and you put Labor last at the next election.

**Jaryd Clifford**

**Vicki WARD** (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:09): I met Paralympian Jaryd Clifford when he was a teenager at St Helena Secondary College and training down at Willinda Park. I have been lucky enough to get to know him in the years since, and it has been such a privilege to see him grow and strengthen as an athlete and as a sportsman. Now a three-time Paralympian, Jaryd has won world championships and smashed world records. Last week we watched Jaryd compete again at the Paralympics, running in the 1500-metre and the 5000-metre events in Paris, and he ran like the champion he is – with all of his heart. He showed the world what a true champion and leader he is. We felt his profound disappointment in missing bronze by a hundredth of a second. When he was ruled out of a medal in a split second, we saw the release of the hold of his bind with his guide as they crossed the finish line. His interviews, where he was so honest in his feelings and perfectly composed as he advocated for all people living with disabilities, were an absolute masterclass. Jaryd, we are so proud of you. You are a true champion.

### **Lions Club of Eltham**

**Vicki WARD** (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:10): Congratulations to the Lions Club of Eltham on receiving Nillumbik’s Community Group of the Year award. This fabulous Lions Club dedicates so much time and energy to helping our communities thrive. This club, led by their dedicated, compassionate and hardworking president Peter Talbot, supports so many local events, groups, schools and community members. Their real strength is how they provide opportunities for our community to engage and build relationships with one another.

### **Rotary Club of Eltham**

**Vicki WARD** (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:10): Congratulations to the Rotary Club of Eltham for the recognition of their dedicated community work in receiving a high commendation for Community Group of the Year from Nillumbik. So many of our valued local community events would just not happen without these fantastic volunteers from Rotary.

### **Mount Buller**

**Cindy McLEISH** (Eildon) (10:11): It is hard to imagine what it was like to ski 100 years ago, but a handful of members of the Ski Club of Victoria took on the mountain and began the ski industry at Mount Buller. They used packhorses to trek to a hut built by the Lovick family for their summer High Country cattle work. This is now known as Burnt Hut Spur. There has been a lot that has happened since. We have had many characters who have helped to shape life on the mountain. We have had families with generations of connections to Mount Buller. There have been iconic businesses like the Arlberg, Pension Grimus, the ABOM, the Whitt, Kofler’s, Cattleman’s and many lodges. We have had characters like the late Hans Grimus and George Aivatoglou. More recently we have had John Perks, Socs, Laurie Blampied, Spook, Rob and Oni Aivatoglou. We have got the crew at Buller Ski Lifts – Nick and Noel – ski patrol, ski school and the staff at Alpine Central. There are so many people who work so hard to make this such a successful mountain.

We have also had local champions – two-time world champion and Olympian Alex ‘Chumpy’ Pullin and Olympian Anton Grimus. And what a delight it was in Mansfield recently for the people of the town and Chris and Sally Pullin to see the Mansfield sports stadium named the Alex Pullin Stadium after the tragic loss of Alex a couple of years ago. A shout-out to local Mark Woodsford, who received recognition of service for an impressive 45 years teaching at the Mount Buller snow sports school. He has got many hats, including organising the wonderful end-of-season prawn dinner.

### **Mornington Peninsula Football Netball League**

**Tim RICHARDSON** (Mordialloc) (10:12): On the weekend we had a massive grand final at Frankston’s Kinetic Stadium as the Chelsea Seagulls took on the Edithvale–Aspendale Eagles across a wonderful afternoon of sporting effort. We saw netball and football and the best parts of community come together. We had thousands that came, together with our federal member Mark Dreyfus, the federal member for Isaacs. As the member for Mordialloc, it would not surprise you, Deputy Speaker, that I wore the colours of the Chelsea Seagulls and the Edi–Asp Eagles. It is not my policy to fence sit, but when the Edi–Asp team brought home the flag, it was probably one of the more significant moments in those dying minutes.

I want to give a big shout-out to Verity Connellan, who is an outstanding leader in our community as president of Edithvale–Aspendale sporting club, bringing together a governance structure chaired by Graham Fountain, who has done a range of work as fire captain for Edithvale CFA. Under that board and leadership we have one of the strongest clubs in our community. Under the leadership of Michael Davies at the Chelsea Seagulls, we see the Chelsea Seagulls in their strongest form for many years. The governance structure there, the community outreach for football and netball and the junior participation see hundreds of kids across these two clubs participating in footy and netball in our patch.

At Edi-Asp, a big shout-out to Kris Pendlebury and Leah Percy, who are the coaches of the year. Edithvale Aspendale Football Club is also division 2 club of the year. It is a great success and a testament to those leading our community clubs.

#### **Probus Club of Bayside**

**James NEWBURY** (Brighton) (10:14): In August 1994, 30 years ago, the Probus Club of Bayside was formed. Today it remains one of the outstanding Probus clubs in Bayside. It has a strong membership of over 100 members who uphold the values of friendship, fellowship and fun. The club recently celebrated their wonderful 30th, and I congratulate president Jaan Enden and the whole club on that remarkable achievement.

#### **1st Elwood Scouts**

**James NEWBURY** (Brighton) (10:14): The 1st Elwood Scout Group is an important part of the Elwood community. The growing group recently set up a fun activity day at the Elwood Community Market, and before long it was packed. With Parliament sitting this week, I practised the axe-throwing activity, knowing the skill might come in handy in Spring Street. Congratulations, group leader Regan Della-Porta, on your leadership.

#### **Port Phillip EcoCentre**

**James NEWBURY** (Brighton) (10:14): Each year Bayside schools come together to celebrate and acknowledge their environmental and student leadership achievements. Elwood Primary School proudly showed me their wonderful project about Elster Creek. This year 25 schools participated in the festival. Thank you to the Port Phillip EcoCentre team, led by executive officer April Seymore, for a successful 19th festival.

#### **Elwood sporting facilities**

**James NEWBURY** (Brighton) (10:15): In 2006, when the Elwood Park pavilion was built, 21 sporting teams with 880 members used the site. There were no girls teams; now there are 10. Seventy-two teams with 4120 members now use it. The pavilion is not girl friendly. The Liberal Party committed funds for an upgrade at the last election; Labor refused to fund it. Elwood deserves proper sporting facilities.

#### **Laverton electorate early childhood education**

**Sarah CONNOLLY** (Laverton) (10:15): Sunshine Primary School is where it was all happening last week, when not only the Minister for Children in the other place but also our wonderful Premier came to visit. They were both there to officially kick off works on the new onsite kindergarten we are building at Sunshine Primary School. This new early learning centre is one of the first of 50 new kinders that our government is building as part of our flagship \$1.3 billion Best Start, Best Life program, meaning more kids in Victoria will be able to benefit from free kinder. Once completed, this new centre will be able to provide three-year-old and four-year-old kindergarten classes for up to 130 kids each and every single day. For families in Sunshine this means an end to the dreaded double drop-off and improved access to early childhood services, including maternal and child health care. It is also going to make it a much easier transition to primary school for local kids, especially with the transition from our four-year-old kinder to pre-prep, which is currently underway.

This is just the first of three new kinders that are in the pipeline for the Sunshine community, with planning also underway for new onsite kinders at Ardeer South Primary School and Glengala Primary School in Sunshine West. It is absolutely fantastic that construction works on this project have started at last, and I cannot wait to see this brand new kinder finished and ready to open in term 1 next year, when the centre opens its doors to parents and kids for the very first time.

### Vaccinations

**Tim READ** (Brunswick) (10:17): Vaccination is fundamental to protecting our health and is a basic responsibility of government, and local councils vaccinate nearly half of Victoria's children. Vaccination is why we do not have epidemics of diphtheria or polio in this country. It keeps thousands of children out of hospital. Six weeks ago councils received a letter from the Department of Health telling them to pay thousands of dollars to use the department's new database, known as Central Immunisation Records Victoria. Labor caps the rates councils can charge but repeatedly asks them to pay for new things. In this instance the state Labor government is turning vaccination into a cost-recovery exercise, squeezing councils and risking the effective delivery of a vital program.

Stonnington council have written to the Greens saying they are legally required to register vaccinations and they will need to absorb this cost or charge users for their vaccinations. If councils charge parents, a few people will skip their vaccinations. If councils have to absorb the cost, they will be under pressure to cut costs, maybe by reducing staff hours. In either case we should not be surprised if vaccination coverage drops. I urge the government to think carefully about the consequences of meddling with the delivery of our national immunisation program and to abandon this charge.

### Sunbury electorate TAFE

**Josh BULL** (Sunbury) (10:18): TAFE is coming to Sunbury. I was delighted last Monday to join the Minister for Skills and TAFE in the other place to officially announce the site of the brand new TAFE in our community. Not locking up or boarding up and gutting TAFE but actually opening up new TAFEs right across the state, making sure we are investing in skills and training and opportunities for our community, is something that this government will always do. It was a terrific day. 7 Evans Street and 2-4 O'Shanassy Street will be the site. It is a partnership with Kangan, a \$25 million investment, and I am thrilled of course to be delivering it for our community.

### Sunbury community hospital

**Josh BULL** (Sunbury) (10:19): I also had the opportunity to visit the Sunbury community hospital on Monday and have some really wonderful conversations with Robin, Dorothy and Eli, some of our local dialysis patients who were receiving their treatment. Getting an understanding of their journey and the importance of this local community facility was indeed a wonderful thing. This government, as the ministers attest, will always stand up and deliver for Victorians and will always make sure that our local health services are supported, funded and provided for, because that is what this government does.

### Chaffey Secondary College

**Jade BENHAM** (Mildura) (10:19): Chaffey Secondary College invited me last week to attend *Chaffey's Pride: Melodies in Motion*. It was a showcase at Mildura Arts Centre, and my mind was blown. As a drama and music student whose ambition and enthusiasm far outweighed any ability or talent that I had, I was floored and filled with joy at the extraordinary talent of these young people. When Leni took the stage to perform her vocal solo, I wept and sobbed, and I had goosebumps. It was incredible. You could have been forgiven for thinking you were at an Adele gig. The bands, the duets and the 9/10 hip-hop group were just outstanding. The talent, which is supported by the incredible staff at Chaffey College, is just spectacular, and they are so fortunate to have a program where these students thrive. So thank you.

### Mildura Airshow

**Jade BENHAM** (Mildura) (10:20): Last weekend the Mildura Airshow returned to the Mildura Airport for the first time in 20 years, and what was left of my mind from Friday was completely blown. The pilots Paul Bennet and Glenn Graham, who I went to school with, are such highly skilled acrobatic pilots, it was just world class; there is a reason they travel around the world doing this. The details,

down to even the bathrooms – it was next level; amazing. So well done to Marcus, Trevor and the entire team for staging a world-class air show in Mildura.

#### **Maribyrnong College**

**Katie HALL** (Footscray) (10:21): I am delighted to acknowledge the Olympians and artisans of Maribyrnong College. You do not need to go to Graceland to get your fix of the king of rock, because Maribyrnong College's production of *All Shook Up* brought Elvis's biggest hits to life in the west. I know that everyone who was fortunate enough to see the show could not help falling in love with their amazing work. I would like to congratulate the talented cast, made up of Mia Harvey, Luke Maccini, Sam Heasley, Blake Mohamed, Sebastian Weickhard, Lucy-May Siggins, Katrin Florey, Isaac West, Esther Pardo and Riley Arezzolo as well as everyone else involved in the production for their hard work and dedication.

And of course Maribyrnong College's sports academy is Victoria's elite state school for sport, and they sent five students to compete in the Olympics and Paralympics. I would like to congratulate Celeste Mucci for her 400-meter hurdles, Luke Plapp for cycling, Leon Sejanovic for taekwondo, Johann Stickland in freestyle and Nathan Pellissier, who represented us proudly at the Paralympics. Congratulations to them all. Nathan was competing in the table tennis.

#### **Donvale Football Club**

**Nicole WERNER** (Warrandyte) (10:22): This past weekend the Donvale footy club division 3 reserves scored a terrific win in the grand final in the Eastern Football Netball League. After previously losing to Surrey Park footy club in the second semi-final, they faced off again for the premiership and this time came away victorious, winning by a close two points in a game dominated by strong defence. Shout-out to president John Giles, coach Daniel Michelangli, reserves captain Andy O'Meara and winner of best on ground award Kaide Fittolani for an excellent game. A big shout-out as well to the Donvale seniors, who fought valiantly in their grand final, narrowly missing the win by two points. No doubt it will be yours next year.

#### **Mid-Autumn Festival**

**Nicole WERNER** (Warrandyte) (10:23): On behalf of the Victorian Parliament I want to wish everyone who celebrates a very happy Mid-Autumn Festival, also known as Moon Festival. It is a time for family members and loved ones to get together, a time of family reunion and peace. To the Chinese community it is a symbol of prosperity and happiness, and we wish that for you all. To our Chinese community: Ni hao, ni men da jiao hao. Wo shi, zhi you dang de zhou ee yen. Wo dai biao wei Tor Li Ya yi hui zhu ni men. Zhong jiu jie, kuai le. Shen ti jian kang, wan shi ru yi.

#### **Helen Miller**

**Nathan LAMBERT** (Preston) (10:24): I rise to say thank you to Helen Miller, who recently retired after 31 years as principal of Reservoir Primary School. She had served there since 1989. Helen was very highly regarded within the Reservoir community. Apparently some students at the school thought that she lived there, because she was so often the first to arrive and the last to leave. She was known for her very great personal generosity towards students in need, but above all, she was known as a reforming leader. Even in her final term at the school, Helen was still thinking of ways to make Reservoir Primary better, despite the fact she had almost completely transformed it from end to end. We thank her for the very positive difference she made for so many local students.

#### **Victorian Training Awards**

**Nathan LAMBERT** (Preston) (10:25): I would like to congratulate Melbourne Polytechnic on winning Large Training Provider of the Year at the Victorian Training Awards, which is a credit to CEO Frances Coppolillo and all of her team. I would also like to congratulate Carly Brown of Northern College of the Arts and Technology for winning Vocational Student of the Year. The Treasurer and I

met Carly last year as part of this government's support for the women in trades and technology program, and we wish her the best with her studies and her career.

#### **Preston Lions**

**Nathan LAMBERT** (Preston) (10:25): Finally, I would like to commiserate with the Preston Lions on their very tough loss in the National Premier Leagues Women's final on the weekend. Despite two sensational goals from Hayley Johnson and Susan Phonsongkham – particularly Susan's great goal from outside the box – they were unfortunately beaten in the dying seconds of the game with a header from Heidelberg United. We hope that they can take one further step next season.

#### **Mornington Peninsula parking**

**Chris CREWTER** (Mornington) (10:25): The Mornington Peninsula paid parking trial is about to end. This is a win for community advocacy, the thousands who signed the petition I sponsored and affected locals, visitors and small businesses. I commend the councillors who voted to permanently end the paid parking instead of deferring this decision. But we must keep up the fight to ensure that paid parking does not come back, given a deferral of the decision to post council elections. I ask the council to end paid parking permanently and end any rollout across the peninsula.

#### **Esplanade, Mount Martha**

**Chris CREWTER** (Mornington) (10:26): In 2020 a large landslip occurred between Bradford and Ellerina roads in Mount Martha on the Esplanade, impacting locals and causing traffic hazards. In good news, council has successfully applied for a federal grant of over \$2 million towards fixing it, supported by Zoe McKenzie, locals, others and me. This came after the state Labor government shamefully withdrew \$1.7 million to repair it in 2023, again putting aside needs because they are broke.

#### **Mornington electorate bus services**

**Chris CREWTER** (Mornington) (10:26): On another local win, following an unmatched Liberal commitment and much advocacy, it has now been announced that a Mornington to Hastings bus service will go ahead along with changes to existing bus routes to service retirement village residents. However, the Labor government has said that route changes would be implemented only when the cross-peninsula bus service starts. These route changes should not have to wait.

#### **Paris Paralympics**

**John MULLAHY** (Glen Waverley) (10:27): As our Paralympians touch down in the country today, I would like to take this opportunity to give a special shout-out to some sporting heroes. Our district boasts an expansive and diverse array of talent when it comes to sporting abilities, and I am proud to have in the Glen Waverley district the Scorpio Table Tennis Academy, based on Burwood Highway in Burwood East, which has an extraordinary record of producing world-class talent. Firstly, I would like to congratulate and acknowledge the achievements of Lin Ma, men's singles class 9 2024 Paralympian bronze medallist, and Lina Lei OAM and Qian Yang OAM, as the 2024 women's doubles WD20 paralympic gold medallists – and then Qian Yang OAM backed it up in the singles class 10 with the gold medal there as well. You have done not only our state but our nation so proud. Congratulations on your incredible achievements. I would like to give a special shout-out to the people who make it all happen: Lisa Dong and Linlin Qi, owners of Scorpio Table Tennis.

#### **Brentwood Secondary College**

**John MULLAHY** (Glen Waverley) (10:28): That is not all for table tennis. The sporting prowess of the Glen Waverley district knows no bounds. Recently the senior girls table tennis team at Brentwood Secondary College brought home the gold medal at the state school Victorian championships. This is a simply outstanding effort, and I pass on my congratulations to everyone involved.

### Australian Industry Group

**John MULLAHY** (Glen Waverley) (10:28): On another matter, I had the pleasure of joining the Minister for Women last Wednesday at Wilson Transformer Company for the Ai Group's breakfast. Ai Group recently received a grant for the apprentice to leader program, which showcases female leaders from the manufacturing and energy sectors, highlighting the diverse career opportunities available to women in these fields.

### Murray Slee

**Kim O'KEEFFE** (Shepparton) (10:28): Today I rise to acknowledge the life of a true Shepparton icon, Murray Slee, who passed away on Friday at the remarkable age of 101. What truly stood out about Murray was his dedication to his family and to public service. Murray is known to be Shepparton's longest serving councillor, spending 34 years on council, including three terms as mayor. He was passionate about improving our region, and his commitment to local government and his achievements along the way earned him the Medal of the Order of Australia in 2001.

Murray was a devoted family man. He and his late wife Myra were married for 71 years and raised four daughters, Robyn, Dianne, Jenny and Helen, and they cherished their four grandchildren and eight great-grandchildren. In a recent article about Murray's life it was noted that Myra was a staunch supporter of her husband, even more so when he began his career in public service, where she stood by him every step of the way. His daughter Robyn, who I know personally, has followed in her father's footsteps, not into public service but as a passionate community advocate. I attended Murray's 100th birthday last year, where he talked about his time on council and the many changes over the years. To hear his story was so inspiring.

Murray Slee was a gentle giant. He was a kind, humble and generous man and a highly respected member of the community. I thank Murray for his dedication and service to our community, and my thoughts are with his family and friends. He will be missed, but his legacy will never be forgotten. Vale, Murray.

### Mental health services

**Chris COUZENS** (Geelong) (10:30): I am proud of the work that we are doing on mental health support in our communities, but I want to start by acknowledging that yesterday was World Suicide Prevention Day. It is observed with the intention of raising awareness and empowering people to take action to prevent suicide. We can all play a role in suicide prevention, and we know that the LGBTIQ+ and Aboriginal communities are more vulnerable. Thursday is R U OK? Day. It empowers and inspires all of us to have regular, meaningful conversations to connect with and support anyone who might be going through a difficult time. I also note the Minister for Mental Health launched the *Victorian Suicide Prevention and Response Strategy* yesterday. Of course anyone needing support can call Lifeline on 13 11 14.

We have been implementing the recommendations of the Royal Commission into Victoria's Mental Health System, and in Geelong people now have access to a range of comprehensive mental health services under one roof after the official opening of the Central Geelong mental health and wellbeing hub last week thanks to the Allan government. The new hub, in the heart of Geelong's CBD, will see Barwon Health deliver wraparound treatment, care and support for local consumers, carers and their families, including mental health and alcohol and other drug treatment services. The service is free and does not require a GP referral or a Medicare card – anyone can walk in and get the support they need. The hub provides mental health care through specialist integrated multidisciplinary teams.

### Andrew Knox

**Juliana ADDISON** (Wendouree) (10:31): Today is 11 September, and it marks the 23rd anniversary of the terror attacks at the World Trade Centre in New York, where my friend Andrew Knox was killed on that fateful day. Andrew was a proud unionist and loved the Labor Party.

He had big dreams and huge potential. Andrew was just 29 years old, and it was devastating to lose such a great friend who made the world a better place. Thinking of you today, Knoxy. You are greatly missed.

#### **Ballarat District Scouts**

**Juliana ADDISON** (Wendouree) (10:32): Last week I had the pleasure of attending the Ballarat District Scouts annual report and awards night presentation. It was terrific to hear about scouting across our region from the youngest Joeys to the most senior Rovers. The Ballarat District Scouts were established in 1909, and today there are more than 450 youth participants and 100 adult leaders involved across our region. Well done to those who received Scout awards and to the leaders who were recognised for many years of service, including Tony and Verena Doyle, Brad Pryor, Gavin Parkinson and Daniel Chappell. Thanks to the district commissioner Shane Hall for the presentation of my scarf with the friendship knot.

#### **Motor neurone disease**

**Juliana ADDISON** (Wendouree) (10:32): Next the member for Pakenham, who we all admire and support, will stand to make her contribution. She is being silent and shutting up for MND for 12 hours to raise awareness of motor neurone disease and the impact it has on many sufferers. Many with this terrible disease will lose their ability to speak.

#### **Motor neurone disease**

**Emma VULIN** (Pakenham) (10:33):

*Members applauded.*

#### **Maramba Primary School**

**Belinda WILSON** (Narre Warren North) (10:34): I had the pleasure on Thursday night of going to the Maramba Primary School production of *Shrek the Musical*. From the performance to the smooth execution of the entire production, it was a real pleasure to see all the incredible effort they put into this performance. A huge congratulations to all the students and the staff and also to the teachers who did an amazing performance and of course to Emma Butler, the incredible performing arts teacher. I also want to give a big shout-out to the parents, who brought it all together and helped bring this musical to life.

A special shout-out, yes, to Princess Fiona and the main cast of *Shrek*: to Jaxon, Ivy-Snow, Leo, Safun, Dean, Aiden, Kravitz, Tenzin, Luka, Lucas, Nisar, Daniel, William, Sabrina, Terence, Kaylee, Ashlee, Harviniah, Harper-Elizabeth, Haleema, Shyah, Elly, Magenta-Rose, Caitlyn, Madison, Susanna and of course Rudrani. Congratulations. You did an incredible performance. I would also like to give a huge shout-out to the grade 4 level at Maramba Primary School. They are completely amazing, and I really thank for them for having me.

#### **Community safety**

**Brad ROWSWELL** (Sandringham) (10:36): Land Forces is on this week. The protests that are happening in Victoria at the moment on the streets of Melbourne are an absolute and utter disgrace. This is our opportunity to put Victoria and Victoria's industry and defence industry on the world stage, and the thugs that are there on the streets of Melbourne disrupting the place are an absolute disgrace.

**Roma Britnell**: On a point of order, Deputy Speaker, I have 14 outstanding questions from ministers that I have been waiting for for well over eight months in some instances. They are question number –

**The DEPUTY SPEAKER**: Order! As the Speaker ruled earlier, the time for making points of order on outstanding questions or questions without notice is during the constituency questions period.



**Roma Britnell:** I thought it was a longstanding tradition to do it at different times, but I have got that wrong, sorry.

**The DEPUTY SPEAKER:** Reflections on the Chair are not handy either.

*Statements on parliamentary committee reports*

**Public Accounts and Estimates Committee**

*Inquiry into Vaping and Tobacco Controls*

**Sarah CONNOLLY** (Laverton) (10:37): It gives me a great deal of pleasure to rise to speak on the Public Accounts and Estimates Committee report on the inquiry into vaping and tobacco controls. This is a report that I tabled in the house last sitting week. The aim of this inquiry was to examine how our government could better tackle the ongoing scourge of nicotine addiction and uptake of nicotine-based products here in Victoria. Despite the large strides we have made in curbing tobacco usage, smoking is still the leading cause of premature death in this state and contributes to more than 4000 Victorians dying each and every single year.

More disturbingly, we have seen a concerning rise in the use of vaping, especially amongst our children, our young children and teenagers. Indeed outside of this inquiry I have found it to be a major issue in my local community and my local neighbourhood, with some local schools telling me that they have resorted to installing smoke detectors in their toilet blocks to catch students who try to vape in secret. It reflects a concerning trend where tobacco companies have pivoted away from cigarettes towards targeting young people, with vaping as a ‘healthier’ alternative to smoking. In reality we know it is a marketing ploy to get people hooked on nicotine while they are young, and it thereby functions as a new gateway to smoking cigarettes.

As someone who has seen family members try many, many times but fail to kick their smoking addiction, I cannot stress how loathsome I find this practice. I also note that during this inquiry the *Herald Sun* conducted an analysis that revealed that 463 shops in the committee’s combined electorates were engaging in illegal tobacco trading, including loose-leaf tobacco and of course banned disposable vapes. This included a total of 25 illicit traders in my own electorate of Laverton, amounting to one every 3.5 kilometres. Whilst I think this analysis was actually designed to paint us as blind to an issue right under our noses, I for one welcome this information because it gives us an indication of just how serious this issue is. Since we had the federal government act earlier this year by banning disposable vapes and cracking down on non-prescription vaping, this problem has only gotten worse. It also tells us we need to act and we need to act fast.

This inquiry received a total of 115 submissions and even included the committee visiting storage facilities with Victoria Police and the Australian Border Force to see firsthand the volume of seized tobacco and nicotine products. I do want to thank all of those people who took the time to take us around at those site visits, and all of those who took the time to write a submission or appear before the inquiry, who really contributed to the recommendations that have come forth. There are 26 recommendations. The cornerstone recommendation of this inquiry is the establishment of a new nicotine licensing scheme and, importantly, an active regulatory body seated within the Department of Justice and Community Safety. This will properly enforce this scheme. We know that tobacco companies have moved beyond traditional forms of smoking – we all know that; it is no secret – and this scheme must be reflective of this reality. In addition to recommendations surrounding this proposed scheme, the report also recommends new services and formats to continue the work of addressing the harms resulting from nicotine products and to strengthen our public health response. We are already seeing this in action, with regional Victoria leading the way.

I want to quickly thank my fellow committee members for their contributions to this inquiry. A lot of hard work and a lot of hours have gone into producing this report, including by the members for Point Cook, Clarinda, Yan Yean and Gippsland South in this place as well as Mr McGowan, Mr Galea, Mr Puglielli and Mrs McArthur in the other place. I also want to acknowledge and thank the

committee secretariat and staff for always, always putting in tireless effort in arranging and conducting these inquiries and looking after the committee, as well as witnesses, as well as the tireless amount of hours that they have spent writing and preparing this report and getting it to where it is now before the house. I am very proud to recommend this report to the house, and I do encourage people to take the time to grab a copy of it and have a read. This is the stuff that matters. I commend it to the house.

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

#### *Report on the 2023–24 Budget Estimates*

**David SOUTHWICK** (Caulfield) (10:42): I rise to speak on the report on the 2023–24 budget estimates from the Public Accounts and Estimates Committee. Particularly I want to point out section 6.4 around transport infrastructure and the Suburban Rail Loop, and finding 53, which suggests the pause in Commonwealth funding decisions may result in financial impacts and project delays in the state capital program but these impacts cannot yet be determined. This is very, very important, because what this says is that if the federal government do not provide funding to the state government for some of these major projects, that could not only jeopardise the ability to deliver these projects but also impinge on things like our credit rating and our financial stability and ultimately cause huge issues in terms of where this state is going and where it is seen internationally in terms of consumer confidence, rising debt and paying for that debt.

Unfortunately once again this government pulled the wrong lever, because following that, in terms of uncertainty of Commonwealth funding, the government did not pause the Suburban Rail Loop, which everyone has been calling for – the government paused airport rail. By pausing airport rail after spending \$1 billion we see a situation where a project that has been supported by the Commonwealth government has been paused by the Allan Labor government to instead pursue a very, very expensive, and unfunded by the Commonwealth, Suburban Rail Loop that unfortunately is seen by so many people except the Premier as a project that nobody is calling for and that everybody is suggesting desperately needs to be paused so Victorians can afford to get out of the debt that we currently have and so we can do many projects right across the state.

This is the fundamental mistake that the government has made despite lots of advice and having many people time and time again say, ‘Do the right thing: the Suburban Rail Loop is a project that Victorians cannot afford.’ Pursuing \$216 billion worth of project that we simply cannot afford, when you are pausing a project like airport rail that has overwhelming support, ultimately simply does not make sense. I am raising this today especially because there is a Resolve poll out that backs up what I am saying. The Resolve poll not only talks about the fact that the Allan Labor government is becoming more unpopular than black M&M’s; it simply is a situation because of projects like this. Labor cannot manage money and major projects, and Victorians are paying the price. This is playing out.

The Allan Labor government has ignored all the advice about the Suburban Rail Loop. The Resolve poll says Victorians want airport rail. A billion dollars has been wasted on airport rail, and it has been stalled at the expense of the Suburban Rail Loop. How many times does the Premier need to be shown that this project is unpopular? The Resolve poll says that. The Premier has lost eight points as preferred Premier because the Premier is not listening. The Premier is ignoring what Victorians are telling her, and even Labor’s own backbench agree that Suburban Rail Loop needs to be paused. Standard & Poor’s, the credit rating agency, has suggested that if the government pursues Suburban Rail Loop, we could have risk in terms of our credit rating – more debt, more interest and unfortunately more tax and more pain for Victorian taxpayers. I mean, when will the Premier finally wake up?

This is a project that nobody wants or needs right now. This Resolve poll is just another example of people saying, ‘Pause the Suburban Rail Loop. Victoria cannot afford the Suburban Rail Loop.’ Get on and build airport rail, because unlike Sydney, Brisbane and Western Australia, who all have airport rails, the biggest and best opportunity for us would be to do airport rail. If you want to continue to roll out the carpet for international investment and for it to have confidence in this state, do things that people have been calling for for a long time, not your own pet project, like the Premier is doing with

the Suburban Rail Loop. Pause the Suburban Rail Loop and pursue airport rail. That is what the Resolve poll is saying today, and if the Premier continues to not listen to Victorian taxpayers, the Premier will be looking for a new job very soon.

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

#### *Inquiry into Vaping and Tobacco Controls*

**Pauline RICHARDS** (Cranbourne) (10:47): I am pleased to have the opportunity to congratulate the Public Accounts and Estimates Committee on their vaping and tobacco control inquiry and the report that has come from that. I think it is a really important report, which has come from a body of work that I think in many ways shows Parliament at its best. I note particularly the contribution of the chair, the member for Laverton, and the work that she was very active around. I thank the member for Gippsland South for his longstanding work as part of the Public Accounts and Estimates Committee, the member for Point Cook, the member for Clarinda, the member for Yan Yean and many others in the other place as well.

I am affected by so much of the work, which has made some particularly important findings, and I think some of the findings confirmed what we were understanding already, which is that nicotine affects the developing adolescent brain, potentially causing long-term cognitive and emotional issues. There are rising rates of vaping among young people, with significant concern about nicotine addiction that has come from those increases, and there is no doubt appeal in flavours like fruit punch candy that make vaping attractive to young people.

I know that there are some people who made outstanding contributions as part of the evidence of this inquiry, and I do want to take a moment to acknowledge both VicHealth and the Cancer Council Victoria for the very deep and thoughtful evidence that was led at the inquiry and recognise that the inquiry actually heard evidence from people with very different views on what the findings are on vaping.

The prevalence of vaping is alarming, and as somebody who represents an electorate in the south-east I know that Cranbourne, Dandenong and Frankston have high rates of youth vaping – actually higher than the state average, which is a real problem. We cannot overstate the concern about this.

I am going to take the opportunity to recognise some work that has been done over many years and particularly in this context Mr Batchelor in the other place, who used his inaugural speech to talk about the importance of making sure that we address rising youth vaping rates. Many of the elements of this report and the findings from the inquiry do replicate what Mr Batchelor was indicating in his inaugural. I am really grateful as well that the member has been agitating about this as not just an important policy opportunity but a piece of policy that actually we need to be focused on and make sure that our attention is laser-like on with some urgency.

There is no question in my mind that big tobacco companies have invested their extensive resources and marketing expertise to shape the market as a part of their investment in vaping and that there are what I perceive to be deceptive practices. Certainly they were initially making claims about the safety and benefits of their products with this incorrect position that they were taking that it was some sort of smoking cessation program, but we know now, and the data bears out our deepest fears.

I am going to also just acknowledge John Safran and the work that Mr Safran did in one of his books, *Puff Piece*. I am a bit of a John Safran evangelist. He spoke about industry manipulation in his book, and I did, in reading his book, then send pieces and copies of his quotes and in fact a copy of the book to people I thought would find it as compelling reading as I did. He talked about how the industry downplays the risks and uses psychological tactics to appeal to young people, and he also identified the flavours as part of the addiction.

I also just want to quote Dr Sandro Demaio, the CEO of VicHealth, who said Victorian children as young as eight are being offered e-cigarettes and 10-year-olds are calling Quitline in tears. We need to do something about this.

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

#### *Report on the 2021–22 and 2022–23 Financial and Performance Outcomes*

**Danny O'BRIEN** (Gippsland South) (10:52): I would like to say a few words on the 2021–22 and 2022–23 financial and performance outcomes report of the Public Accounts and Estimates Committee, in particular as it relates to the energy mess that we are finding ourselves in in this state under the Labor government. We heard in various hearings both last year in the outcomes hearings and again this year in the budget estimates process about the government's commitment to the State Electricity Commission. 'Bringing back the SEC,' said the former Premier Daniel Andrews, and at the time they promised a massive injection. They are promising 59,000 jobs by 2035 and the Premier at the time said that there would be an SEC office in Morwell, and Morwell was really excited about that. I can tell you they were so excited they chose to elect a Nationals MP, because they did not buy it, and not without good reason, because we discovered in the hearings that the SEC office in Morwell is in fact one person – one staff member – and not actually in an office in Morwell but in the GovHub office in Morwell. I wonder whether they are having staff meetings in the office in Morwell, whether they have got a HR team looking after the one person in the office in Morwell and indeed what they are doing, because this is part of a wider malaise within the government's energy program. They make all sorts of promises, and you never actually know what the government is going to deliver or what their policy is indeed.

This week on gas we have seen some significant attempts at backsliding. The front page of the *Herald Sun* on Monday suggested the government was going back on its commitment to banning gas in new homes, but lo and behold, if you listened to the Premier on 3AW that morning – no, no such change at all of course; the government is still banning gas in new homes. We have had the Minister for Energy and Resources talking about always being opposed to gas and always being opposed to carbon capture and storage. Yet she has just introduced legislation – and we will see the detail of it tomorrow – which from the announcements the government has already made this week seems to be allowing the production and then reinjection of gas into storage wells.

I fail to understand how the minister could support putting natural gas, or methane if you like, back into a storage well and taking it out but does not support exactly the same process when it comes to carbon capture and storage, which is an industry that, if it was developed, in conjunction with the hydrogen energy supply chain project in Gippsland could create jobs in our region. Maybe there could actually be some jobs there in Morwell to add to the one SEC job that the government has created. That would be good. But not only that, we would actually establish a process in the hydrogen space allowing us to take advantage of potential green hydrogen opportunities in the future with what would currently be a blue hydrogen project.

I mentioned VicGrid as well. The current REZ – renewable energy zone – engagement process that VicGrid are undertaking would be fine if it was limited to transmission, but they have bizarrely gone out to try and identify good spots for new renewable energy developments when the private sector is already doing that. Just like the SEC is unnecessary because the private sector is doing it, this process is unnecessary, and I have already called on the minister to withdraw that.

I want to touch briefly on the storms we had last week and the significant outages we again had in my electorate in particular but indeed right across southern Victoria. There was a massive amount of outages – 180,000 in the AusNet zone last Monday. Once again most people could put up with those power outages for a day or two, but once we got two, three or four days, and in some cases in my electorate five or six days, then that stretched the friendship quite considerably. I was dealing with angry people on Saturday still waiting for their power to be connected. I raise this in a government context because the minister in 2021 announced a review of those outages that we had in the big storm

of 2021, and that came up with a number of recommendations, two of which were implemented this year in legislation. They were simply that the transmission companies must provide certain info to the government and that they must agree to be the conduit for power outage payments. They were already doing that, so the government has completely failed when it comes to power outages. There was nothing in those recommendations and the legislation that went through this week. The government needs to do better, particularly with relation to vegetation offsets.

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

#### *Inquiry into Vaping and Tobacco Controls*

**Mathew HILAKARI** (Point Cook) (10:57): Cometh the moment, cometh the Public Accounts and Estimates Committee report of course. I rise to speak on the vaping and tobacco controls inquiry report that has just been delivered to the Parliament in the last sitting weeks by the member for Laverton, who spoke on this matter, and the member for Cranbourne, who also spoke on this matter as well. This report is about as timely as it could be. It was set out in February of this year that we would undertake this inquiry as a committee, and the reason is that 4000 people every year have either premature death or disease as a result of smoking. It is the leading cause of premature death and disease in this state. This is why it is an absolute imperative that this matter be discussed by this Parliament and also by this committee.

This committee delivered 27 recommendations after 115 written submissions. We went all across the state to talk about these matters, including up to Shepparton, which was a terrific day with the students and business owners up there who described the regional impacts as well as the suburban impacts that so many members know of.

In terms of the effect that we have had on smoking in Victoria and Australia, it has been massive. Over the last two decades we have more than halved the rate of people who are smoking and that is an extraordinary effort, but we should not ever rest on our laurels. It has been taken down from 22.1 per cent in 2001 to just 9.2 per cent today, but we have a real challenge in front of us and that is vaping. We know that young people particularly are taking up vaping at terrible rates, and one of the things that really struck me from one of the students who spoke to us was both terrible and gave some signs for hope. They were talking about how people as young as 10 or even younger are undertaking vaping, but they said by the time they have reached their VCE years, many people had started to shift away from it because of the uncool nature of it. So there is a little bit of hope there. There is a glimmer of hope in amongst something that is quite terrible – people under the age of 10 undertaking vaping.

We have VicHealth in the Parliament this week with their exhibition, and it is so great to see them with peer-to-peer vaping engagement with young people. One of those things that young people called for is co-design and engagement from other young people. So I am very glad, and I hope that they continue with their excellent efforts – efforts that were already underway while this inquiry was underway.

In fact there were a number of changes that occurred while this inquiry was underway, which included the government announcing that we would be setting out a licensing system for tobacco sales, and this inquiry goes to the heart of some of those recommendations on what the government could take up. That was part of the reason in fact that the committee took a view of bringing forward the committee report, to make sure that we could take Victorians' views – those people who had made submissions – and make sure they are incorporated into the government's views. In particular I want to talk to the Better Regulation Victoria recommendations, which landed before this report. Some of the recommendations about a licensing scheme and how we could learn from other states included making licence fees akin to those charged in Tasmania. We should learn when other states do things well. A licensing regime – we are the last state to put one into effect. We need to do it urgently, but we can also learn from those good practices and those poor practices from interstate and overseas, which this report delves into.

We put forward that a number of licences should be restricted in terms of their granting and that density limits should exist in local government areas. We particularly see those people in socio-economically deprived areas have more smoking venues and more places where you can purchase cigarettes. It also outlines that we should be restricting cigarettes from being sold within 150 metres of schools, a very sensible recommendation. And also that data be kept, because we do not actually know the extent of the problem – data on how much is sold, where it is sold and the stores that it is available at. All of these are important pieces of information that will help our public health services know what is working for them and places that they need to be more engaged with. It sets out targets and timeframes. It also sets out, as the member for Laverton said, a recommendation of a standalone regulatory agency within the Department of Justice and Community Safety. Local councils are not up to the task and not able to take on this task. I encourage the government to take a fantastic read of this great report, and I look forward to their response.

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

#### *Inquiry into Vaping and Tobacco Controls*

**Tim READ** (Brunswick) (11:02): I also rise to speak on the report on the Public Accounts and Estimates Committee's (PAEC) inquiry into vaping and tobacco controls. I should declare at the outset that I am on the board of VicHealth, which is extensively quoted in the report. As we have just heard, tobacco is the leading cause of preventable death and disease in Victoria, responsible for an estimated 4000 deaths. More importantly perhaps than the deaths are the many thousands of debilitating disease cases due to smoking in Victoria, and one example always sticks in my mind from many years ago when I was an intern in the emergency department. I met a man who smoked for decades, and his emphysema was so bad that he was too breathless to make it to the toilet on time. This really reduced the dignity and the quality of his life. It is important to remember that this is the sort of thing we are talking about on a grand scale across Victoria.

We have now got daily smoking rates down below 10 per cent of the population in Victoria, but two factors are threatening the continuing decline in smoking prevalence. The first is illicit tobacco, sometimes called chop-chop, which is becoming more common and may reverse that recent decline, which has been brought about due to rising tobacco prices, because the chop-chop is tax free and much cheaper. The other is, as we have heard, nicotine vaping, and there has been a rapid increase in the prevalence of nicotine vaping in the last couple of years, especially among teens and young adults. An important systematic review from the Australian National University estimated that vapers are three times more likely than non-vapers to become tobacco smokers. Even when this does not happen the PAEC report outlined a number of detrimental effects that can be caused by using vapes alone, including lung injuries, nicotine poisoning, memory impairment and anxiety disorders, and just last week a study from the Matilda Centre for Research in Mental Health and Substance Use found that teens with depression were twice as likely as their peers to vape. It was not clear whether the vaping was causing depression or the other way around, but evidence from other studies suggests it could be both.

There is, in Victoria, remarkably little enforcement of current tobacco laws. The only law really that is enforced at all is the minimum age of sale. There are very few fines or prosecutions. It is all left to local government, and not even all local governments participate. People cannot have failed to notice the proliferation of unregulated tobacconists, which are now the scene of a gang war, particularly again over the last couple of years. It seems as though police, local government and state agencies are all reluctant to take responsibility for enforcing existing laws.

The state must act swiftly to make up for lost time. Remember that figure of 4000 deaths? That is more than 10 deaths a day. I commend PAEC for their report, and I support their recommendations, particularly their calls for retail licensing in Victoria. More powers for police and authorised officers are also necessary and, as we have also heard recently, a single state agency to oversee it all within the Department of Justice and Community Safety. Enforcement may not eliminate vaping and chop-chop,

but it will likely reduce it. I want to emphasise that there is a dynamic relationship between four factors: the price and availability of the legal product, the enforcement of whatever laws exist, consumer behaviour and the black market. Change one and the others change. Being certain can be a barrier to good policy – we need to adjust policy to match the observed behaviour.

I also want to commend the minority report by Mr Puglielli and particularly the recommendation to ban political donations from tobacco companies.

One thing we can say with some confidence is that we need a tobacco retail licensing scheme in Victoria. The Cancer Council Victoria has been calling for it for 20 years. Better Regulation Victoria called for it a couple of years ago. It is not just that it is embarrassing to be the only state in Australia not to have such a scheme, although I admit it does not feel great to be a national laggard, the reality is much more serious. The report makes clear that between the public health impacts of nicotine use and addiction, widespread illegal sales of nicotine to children and frequent firebombings in gangland wars – that, by the way, appear to be the only real enforcement in the current black market – the status quo is just not good enough. The government must act swiftly and watch the data and be prepared to change course. Delay means more cases of emphysema like the one I described earlier.

### *Bills*

#### **Agriculture and Food Safety Legislation Amendment Bill 2024**

##### *Statement of compatibility*

**Ros SPENCE** (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (11:08): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Agriculture and Food Safety Legislation Amendment Bill 2024:

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 Agriculture and Food Safety Legislation Amendment Bill 2024 (the **Bill**).

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

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

The Bill seeks to:

- Amend the *Dairy Act 2000* (the Dairy Act) to create offences relating to the sale, delivery or provision of raw milk, and to enable the selection committee under that Act to make recommendations when there is a vacancy or absence in membership of the committee, and to remove the requirement for Dairy Food Safety Victoria to meet annually with representatives of the dairy industry;
- Amend the *Food Act 1984* (the Food Act) in relation to compliance and enforcement powers and to confer power on the Secretary of the Department of Health to make requirements for the display of information;
- Amend the *Meat Industry Act 1993* (the Meat Industry Act) to enable PrimeSafe, the Authority under that Act, to more efficiently share information and to enable the selection committee under that Act to make recommendations when there is a vacancy or absence in membership of the committee; and
- Amend the *Seafood Safety Act 2003* (the Seafood Safety Act) to introduce a fit and proper person criteria for assessing licence applications under that Act.

##### **Human rights issues**

The following rights are relevant to the Bill:

- Right to privacy (section 13);
- Right to fair hearing (section 24); and
- Right to the presumption of innocence (section 25(1)).

***Right to privacy***

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

***Information sharing***

Clause 26 of the Bill substitutes s 57 of the Meat Industry Act to amend the confidentiality requirements in the Act so that official persons, such as current or former members or employees of PrimeSafe, or current or former inspectors, may disclose information that they received about a person when exercising a power or performing a function under the Meat Industry Act or the Seafood Safety Act, in certain circumstances. Accordingly, by allowing for the disclosure of what may be personal information, clause 26 engages the right to privacy under s 13(a) of the Charter.

I am of the view, however, that clause 26 does not limit the privacy right, as any disclosure of a person's information would be lawful, in that it would be pursuant to a properly circumscribed law, and is not arbitrary, as any disclosure may only occur in limited and clearly defined circumstances that enable official persons to carry out their duties in respect of the monitoring and enforcement of the food safety regimes in the meat and seafood industries and share information with other regulators where an information received by an official person is relevant for administration of other Acts. The exceptions that permit disclosure concern appropriately prescribed circumstances, including where it is in the exercise of an official person's statutory powers or performance of their functions, to a public sector body in connection with the administration of any Act or law that applies to the person to whom the information relates, pursuant to a court order, with consent of the person to whom the information relates, to a person responsible for regulating food safety, or to prevent a serious threat or minimise a serious risk to public health. Clause 26 also includes an offence for unlawful disclosure of information about a person, to ensure confidentiality and privacy is protected.

I therefore consider that clause 26 of the Bill is compatible with the right to privacy under the Charter.

***Right to a fair hearing***

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. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests.

While recognising the broad scope of section 24(1), the term 'proceeding' and 'party' suggest that section 24(1) was intended to apply only to decision-makers who conduct proceedings with parties. As such, there is a question as to whether the right to a fair hearing is engaged by administrative decisions which do not involve the conduct of proceedings with parties.

In any event, I will adopt a broad reading of section 24(1) and assume that the fair hearing right is engaged by the administrative decisions to be amended by this Bill. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

***Fit and proper person criteria for seafood safety licences***

Clause 30 of the Bill inserts new s 14(2)(ca) into the Seafood Safety Act which is a new ground upon which the Authority must exercise their mandatory powers to refuse to issue, refuse to renew, or to cancel or suspend a seafood safety licence. This new ground is that the Authority is no longer satisfied that the person is a fit and proper person to hold a seafood safety licence. Clause 30 also inserts new s 14(3) into the Seafood Safety Act which outlines various matters that the Authority must consider when having regard to whether a person is a fit and proper person to hold a seafood safety licence. These matters include whether the licensee or applicant, or their associate, is not of good repute having regard to their character, honesty and integrity. The effect of clause 30 is to enable the Authority to refuse to issue or renew a seafood safety licence, or to suspend or cancel a licence on character grounds, including the character of a licensee or applicant's associate.

In relation to decisions to issue or renew a licence, unless a decision determines existing rights, it is understood the fair hearing right is unlikely to apply. Accordingly, in the context of this Bill, administrative decisions determining existing rights, and attracting application of the right to fair hearing, would be limited to the cancellation or suspension of an existing licence.

The exercise of these powers occurs without a hearing, and is therefore relevant to this right. I am satisfied, however, that the fair hearing right is not limited, because the existing provisions of the Seafood Safety Act



(s 14(1)) include written notice requirements of the ground for the decision to exercise the Authority's mandatory power. Further, section 18 of the Seafood Safety Act affords adequate procedural fairness before a licence may be suspended or cancelled, including notice requirements and an obligation to afford a reasonable opportunity to the licensee to make written submissions in the event their licence is to be cancelled or suspended. The licensee or applicant will also have a right of judicial review of the decision. Finally, a seafood safety licence is a privilege that is voluntarily applied for and attracts special responsibilities and duties. The ability to suspend or cancel a licence due to a failure to comply with its requirements and conditions is an important regulatory function that protects the integrity and safety of the seafood industry.

I am therefore of the view that clause 30 and the addition of a fit and proper person ground for the exercise of the Authority's mandatory powers to cancel, suspend, refuse to issue or renew a seafood safety licence, is compatible with the right to a fair hearing under the Charter.

***Right to be presumed innocent***

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. 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.

***Criminal liability of officers of bodies corporate***

Clause 6 of the Bill inserts new s 36A into the Dairy Act which creates two offences relating to the sale and delivery of dairy food which has not been treated as required. The clause notes that s 55C of the Dairy Act applies to the offences, while clause 7 of the Bill inserts the new s 36A offences into s 55C of the Dairy Act, which deems officers of bodies corporate to be liable for offences committed by the body corporate. Subsection 55C(3) of the Dairy Act provides officers with a defence that they acted with due diligence to prevent the commission of the offence, and allows a court to consider the officer's knowledge of the commission of the offence, whether they were in a position to influence the body corporate, and the steps they took or ought to have taken to prevent the commission of the offence. Subsection 55C(5) also provides that an officer may rely on a defence available to the body corporate, but bears the same onus of proof to establish the defence as the body corporate.

Clause 11 of the Bill inserts new s 43K into the Food Act, which creates an offence relating to the failure of a food business to display registration information in their premises in a particular manner. The provision notes that s 51A of the Food Act applies to the offence, and clause 12 of the Bill inserts the new s 43K offence into s 51A, which deems officers of a body corporate to be criminally liable for offences committed by the body corporate, but only if they authorised or permitted the offence by the body corporate, or were knowingly concerned in the commission of the offence by the body corporate. Subsection 51A(3) then provides that officers may rely on a defence available to the body corporate, and in this case the officer bears the same burden of proof that would be borne by the body corporate.

These provisions are relevant to the presumption of innocence as they may operate to deem as 'fact' that an individual has committed an offence based on the actions of the body corporate, and they require that, in proceedings under the Bill, a person bears an onus of proof to provide evidence in order to establish a relevant defence.

I consider that new s 36A of the Dairy Act and new s 43K of the Food Act do not limit the right to the presumption of innocence. Firstly, in relation to the Food Act amendment, s 51A(1) of the Food Act operates so that new s 43K requires the prosecution to prove the accessory elements of the offence - that is that the officer authorised or permitted the offence or was knowingly concerned in the commission of the offence by the body corporate. Further, both provisions only place an evidential burden on an accused to establish a defence, and the prosecution is still required to prove the main elements of the offences. Finally, the evidence required to establish a relevant defence will likely be peculiarly within the personal knowledge of the officer, and would be difficult for the prosecution to establish.

In my view, it is appropriate to extend these food safety offences to officers of bodies corporate, and to make principals liable for the conduct of the body corporate and its employees and agents, in order to ensure proper compliance with the relevant food safety schemes and to protect public health and safety. A person who elects to undertake a position as an officer of a body corporate accepts that they will be subject to certain requirements and duties, including a duty to ensure that the body corporate complies with its legal obligations, and does not commit offences. 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 accessory liability. Finally, the offences are not punishable by a term of imprisonment.

Should the right to the presumption of innocence in fact be limited by these provisions, I am of the view that any limitation is reasonable and demonstrably justified, in that it is a proportionate measure to the legitimate

purpose of the offences, which is to ensure the compliance of bodies corporate with food safety standards and to protect public health and safety. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where regulatory offences may cause harm to the public.

**The Hon. Ros Spence**  
**Minister for Agriculture**

*Second reading*

**Ros SPENCE** (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (11:08): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Bill will amend the *Food Act 1984* (Food Act), *Meat Industry Act 1993* (Meat Industry Act), *Seafood Safety Act 2003* (Seafood Safety Act) and *Dairy Act 2000* (Dairy Act) to improve the operational functions of Victorian food safety regulators and provide for more effective and efficient delivery of food safety regulation in Victoria.

The Bill will support more effective implementation of food safety and public health policy and streamline the administrative functions of Victoria's food safety regulators, including meat and seafood regulator PrimeSafe, and dairy regulator Dairy Food Safety Victoria (DFSV). It will improve overall consistency between the Acts that make up the food safety legislative framework and address several recommendations for Food Act reforms made by the Victorian Auditor General's Office (VAGO). The Bill will also provide increased clarity on various regulatory requirements for Victorian food businesses.

**Amendments to the Meat Industry Act**

The Bill will replace the existing confidentiality requirements in the Meat Industry Act that were put in place over 30 years ago. These outdated provisions are more restrictive than comparable provisions found within other food safety legislation, or other modern regulatory and legislative frameworks. Because of these requirements, PrimeSafe is unable to easily share information with government departments or other regulators unless the Minister for Agriculture intervenes and certifies that it is in the public interest. This can create issues when PrimeSafe staff identify animal welfare or public health concerns during an audit or investigation, and seek to efficiently pass the information on to Agriculture Victoria or the Department of Health for further investigation.

This Bill will enable PrimeSafe to more easily disclose information they have legally gathered while still protecting the confidentiality of those they regulate. PrimeSafe will be able to disclose information in specified circumstances with specified groups, such as with other public sector bodies. It will allow for improved collaboration between government agencies, more open engagement on emerging issues between regulators and meat and seafood businesses, and improve PrimeSafe's ability to manage public health risks.

The Bill will also improve the functioning of the PrimeSafe Selection Committee. It will enable the Committee to make recommendations on board appointments to the Minister for Agriculture when a quorum of 4 members is present. This will ensure that recommendations and subsequent board appointments are not delayed when there is an absence or vacancy of a Committee member.

**Amendments to the Seafood Safety Act**

The Bill will introduce a "fit and proper person" provision into the Seafood Safety Act. This will enable PrimeSafe to consider the character, honesty and integrity of a seafood licence applicant, nominated operator, or associate. Such a provision already exists under the Meat Industry Act for meat processing licensees, and exists in several other licensing frameworks in Victoria.

The Bill will equip PrimeSafe with the means to prevent non-compliant or unsuitable seafood licensees 'phoenixing' or transferring their licence to a business associate but functionally continuing to manage operations. This will ensure the suitability of those who hold seafood licenses and will help to protect public health, industry reputation, and the sustainability of Victoria's seafood businesses.

**Amendments to the Dairy Act**

The Bill will strengthen and clarify requirements regarding raw milk, the consumption of which is prohibited in Australia due to the food safety risks it poses. Raw milk may contain bacteria that can cause severe illness and even death in vulnerable populations such as children and the elderly.

Requirements to pasteurise milk in line with the Australia New Zealand Food Standards Code, and to treat raw milk products (such as bath milk) in a manner that will deter human consumption, will be transferred from existing dairy licence conditions into the Dairy Act itself, which is administered by DFSV.

This will make it easier for those in the dairy industry, or those selling raw milk products, to understand their food safety obligations when it comes to raw milk. The changes will also ensure that the penalty for non-compliance with these requirements reflects the acute risk to public health that raw milk presents. Including these requirements in the Dairy Act will not change the existing scope of local government's primary responsibilities relating to the sale of raw milk.

The Bill will also make several improvements to the administrative functions of DFSV. The Bill will enable the DFSV Selection Committee to make recommendations on board appointments to the Minister for Agriculture when a quorum is present. This will ensure that board appointments are not delayed when there is an absence or vacancy of a Selection Committee member. The Bill will also remove a requirement in the Act for DFSV to hold a meeting with senior representatives of select dairy industry organisations after submitting their annual report. This is recognised as a narrow and inefficient mechanism for industry engagement. Removing this requirement will enable DFSV to focus resources on other more effective and inclusive engagement with the dairy industry – such as through the Dairy Industry Consultative Forum and other digital communications.

#### **Amendments to the Food Act**

The Bill will address two recommendations in the June 2023 report of the Victorian Auditor General's Office (VAGO) on Regulating Food Safety. The Bill will reduce unnecessary burden on local councils associated with inspections of registered food premises, and will establish a power for the Secretary to the Department of Health to declare requirements for food premises to display registration information.

The Bill will also remove the requirement that proceedings in respect of a food sample obtained for analysis must be instituted within 90 days. This will ensure that regulators are provided sufficient time to explore other compliance and enforcement options before a prosecution is sought.

I commend the Bill to the house.

**Emma KEALY** (Lowan) (11:09): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 25 September.**

### **Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024**

#### *Statement of compatibility*

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (11:10): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024:

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 Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024 (the Bill).

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

#### **Overview**

The Bill amends the *Drugs, Poisons and Controlled Substances Act 1981* (the Act) to:

- provide for drug-checking services; and
- permit supply of naloxone from automatic dispensation units, for the purposes of treating opioid overdose.

The Bill will enable drug-checking services to be established, including at a fixed site in metropolitan Melbourne, and with a mobile component providing services at music festivals. The Bill will also enable automatic dispensation of naloxone in areas with high levels of opioid use and related harms.

To implement this, the Bill introduces provisions for the licensing and regulation of drug-checking services, to ensure oversight of the services (Part II, Division 4 of the Act). The drug-checking permits will also be subject to a broad range of regulatory requirements, including permit conditions, inspections and record-keeping obligations (Part II, Division 1 of the Bill).

The Bill will also provide protections against liability in respect of the supply and possession of non-traffickable quantities of drugs of dependence at the drug-checking service. For example, permit holders and authorised drug-checking workers will be granted immunity from criminal and civil liability arising from the operation of the services, and clients of drug-checking services will be granted immunity from criminal liability for the possession and supply of a non-traffickable quantity of a drug of dependence at the drug-checking place.

In order to allow the automatic dispensation of naloxone, the Bill introduces an exception to the prohibition under section 30 of the Act, which will permit naloxone (or other Schedule 2 or 3 poisons for the treatment of opioid overdose) to be supplied by automatic machines.

The Bill, which is part of a broader suite of harm reduction initiatives to address drug harm in Victoria, aims to reduce the number of preventable deaths (and other harms) associated with the use of drugs obtained from unregulated drug markets. This specifically aims to address rising drug harms in Victoria, which has been driven by the increasing use and potency of synthetic drugs, and the emergence of potent novel psychoactive substances. This has led to an increase in hospital emergency department presentations and deaths for harms involving novel drugs. The 2023–24 summer festival period also saw a spike in drug-related harms in recreational settings.

The Bill also aims to reduce opioid overdose-related morbidity and mortality by enabling naloxone to be more easily accessed at any time of day to help people in a life-or-death emergency. This builds on existing needle and syringe programs and harm reduction services available at the existing Medically Supervised Injecting Centre. In particular, the Bill aims to:

- reduce drug overdose-related ambulance attendances and emergency department presentations;
- reduce the number of deaths from drug overdoses;
- provide information and advice regarding the use of poisons, controlled substances and drugs of dependence and access to health and other assistance for clients of the drug-checking services, including drug treatment, health care and counselling; and
- improve drug surveillance by obtaining information about which illicit drugs are circulating in Victoria, particularly novel substances.

#### **Human rights issues**

The following rights are relevant to the Bill:

- right to life (section 9);
- right to freedom from forced medical treatment (section 10(c));
- right to privacy (section 13(a));
- rights of children (section 17(2));
- right to property (section 20);
- right to the presumption of innocence (section 25(1)); and
- right not to be punished more than once (section 26).

#### ***Drug-checking services and the automatic dispensation of naloxone***

##### *Right to life*

Section 9 of the Charter provides that every person has the right to life and to not be arbitrarily deprived of life. The right to life is one of the most fundamental of all human rights. It is concerned with both the protection and preservation of life.

The right to life has not been examined by the courts in any detail in Victoria. Under international human rights law, the right to life includes an obligation on the state to refrain from conduct that results in the arbitrary deprivation of life, as well as a positive duty to introduce appropriate safeguards to minimise the risk of loss of life. It is therefore anticipated that section 9 also imposes some positive obligations on the State to prevent arbitrary deprivation of life. An ‘arbitrary’ deprivation of life may be described as one that is unreasonable or disproportionate.

The Bill establishes a legislative framework for the operation of drug-checking services in Victoria and the automatic dispensation of naloxone. The object of the scheme established under the Bill is not to encourage

or condone the use of prohibited substances but rather to reduce harm arising from their use. In this manner, the harm reduction object of the Bill can be characterised as promoting the right to life.

First, the Bill aims to reduce the number of deaths caused by drug overdose. In the past 10 years, harm from illicit drug consumption in Victoria has increased significantly as high potency synthetic and novel drugs have permeated the drug market, interacting in unpredictable ways with the supply and use of 'traditional' illicit drugs. This has led to an increase in hospital emergency department presentations for drug-related deaths and harms.

The Bill responds to the escalating harm from consumption of illicit drugs by establishing a legislative framework for the operation of drug-checking services and automatic naloxone dispensing in Victoria. A drug-checking service involves analysis of any substances provided for testing, enabling the provision of information about the composition of any substance that is tested (including the presence of poisons), the possible consequences of using those substances, and how to reduce the harm caused by substance use. The Bill also requires services to provide a drug disposal service at a drug-checking place. An evaluation of the fixed-site drug checking pilot in the ACT completed in 2023 found that up to 10% of substances tested by drug-checking services were discarded at the service and over 32% of clients reported they 'definitely will not use' the substance when a substance was found not to contain the substance expected, an additional substance was found or the result was inconclusive. Accordingly, the scheme aims to reduce the number of injuries and deaths caused by drugs.

Further, increased testing of illicit substances supports drug surveillance and monitoring efforts, which facilitates better public health messaging regarding the risks of using drugs obtained from the unregulated illicit drug market and enables health professionals to better respond to persons experiencing adverse effects of drug use.

The automatic dispensation of naloxone, which rapidly reverses the effects of an opioid overdose or adverse reaction, will also reduce opioid overdose-related morbidity and mortality.

Secondly, the Bill promotes the right to life of clients by providing information and advice regarding access to health services and other assistance. Drug-checking is a public health service whereby a person is offered a tailored, brief intervention about their drug use. The Bill is informed by a large body of evidence that shows that access to drug checking services promotes harm reduction behaviour by offering those who use drugs personalised advice that cannot be received elsewhere.

Thirdly, the Bill aims to reduce the risks to community members arising from the use of illicit drugs. By providing a drug-checking service that identifies the presence of any poisons or other harmful ingredients, offering information about possible consequences of use, and a drug disposal service, the scheme protects and promotes the health and safety of others who may also be at risk from those who consume synthetic drugs.

Accordingly, in responding to the escalating harm from the consumption of illicit drugs, the scheme protects the lives of those affected, and minimises harm caused, by drug use. In so doing, it promotes and protects the right to life in a number of respects.

Finally, given the inherent dangers of the illicit use of prohibited substances and drugs of dependence, the scheme's implementation does have the capacity to also engage the right in relation to enlivening risks to life. In this regard, the scheme is subject to strict regulatory controls that are proportionate to the risks to human life posed by the scheme. For example:

- At all times at which drug-checking services are provided, the Bill requires a drug-checking director to oversee the provision of the service (clause 8, new section 20AAB);
- Drug-checking permits will be subject to various conditions, including mandatory requirements to destroy substances and record-keeping obligations (new section 20AAB), and will be subject to inspection by authorised officers (new section 42(1)(ae) and (af)); and
- The Secretary's existing permit suspension and cancellation powers will be expanded in respect of a drug-checking permit where a drug-checking director engaged in relation to that permit proves not to be a fit and proper person (clause 9, new subsection 22C(1)(ba)); and
- Permit holders and their authorised drug-checking workers will be subject to significant regulatory controls relating to the storage and destruction of poisons, and record-keeping under Division 2 of Part 7, Part 13 and Part 14 of the Drugs, Poisons and Controlled Substances Regulations 2017 (the Regulations) to prevent diversion and misuse of substances with high illicit demand.

Accordingly, I conclude the Bill is compatible with the right to life.

#### ***The automatic dispensation of naloxone***

The naloxone dispensation scheme will build on the existing regulatory framework for the supply of Schedule 3 poisons and Victoria's take-home naloxone program in the Regulations. Under this framework, a person is

able to access naloxone from an approved naloxone provider and their approved naloxone workers. This program is accessible to people who use drugs and others (e.g., family members or friends who may witness an opioid overdose or adverse reaction). Under the existing program guidelines, a condition of supply is that an approved naloxone worker conduct an assessment of therapeutic need and provide education about the purpose and use of naloxone. Under the scheme provided by the Bill, accessibility is proposed to be enhanced by providing access via automatic dispensing units.

The supply of naloxone enables the administration of a Schedule 3 poison to temporarily reverse the effects of an opioid overdose or adverse reaction. If a person has overdosed on opioids, they may be unconscious, unable to speak and in many cases, unable to administer the naloxone themselves. Given this, in most cases, the scheme will enable carers, friends, and family members of people who use drugs to administer the substance.

#### *Rights to freedom from forced medical treatment and privacy*

Section 10(c) of the Charter provides, relevantly, that a person has the right not to be subjected to medical treatment without their full, free and informed consent. This right is concerned with the physical and mental integrity of individuals, and their inherent dignity as human beings. Section 13(a) of the Charter protects a person's right not to have their privacy unlawfully or arbitrarily interfered with. This right extends to privacy in the sense of bodily integrity, which protects against interference with a person's physical self by others without their consent. It recognises the freedom of individuals to choose whether or not they receive medical treatment.

Unless consent has been obtained prior to use of opioids, the naloxone dispensed under this scheme may be administered without a person's full, free and informed consent. To the extent that the Bill facilitates the availability of a Schedule 3 poison, it may be said to create conditions which enliven additional interferences with a person's rights under sections 10(c) and 13(a). However, the Bill does not alter the existing law in relation to consent, capacity and medical treatment – and any treatment administered without consent will need to comply with doctrines of medical necessity, which is a circumstance of forced treatment considered compatible with the Charter. Further, given that this medical treatment is a life-saving intervention, and can be administered intranasally, such that it is minimally invasive, I consider any consequent interference with these rights to be reasonable, necessary and proportionate in the circumstances.

#### ***Amendments relevant to children***

##### *Rights of children*

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

The Bill will enable the supply of naloxone from automatic dispensing units in public places with high levels of opioid use. To prevent children from accessing poisons, there will be safeguards for access to the scheme. Protective measures together with the installation of these units targeted areas of high opioid use, prevent adverse access by and exposure to children while removing barriers to vulnerable people who use drugs to potentially life-saving medical treatment.

Further, the drug-checking scheme introduced by the Bill does not include provisions preventing children from accessing the service (in contrast to comparative restrictions upon children accessing the services of medically supervised injection centres). Given the particular vulnerabilities of children, their unrestricted access to drug-checking services will engage this right. However, while prohibitions on children accessing supervised injecting centres were based on the availability of treatment options specifically for young persons who are injecting drugs, there are no such alternatives in respect of drug-checking that are available to minors. As such, a denial of access would deny children the protective benefits of this harm minimisation scheme, thus exposing children to increased harm from illicit substances as compared to adults. Further, as the service necessarily operates on the basis of client anonymity, it will not be possible to confirm proof of age. As such, I consider that the scheme provides protection to children, without discrimination, as is in their best interests.

##### ***Inspection powers***

Clause 11 of the Bill inserts new subsection 42(1)(ae) and (af) that enables authorised officers to enter a drug-checking place for the purpose of conducting inspections. Those powers of inspection include: examining any room or part of such premises and any goods or records therein; taking an account of any poisons or controlled substances therein; and obtaining a sample of any poison or controlled substance in or on the premises.

##### *Right to privacy*

Section 13 of the Charter provides that a person has the right to not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The determination of whether certain activities amount to an interference with privacy depends on whether the person has ‘a reasonable expectation of privacy’ in all the circumstances. To the extent that drug-checking places are places of work, which are accessible to the public, powers of entry into, and inspection of, these places are unlikely to constitute an interference with privacy.

However, where a client is present at the time of entry, such powers have the potential to interfere with a person’s privacy. This is because the right to privacy protects against the surveillance of an individual’s private life by the state and this protection may extend to activities that take place in public places. The expectation of privacy would be heightened in light of the confidential and anonymous nature of the service. The expectation of privacy would, however, be diminished by the existence of a regulated matter, where powers are conferred for the important purpose of ascertaining compliance with the Act, Regulations, and permit conditions, in the context of activities that would otherwise be criminal conduct. Further, given that breaches of permit conditions (eg, failure to appropriately dispose of substances) have the potential to lead to significant and irreversible harm or death to members of the community, I consider that any such interference is lawful and not arbitrary and therefore compatible with the right to privacy.

Additionally, clause 8 of the Bill inserts new section 20AAB, which requires the permit holder to keep records of prescribed matters in accordance with the regulations and provide the Secretary with access to, or copies of, those records in accordance with the Regulations. While this provision may engage the privacy right, any access, collection, use and/or disclosure of any data will be authorised by the Act, subject to existing protections under the health privacy principles in the *Health Records Act 2001* and the information privacy principles in the *Privacy and Data Protection Act 2014*. Therefore, any interference with privacy will be permitted by laws that are precise and appropriately circumscribed.

Thus, whilst the right to privacy may be engaged, it is not limited by the Bill because the new provisions are neither unlawful nor arbitrary. Accordingly, I consider that the provisions are compatible with the right to privacy in section 13(a) of the Charter.

#### ***Immunities relating to criminal and civil liability***

The Bill introduces a number of immunities from criminal and civil liability in relation to operation of drug-checking services.

#### ***Rights to be presumed innocent (s 25(1))***

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.

While the Bill does not create any new offences, it creates new exemptions to a range of drug offences under the Act:

- Clause 10 inserts new section 22CD of the Act, which provides an exemption from criminal liability to clients of a drug-checking service for the supply, receipt or possession of a less than traffickable quantity of a drug of dependence at the drug-checking place;
- New section 22CF provide exemptions from criminal liability to permit holders and their authorised drug-checking workers.
- New section 22CG provides a limited exemption for an offence constituted by deemed possession of a substance under section 5 of the Act to permit holders, their authorised workers, and the owner or occupier of the land or premises on which the possession occurs.

Pursuant to section 104 of the Act, the burden of proving any of the exemptions will lie upon the person seeking to avail themselves thereof. The standard of proof is on the balance of probabilities. Ordinarily, the presumption of innocence requires that the prosecution prove all elements of an offence beyond reasonable doubt. The creation of an exemption that imposes a burden on the accused to establish the exemption to a legal standard amounts to a limit upon the right to be presumed innocent.

However, I consider that it is reasonable and justifiable to create exemptions with a reverse burden of proof in these particular circumstances. While the courts have emphasised the importance of the presumption of innocence, they have also recognised a special class of offences which prohibit the doing of an act, save in specified circumstances or by persons with specified qualifications or with the permission of specified authorities (see *R v Lambert* [2001] 3 WLR 206 [35]). The exemptions created by the Bill are to what otherwise would be criminal conduct. Accordingly, this scheme is one such special class of case. Further, section 104 does not require an accused to disprove elements of the offence; the burden of proving those elements remain on the prosecution. Rather, these exemptions are limited to special and narrow circumstances (eg, permit holders and authorised drug-checking workers carrying out activities authorised by the permit under section 20AA) and concern matters that are within the knowledge of the clients and authorised drug-

checking workers of the service. As such, the reversal of the burden of proving any exemption will appropriately lie with the accused.

*Right to property (s 20)*

Clause 10 inserts new section 22CH of the Act, which provides immunity from any civil liability for anything done or omitted to be done in good faith under a drug-checking permit to such persons as the drug-checking service permit holder, the drug-checking director, authorised drug-checking workers, and an owner or occupier of a drug-checking place or the land or premises on which a drug-checking place is located.

Insofar as a cause of action may be considered ‘property’ within the meaning of section 20 of the Charter, these provisions may engage the right. However, even if these immunity provisions could be considered to deprive a person of property, any such deprivation will be ‘in accordance with law’ and will therefore not limit the Charter right to property. These provisions are drafted in clear and precise terms. In addition, any deprivation of a cause of action is reasonably necessary to achieve the important objective of ensuring that the drug-checking service can effectively perform its functions without exposing permit holders or authorised drug-checking workers to the threat of significant personal repercussions. As such, there are no less restrictive means of achieving the Bill’s objectives of protecting the community against preventable deaths. Accordingly, the relevant immunity and protections are, in my view, appropriately granted. They are also limited in scope to good faith actions or omissions.

*Licence suspension or cancellation for persons not fit and proper*

Clause 9 of the Bill authorises the suspension and cancellation of a drug-checking permit where the permit holder or its drug-checking director are found not to be a fit and proper person.

*Right not to be tried or punished more than once*

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 they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy.

The suspension and cancellation of a permit where a permit holder or their appointed director is found not to be a fit and proper person may be considered to be a double punishment if the finding is based on, or informed by, past charges or convictions. However, penalties and sanctions imposed by a regulator do not usually constitute a form of ‘punishment’ for the purposes of this right as they are not considered to be punitive.

Rather, this provision is largely protective in nature, aimed at ensuring the integrity of the permit scheme. As drug-checking permit holders and certain authorised drug-checking workers are authorised under clause 8 to receive, possess, supply, destroy, transport or deliver controlled and prohibited substances, the misuse of which has potentially grave consequences, it is important that operation of the drug-checking centres is responsibly managed and subject to proper oversight.

Accordingly, I consider the powers to suspend or cancel permits in relation to the fitness and propriety of the permit holder or their appointed director to be proportionate to the legitimate objects of the scheme given the central role of drug-checking directors to the scheme and the operation of the service.

The Hon. Mary-Anne Thomas MP  
Minister for Health

*Second reading*

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (11:10): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

Introduction

This Government proudly takes a health-led, harm minimisation approach to addressing the impacts of drug use.

That’s why today we are introducing legislation to support a drug-checking trial: to provide Victorians from all parts of the community with the health information they need to reduce drug harms and save lives.

Speaker, the time for sticking our heads in the sand is over.



In order to deliver effective policy solutions to reduce drug harms, we must first acknowledge that drug related harms are increasing – and the outdated approach of just saying no, just isn't working.

Although population-level drug consumption has remained relatively stable in Victoria over the past two decades, harm has increased significantly, especially in the past 10 years.

This is most likely due to both a shift in drug usage towards novel synthetic drugs, of which more than 1,100 new drugs have been identified in the past decade, and increased potency of long-standing synthetics such as methamphetamine (ice).

Tragically, a total of 549 Victorians died from drug overdose in 2022, our state's highest ever annual figure. Of those, 46 involved novel synthetic drugs. Fatal overdose has grown 61% since 2010, representing 5,955 Victorian lives lost.

Over 75% of these deaths were accidental.

Similar trends have been seen elsewhere. In Canada, for example, the fatal opioid overdose rate has doubled in five years. In the USA, overdose deaths increased by nearly 60% in the three years from 2019 to 2022.

Victorian coroners have made recommendations after ten separate inquests that government urgently implements a drug-checking service to reduce the number of preventable deaths (and other lesser harms) associated with the use of drugs obtained from unregulated drug markets.

Speaker, I am sure members of this place recall that the 2023–24 Australian summer music festival season saw a spike in drug harms in recreational settings.

Nine people became critically unwell at the Hardmission Festival in January 2024. All experienced life-threatening hyperthermia after using high potency MDMA in a hot, humid environment.

A further three people experienced acute drug-related harm in Victoria over the March Labour Day weekend, including, tragically, one death related to suspected overdose.

While novel synthetic drugs are currently at a low prevalence in Australia, they are starting to permeate the local market, interacting in unpredictable ways with the supply and use of established illicit drugs.

In NSW, three people had to be resuscitated after using a tablet sold as MDMA which contained a synthetic opioid up to 500 times more potent than heroin (nitazene).

Now, more than ever, is the time for drug-checking.

It's certainly not the time to repeat the same rigid and failed approaches that do not resonate – particularly with young recreational users.

Just saying no hasn't worked and never will.

Instead, it is time that we provide people with the opportunity to properly understand the risks of drug use and the importance of harm minimisation approaches.

That's what drug checking – or pill testing – is all about.

Drug-checking is practical, realistic and proven.

It sends a clear message: drug use is dangerous but information is powerful.

Our goal is to encourage people to make safer choices – supporting them to get their substances checked and provide life-saving harm reduction education.

Drug-checking involves the chemical analysis of illicit or unknown substances to inform individuals about the contents of what they plan to consume.

When a client enters a drug-checking area, they first meet with a trained harm reduction worker who walks them through the process.

Clients are informed that no drug is ever safe to use, and drug use always carries risk.

Then a qualified analytical chemist takes a small sample of their substance – usually a tiny scraping of a pill or a bit of powder – for analysis.

Following the analysis, the next stage involves the chemist communicating the analytical findings to the health professional or harm reduction worker, who then shares these findings with the client in an accessible way that is easy to understand.

A client may receive information such as: the chemical compounds detected including information about its purity if available; secondly, the known effects of each compound thirdly, if multiple compounds are detected, how they may interact; and finally, if any unknown or inconclusive compounds have been detected.

In short, the client may learn what's in the drug and what it may do to their body.

For example, a test might reveal the presence of fentanyl, a synthetic opioid that is approximately 50 times more potent than heroin, or nitazenes which have been reported to be up to 500 times more potent than heroin.

Both these substances are frequently linked to overdose deaths.

This is potentially life-saving information for anyone who intends to use an illicit substance.

The discussion will also include advice on how to minimise harm should the person still decide to use that substance.

This advice could include information on the effects of different dosages; interactions with other substances the person has already ingested or intends to ingest (e.g. alcohol, prescription medication); and advising the person about the importance of sleep, hydration and adequate nutrition, as well as managing environmental conditions such as the weather.

We know drug use carries inherent dangers, and no drug use can be considered truly safe.

That's the first thing a client is told at a drug checking site.

This Government does not condone the use of illegal substances.

The laws in this state are unequivocal – manufacturing, possessing, distributing, and selling illicit drugs are illegal activities, and those laws will continue to be enforced.

But whether we like it or not, people use drugs.

According to the most recent data from the *National Drug Strategy Household Survey 2022–2023*, approximately 1 in 5 Australians (20%) reported that they had used illicit drugs at some point in their lives. Use of illicit drugs remains highest among young people, with approximately 1 in 2 (49%) reporting that they had used an illicit drug at some point. With practical tools like a drug checking trial, this Government is acting to reduce risks, minimise harms – and save lives.

We know drug checking works because the jurisdictions that have come before us have proven it.

Compelling evidence from both Australia and overseas highlights the life-saving impact of drug-checking.

Drug-checking has been implemented in Switzerland since the 1990s, and over the past decade, there has been a 250% increase in the number of samples tested.

In the UK's first onsite drug-checking service, 21% of individuals chose to dispose of their substances after receiving the test results. Additionally, other participants opted to modify their drug use by either taking it over a longer period or reducing the amount consumed.

In 2022, findings from drug-checking clinics in New Zealand revealed that 29% of individuals decided to take a lower dose than initially planned, and 27% chose to avoid mixing drugs with alcohol or other substances.

An April 2023 evaluation of the CanTEST service – which provides drug-checking and health interventions in the ACT – revealed that only 53% of substances tested matched the expected drug, with an additional 2% containing both the expected drug and another substance.

The CanTEST pilot in the ACT showed that 32% of people who discovered their substance was not what they expected – whether it contained an additional drug or a different drug, or the result was inconclusive – decided not to use it. The pilot also identified dangerous substances like a synthetic opioid 200 times more potent than morphine, leading to life-saving decisions to discard these drugs.

But the benefits of the service go beyond the individual by prompting public health alerts and informing the community about the risks associated with these substances.

The evidence tells us that drug checking does not increase drug use. A comparison of countries with and without drug-checking services indicated no evidence of an increase in rates of drug use or mortality in countries with these services.

All clients of the licenced drug-checking service – staffed by experts – are told that the safest thing to do is to not take drugs.

But for those who are going to take drugs anyway, drug checking is a simple, stigma-free way to give them information that might make them think twice – and might save their life.

### **Naloxone dispensing machines**

The Bill will introduce 24/7 access to intranasal naloxone through secure automated dispensing machines.

Naloxone is a life-saving medication that can reverse an overdose from opioids – including heroin, fentanyl, and prescription opioid medications – when given in time.

By placing naloxone dispensing machines in areas with high rates of drug harms, we make this essential medication readily accessible to those who need it most. This easy access is critical in emergencies where every second counts. The ability to respond swiftly can mean the difference between life and death.

Naloxone quickly reverses an overdose by blocking the effects of opioids. It can restore normal breathing within 2 to 3 minutes in a person whose breath has slowed, or even stopped, as a result of opioid overdose.

This Government is committed to providing naloxone dispensing machines across Victoria as part of its Statewide Action Plan to reduce opioid harms.

The broader public health impact of naloxone dispensing machines is undeniable. Studies have shown that increasing the availability of naloxone can significantly reduce the mortality rate from opioid overdoses.

Moreover, these units offer anonymous access, reducing the stigma that often deters individuals from seeking help. This ensures that anyone at risk can obtain naloxone without fear of judgment, which is vital for encouraging broader use and ultimately safeguarding our community.

### **Broader reform context**

The drug checking implementation trial will take place for a period of up to 18 months.

It is intended the new legislation will commence on 6 November 2024 to ensure the process for commissioning a drug-checking service, including the important checks and balances I will outline shortly, can be undertaken during the summer festival season in 2024.

The trial will test and evaluate a mixed service model, including a mobile service that attends up to 10 music festivals and events during the trial period. It is estimated that this service would commence at the start of the summer 2024–2025 season.

The trial will also include a fixed site service in metropolitan Melbourne, to be delivered in partnership with a community health provider operating with targeted hours. It is proposed that this service would commence from mid-2025.

### **Overview of the Bill**

It is the government's aim to:

- reduce the level of harm caused by using illicit substances that are, or that contain, prohibited drugs, poisons, restricted substances, drugs of addiction or any other substances;
- improve public health outcomes in Victoria related to harm caused by illicit substance use;
- reduce pressure on frontline services from drug poisonings and other acute episodes;
- provide surveillance and improve information access and effective dissemination regarding illicit drugs circulating within Victoria, including monitoring the presence and prevalence of novel substances;
- provide that users, and potential users, of those substances:
  - receive information about the composition of tested substances and associated risks for the purpose of reducing the potential harm caused by using them; and
  - receive tailored harm reduction advice and education for the purpose of reducing the potential harm caused by using those substances tested and any other substances used by the person either concurrently or at other times;
- provide a safe way to dispose of substances that are, or that contain, poisons, controlled substances or drugs of dependence.
- divert users of illicit drugs who may be at risk of entering the justice system by increasing access to health information and referral to health and social services; and
- reduce opioid overdose-related morbidity and mortality by removing barriers to accessing naloxone.

### **Purpose**

The primary purpose of this Bill is to amend the *Drugs Poisons and Controlled Substances Act 1981* to establish a legislative framework for the operation of drug-checking services in Victoria and to enable automated machines to supply naloxone or other Schedule 2 or Schedule 3 poisons for the treatment of opioid overdose. The inclusion of other Schedule 2 or Schedule 3 poisons allows us to consider the provision of other lifesaving medication in the future.

The Bill provides for the establishment of both mobile drug-checking sites, which can operate at events like music festivals, and a fixed location service.

The Bill relies on the existing framework under Part II, Division 4 of the *Drugs Poisons and Controlled Substances Act 1981* and the *Drugs, Poisons and Controlled Substances Regulations 2017* which was established to control risks associated with diversion and misuse of Schedule 8 poisons ('Controlled Substances' – e.g. pharmaceutical opioids) and Schedule 9 poisons ('Prohibited Substances' – i.e. illicit drugs) with high illicit demand. These substances include fentanyl, oxycodone, benzodiazepines, ketamine, morphine, THC, DMT, MDMA, psilocybin, cocaine, heroin and more.

As of August 2024, there are over 2,500 entities authorised under this framework, including those that analyse and handle illicit drugs, such as the Victoria Police Forensic Services site, the Victorian Institute of Forensic Medicine (VIFM) and University of Melbourne's Bio21 Institute (which has tested illicit substances retrieved from festivals).

#### *Licensing requirements*

The detailed provisions of this Bill enhance this rigorous framework to acknowledge the unique aspects of drug-checking services to ensure that the drug-checking service will operate with the highest standards of integrity and will allow individuals to have the composition of their substances analysed in a safe and confidential manner.

The Secretary of the Department of Health will only issue a 'drug-checking permit' to an applicant who is a fit and proper person to operate a drug-checking service.

While relying on the framework of Part II, Division 4 of the Act outlined above, the Bill goes further to include necessary legislative amendments to address the nature and regulatory requirements for drug-checking services. For example, the Bill includes an additional criterion for regulations to prescribe, among other things, considerations for assessing whether an applicant for a drug-checking permit is a fit and proper person to be issued with a drug-checking permit.

#### *What a drug-checking permit can authorise*

The Bill provides what a drug-checking permit authorises a permit-holder and authorised drug-checking staff to do. This includes to receive substances from clients for analysis, while allowing the supply back to the client of any part not required for the analysis.

The permit also authorises the provision to that client:

- information about the composition of the substance they provided;
- information and advice regarding the use of substances, including information and advice about how to reduce the harm caused by doing so; and
- information and advice regarding access to health services and other assistance.

The permit will also enable the destruction of the substance and its supply to another holder of a permit under the Act for further analysis to derive information about its composition.

#### *Conditions of drug-checking permit*

Section 20AAB provides that certain specific conditions apply to a drug-checking permit, including record keeping requirements; a requirement that required records are provided to the Secretary; and that at all times at which a drug-checking service is being provided, a person engaged by the permit holder who is meets specified requirements will oversee the provision of the service and perform any other duties, and there be an someone authorised to receive substances for the purposes of disposal.

Furthermore, the Secretary must include in the permit a condition specifying when the permit holder is required to destroy a substance in the course of providing drug-checking services, or another activity, under the permit.

#### *Suspension or cancellation of a drug-checking permit*

The Bill expands the inspection powers of authorised officers under section 42(1) of the Act to permit them to enter and inspect a drug-checking place.

The Bill allows the Secretary to suspend or cancel a licence, permit or warrant in certain circumstances. It is proposed that this existing provision be utilised in the regulation of drug-checking permits. Currently, the circumstances in which the Secretary may suspend or cancel a licence, permit or warrant for breaches of the terms, conditions, limitations or restrictions of the permit; or if the permit holder proves not to be a fit and proper person or has been convicted of an offence against this Act or the regulations.

The Bill adds to the Secretary's power of suspension or cancellation where a drug-checking director appointed by a holder of a drug-checking permit proves not to be a fit and proper person.

### *Definitions and Scope*

The Bill includes essential definitions that clarify the scope and operation of the drug-checking service, to ensure a safe environment for both clients and staff.

The Bill amends the principal Act by adding new definitions relevant to the drug-checking service, including *special drug-checking worker* who is a person with prescribed qualifications engaged by the permit holder to receive, possess and supply substances and provide a drug-checking service (likely be trained analytical chemists); and *general drug-checking worker* who is a person engaged by the permit holder to provide harm reduction information (likely to be health and harm reduction practitioners or peer workers).

The Bill inserts a definition of *drug-checking service* (section 4C) which means the service of analysing a substance for the purpose of obtaining information about the composition of the substance (including information about the presence of poisons, controlled substances and drugs of dependence in it); and includes providing information about the composition of the tested substance, the possible consequences of using that substance, and advice about how to reduce the harms that use of that substance may cause.

The Bill defines the *director of a drug-checking service* who meets the prescribed requirements and is engaged by the permit holder to oversee the provision of drug-checking services and to perform any other prescribed duties.

Section 22CC inserts a definition of *client* to mean as a person attends a drug-checking for the purposes of:

- supplying a substance to the drug-checking permit holder or a special drug-checking worker so that a drug-checking service can be provided or so that the substance may be disposed of;
- being provided with a drug-checking service, including analysis of substances, advice regarding the use of substances, and advice regarding access to health services and other assistance.

A *drug-checking place* means a premises for which a permit has been issued for fixed site drug-checking or, for a mobile drug-checking, for a mobile drug-checking service, the mobile drug-checking facility, a temporary structure erected for the purposes of the provision of drug-checking services, or an approved area within a permanent structure temporarily used for the provision of drug-checking services.

### **Exemptions from Liability**

The Bill provides specific legal exemptions to encourage the use of drug-checking services without fear of legal repercussions.

Statutory exemption from criminal liability for clients, permit holders and authorised staff of drug-checking services is necessary for the effective operation of these services, promoting public health, providing legal clarity, and supporting a harm reduction approach. Further, this allows these services to function as intended, without the risk of criminal charges, as well as freeing up law enforcement resources to prioritise more serious drug-related crimes, such as trafficking.

#### *Client Exemptions*

For some people, accessing a drug-checking service will be the first time they talk to any worker about their drug use, therefore the service will capture a section of the population who do not usually access support for their drug use.

An exemption from criminal liability prioritises health and safety over punishment for a client of a drug-checking service. It will ensure that clients can use the service without risking criminal liability by bringing a substance to a drug-checking place and fearing repercussions.

Legal protections give clients confidence that they are protected by the law when engaging with harm reduction services, creating a supportive environment where clients can make informed decisions about their health without the fear of prosecution.

The Bill specifies that exemptions do not affect any other legal obligations: Clients will not be exempt from any requirements relating to drug possession or supply placed on them under any other legal order. For example, a person who is granted bail on the condition that they do not possess a drug of dependence will be in breach of that condition of bail if they possess a drug of dependence at a drug-checking service.

The Bill inserts section 22CD, which provides that clients using the drug-checking service are exempt from liability in relation to possession and supply offences that occur when undertaking the activities that are authorised for clients, provided the amount of substance is less than a traffickable quantity of a drug of dependence.

Section 22CE provides that exemptions for clients from supply and possession offences do not limit a police officer's authority to exercise discretion in not charging a person in the vicinity of a drug-checking place in order to use the service.

**Exemptions for permit holders and certain staff members**

The Bill inserts section 22CF, which provides that permit holders, drug-checking director, special and general drug-checking workers are exempt from criminal liability when performing their permitted duties. These exemptions are crucial for ensuring that staff can carry out their responsibilities without the threat of legal action, thus maintaining the integrity and functionality of the service.

Exemption from criminal liability is also crucial to encourage the participation of highly qualified professionals, such as clinicians and chemists, who are essential for the accurate analysis and effective operation of drug-checking services.

*Owners of property*

The Bill extends the exemption from an offence against the Act to people who own or occupy the land or premises where there is drug-checking takes place. This is necessary to ensure they are not liable for possession offences. This section is included because section 5 of the Principal Act deems this class of person to be in possession of any substances on that land or those premises.

*Exemption from civil liability*

The Bill inserts Section 22CH Act to provide an exemption from civil liability for certain persons connected to the provision of drug-checking services. This includes drug-checking permit holders, staff authorised to handle drugs or provide harm reduction information, the owner of a drug-checking place or the land or premises on which a drug-checking place is located, and each trustee or member of a committee of management or board of a relevant service or place.

The public policy rationale for the exemption from civil liability is to ensure drug-checking services can operate effectively, without fear of legal action. Protection is necessary to shield operators from claims of negligent misrepresentation acknowledging the limitations of the testing process. While drug checking service staff strive to offer accurate information, the complexity and variability of illicit substances make it challenging to guarantee complete safety.

The Bill further amends the Act to provide that drug-checking staff do not commit unprofessional conduct for the purposes of the Health Practitioner Regulation National Law and do not breach professional etiquette or ethics or any other code of conduct.

*Planning permit not required*

The Bill also provides that planning permit is not required in relation to the provision of drug-checking services. This is necessary to exempt drug-checking services from the requirements of the *Planning and Environment Act 1987* so that drug-checking services can quickly become established.

*Regulations*

A broad regulation making power has been included in the Bill. Providing for regulations to be made gives greater flexibility and adaptability than embedding specific provisions in the Principal Act. This allows for quick updates in response to changing circumstances, manages detailed or technical aspects and incorporates expert input.

The Bill authorises regulations to prescribe:

- standards for the provision of drug-checking services; or other activity under a drug-checking permit;
- regulating the possession, analysis, supply, storage, destruction, transport or delivery of a substance;
- standards for a drug-checking place
- requirements that a person must meet in order to be fit and proper person in relation to the issue of a drug-checking permit; and
- approvals and applications within permanent structures for mobile drug-checking permits.

*Vending machines for naloxone or other Schedule 2 or Schedule 3 poisons*

In order to allow the automatic dispensation of naloxone, the Bill includes an exception to section 30 of the Act which prohibits the installation of automatic machines to supply poisons or controlled substances, including naloxone in any premises. This is an offence which attracts a penalty of up to 10 penalty units or a term of imprisonment up to 6 months.

As outlined above, naloxone dispensing machines play a crucial role in our efforts to combat the opioid crisis. They are they are not just a convenience – they are an essential component in our approach to saving lives – and this legislation will allow naloxone to be more accessible than ever.

The Bill reflects contemporary and advanced policy and legislative settings to establish the statutory framework for drug-checking services and naloxone dispensing machines.

The government is open to opportunities to improve and enhance the scheme in the future to maintain its effectiveness and ensure it continues to support the broader harm minimisation strategies of the Allan Government.

Drug-checking cannot eliminate the risks associated with drug use, and *it is not designed to do so*. It is about providing health information to people who are simply asking for it, and that is a crucial part of harm reduction.

The approach in this Bill is intentional, aiming to protect Victorians and give them the information they need to keep themselves safer. Drug-checking has clearly demonstrated its value in jurisdictions near and far.

We have no time to waste.

I commend this Bill to the House.

**Emma KEALY** (Lowan) (11:11): I move:

That debate be adjourned.

**Motion agreed to and debated adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 25 September.**

### **Transport Infrastructure and Planning Legislation Amendment Bill 2024**

#### *Statement of compatibility*

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (11:12): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Transport Infrastructure and Planning Legislation Amendment Bill 2024:

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 Transport Infrastructure and Planning Legislation Amendment Bill 2024 (the **Bill**).

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

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

The main purposes of this Bill are:

- to amend the *Major Transport Projects Facilitation Act 2009* (the **MTPF Act**):
  - in relation to the making of major transport project declarations;
  - in relation to the delegation and sub-delegation of project authority functions and powers;
  - to provide for new, and expand existing, project delivery powers;
- to amend the *Planning and Environment Act 1987* (the **PE Act**) to provide for the delivery of precinct projects utilising the project powers under the MTPF Act;
- to amend the *Road Management Act 2004* (the **RM Act**) in relation to the classification of roads for the purposes of that Act;
- to amend the *Suburban Rail Loop Act 2021* (the **SRL Act**) in relation to the cessation of functions and powers on completion of a Suburban Rail Loop project; and
- to amend the *Transport Integration Act 2010* to clarify the power of Secretary to the Department of Transport and Planning to enter into contracts for and behalf of the State.

These reforms are intended to provide for enhanced efficiency and flexibility and reduce administrative burden in the delivery of transport projects, including with respect to project declaration requirements and interfaces with utilities. The Bill further aims to provide a consistent approach to the delivery of declared precinct projects and enable project authorities to better manage project infrastructure and acquisition.

**Human rights issues**

The Bill engages a number of rights under the Charter, including the right to privacy (section 13(a)); the right to property (section 20); cultural rights (section 19) and the right to freedom of movement (section 12).

***Power to enter, occupy, use and carry out works on land***

Clause 22 inserts a new Subdivision into Division 7 of Part 6 of the MTPF Act to empower a project authority or authorised persons to enter occupy and use land within the project area for an approved project and carry out works on that land for the construction of permanent infrastructure (new section 165P). Clause 23 amends the MTPF Act to empower the project authority or authorised persons to enter, occupy, use and carry out works on certain land for any purpose connected with an approved project, in addition to for the purposes of an approved project (section 167). Clause 26 substitutes section 186(1) of the MTPF Act to empower a project authority or authorised person to enter, occupy and use a road for the purposes of an approved project or any purpose connected with the approved project.

Clause 45 of the Bill inserts new section 201QO into the PE Act to empower authorised persons to enter land to carry out surveys or investigations for the purposes of, or connected to, development planning or assessing development feasibility or costs, or in preparation for the declaration of a precinct project. The exercise of these powers may include activities such as digging or boring into the land, and taking samples of soil, rock, ground water or minerals. Entry onto land and activities under these powers may occur before a precinct project is declared, to determine whether the land should be included in the project area or is suitable for the purposes of the project.

***Right to privacy***

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

A person's 'home' includes a person's place of residence. Therefore, entry onto private property may, depending on the type and use of the private property, constitute an interference with the privacy of home. While the nature of interference may be less severe than an entry into a person's private residence (e.g., inside their home), the use, occupation and conduct of any works on private land will increase the extent of the interference. For example, entry onto private land for the purpose of constructing permanent infrastructure is highly likely to amount to a deprivation of an occupier's right to exercise autonomy over their property. Works may also limit an occupant's quiet enjoyment of their home owing to the temporary establishment and storage of plant, machinery, equipment, goods or temporary buildings on their land, and to nuisances such as noise from the operation of such plant, machinery or equipment.

This being so, any interference with a property owner's privacy of home is lawful and not arbitrary as it is authorised by legislation and subject to various statutory limitations. The power to enter, occupy, use and carry out works on land under new section 165P may only be exercised if the project authority intends to compulsorily acquire at least the part of the land on which the permanent infrastructure is to be constructed and it is not practicable to precisely identify the area of land for that infrastructure before the construction works are commenced. New sections 165R and 201QO impose a range of obligations on authorised persons entering onto land, including, to cause as little harm and inconvenience as possible; to not stay on the land for any longer than is reasonably necessary; to remove from the land all plant, machinery, equipment, goods or temporary buildings brought onto the land by the authorised person, and to the extent possible, leave it in the condition in which it was found. Moreover, the powers of entry are subject to strict notice requirements (new sections 165Q and 201QO), and requirements to prepare a condition report for occupied land (new section 165S). As such, any interference with a person's privacy or home occasioned by clauses 22, 23 and 45 of the Bill is authorised by legislation that is precise and appropriately circumscribed and proportionate to the legitimate aims sought by those provisions, such that they are lawful and not capable of being exercised arbitrarily. The obligations imposed on authorised persons entering onto private land under these new provisions have as their purpose to limit, as far as possible, any interference on the property owner's rights and constitutes the least restrictive means reasonably available to achieve the Bill's purpose. Accordingly, the interference with property owners' right to privacy has a legitimate purpose and is not arbitrary nor unlawful and I am therefore satisfied that the right to privacy is not limited by these clauses.

***Right to property***

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. 'Property' under the Charter includes all real and personal property interests recognised under the general law, including contractual rights, leases and debts. A deprivation of property will not be



limited to situations of forced transfer or extinguishment of title or ownership but will extend to any substantial restriction on a person's exclusive possession, use or enjoyment of their property.

The powers to enter, occupy, use and carry out investigations, surveys and works on private land are likely to interfere with the property rights of persons who are by this activity deprived of the exclusive possession, use and enjoyment of their land.

However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law'. For a deprivation of property to be 'in accordance with the law', the law must be publicly accessible, clear and certain, and must not operate arbitrarily. A broad, discretionary power capable of being exercised arbitrarily or selectively may fail to satisfy these requirements. In this instance, the interference will not be arbitrary, but governed by a clear and accessible process set out in the Bill and subject to reasonable conditions. For example, prior to exercising entry powers to undertake surveys or investigations under new section 201QO, the owner or occupier must, unless their consent has been obtained or in the event of an emergency, be provided with seven days' notice of the entry (subsections (3)-(5)). Strict time limits and other conditions apply to entry powers (subsections (6)-(7)) to ensure that the interference with a person's property is the least restrictive possible whilst also ensuring the necessary functions are carried out.

Further, in relation to powers of entry and occupation under new section 165P, in addition to the extensive safeguards outlined above, rent may be payable to persons who would be entitled to exclusive possession but for the project authority's occupation of that land (new section 165U). Persons may also be entitled to compensation for pecuniary loss or expenses arising as a direct, natural or reasonable consequence of the entry or occupation of land (new sections 165Z and 165ZB). These provisions demonstrate that any deprivation of property that occurs as a result of the new provisions inserted by the Bill is not arbitrary and will be in accordance with the law. I therefore consider that these clauses are compatible with the right to property.

#### *Cultural rights (s 19)*

Section 19(2) of the Charter provides that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. This section protects a person's exercise of these rights with other members of their community.

Section 19 does not distinguish between Aboriginal persons who live on the land with which they have a connection under traditional laws and customs and those who are not residents on the land, but who nevertheless maintain a distinctive spiritual, material and economic relationship with that land.

The rights under section 19(2) are to be read broadly and are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development. Aboriginal cultural rights are inherently connected to the relevant community and the traditions, laws and customs of that community. It can include traditional ways of life including practice of spiritual traditions, custom and ceremonies, and the maintenance of a cultural connection with land, including the use of natural resources and the preservation of historical sites and artefacts. Further, Aboriginal cultural rights co-exist with, and may extend beyond, rights in other legislative schemes, including the *Aboriginal Heritage Act 2006*, *Traditional Owner Settlement Act 2010* and *Native Title Act 1993* (Cth).

However, protection of cultural rights is not absolute. According to the UN Human Rights Committee, measures having only limited impact on the way of life of persons belonging to particular cultural groups will not necessarily amount to a denial of their rights. This suggests that only a substantial restriction on the enjoyment by particular cultural groups of their culture will be incompatible with the right.

To the extent that the powers to enter, use, occupy or conduct investigations, surveys or works relate to public land with which Aboriginal persons have a connection under traditional laws and customs, they may affect the enjoyment of cultural rights. However, as only substantial restrictions would limit section 19(2), powers authorising entry onto land for site survey purposes are unlikely to constitute a significant restriction.

By contrast, works such as the construction of permanent infrastructure may impact on the rights of Aboriginal persons to access the land and engage in activities that represent an essential element of their culture. However, the Minister and the relevant project authority, when considering such matters as whether to acquire certain land or designate a specific project area, will pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including cultural rights under section 19(2) of the Charter. That is, the project authority will have to consider whether the exercise of its powers in respect of certain land interferes with Aboriginal persons right to distinctive spiritual, material and economic relationships with the land and if so, the countervailing interest for doing so and whether the impact of such decision is justified and appropriate in the circumstances.

Accordingly, the Bill does not, in my view, limit the cultural rights under section 19(2) of the Charter.

*Right to freedom of movement*

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. The right extends, generally, to freedom to move throughout the State without impediment or restrictions (both physical and procedural) and a right to access public places and services. This right is however not an absolute right under the Charter and may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society, including the property rights of others.

To the extent that the powers under sections 165P, 167, 186(1) and 201QO are concerned with public land, powers of occupation, use, works and investigations may, depending on the circumstances of the occupation, use, works or investigation, interfere with the right to freedom of movement where they exclude public access to public places. As discussed in relation to cultural rights, the public authority, when considering such matters as whether to acquire certain land or designate a specific project area, will pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including the right to freedom of movement under section 12 of the Charter. That is, the project authority will have to consider whether the exercise of its powers in respect of certain land, excludes public access to public places, and if so, the countervailing interest for doing so and whether the impact of such decision is justified and appropriate in the circumstances.

Accordingly, the Bill does not, in my view, limit the right to freedom of movement under section 12 of the Charter.

*Extinguishment of acquired easements*

Clause 20 of the Bill inserts new section 116A in the MTPF Act. Section 116A provides that an interest in land described in a notice of acquisition as a right in the nature of an easement (or purporting to be an easement) is extinguished immediately on publication of the notice in the Government Gazette. The power applies to easements over both private and public land and operates to divest or diminish any interest that a person has in that land, to the extent necessary to give effect to the extinguishment.

*Right to property*

As above, for the purposes of section 20 of the Charter, 'property' includes all real and personal property interests recognised under the general law. An easement is a real property interest, and any extinguishment of an easement right will therefore interfere with the property right of persons whose interest in land are affected.

However, any deprivation of land that is in the nature of an easement, will under section 116A be governed by a clear and accessible process and the lawfulness of an extinguishment is subject to judicial review. Further, a person whose right in the nature of an easement has been extinguished, may be eligible for compensation in accordance with the rules for compensation set out in the *Land Acquisition and Compensation Act 1986* (section 113, MTPF Act). Accordingly, any interference with a person's property right that results from an extinguishment of an acquired easement under section 116A, is in accordance with law. As such, I consider that the right to property is not limited by these provisions.

*Road declaration amendments*

Clause 32 of the Bill substitutes section 193 of the MTPF Act to update, extend and clarify the limits of existing road declaration powers and confer these powers on the project authority instead of the Project Minister. This includes a new power to designate certain land as an ancillary area to be maintained by a responsible road authority as ancillary to a public road. New section 193 also provides that the project authority's power to declare a road under section 193(1) is limited to relevant land, which is defined to include project land, land within the project area that is owned by the project authority, land that is under the management and control of the project authority or Crown land. New section 193(6) imposes a requirement for the project authority to obtain written consent of certain persons if the relevant land falls under certain categories. This inclusion is, in part, to prevent any privately owned land from being declared to be a road or an ancillary area without first obtaining the consent of the owner of the land. This clause aims to ensure that a person is not deprived of their private property interests without the appropriate safeguarding mechanisms for the divesting of property rights, such as notice requirements and compensation.

*Right to property*

As above, private property is protected by section 20 of the Charter, and any deprivation of a person's property interests will interfere with their property rights. Clause 32 promotes the right to property by ensuring that that the project authority's power to declare a road or ancillary area under section 193(1) is limited to certain categories of land and subject to specified consent requirements.

*Cultural rights (s 19)*

The power to designate certain land as an ancillary area may engage cultural rights under section 19(2) of the Charter to the extent that the designations relate to public land with which Aboriginal persons have a connection under traditional laws and customs. However, as only substantial restrictions would affect the enjoyment of cultural rights so as to limit section 19(2), designation powers are unlikely to constitute a significant restriction. Further, the project authority, when considering whether to designate a specific project area, will pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including cultural rights under section 19(2) of the Charter. Accordingly, the Bill does not, in my view, limit the cultural rights under section 19(2) of the Charter.

*Community asset agreements*

Clause 25 inserts new section 185D which empowers the project authority to enter into an agreement with a Council or a public authority for a community asset. A community asset may include activity-related infrastructure such as basketball courts, play equipment and skateparks, as well as bins, bus stops, car parks, furniture including park benches, retaining walls, pedestrian bridges, crossings, footpaths and signs. An asset could also potentially include other things that are not activity related, such as gardens, landscaping, drainage, lighting and fencing. The new provision would apply with respect to unreserved and reserved Crown land. An agreement may relevantly provide for rights and obligations in relation to the community asset, including liability and ownership of the asset to be transferred.

*Right to property*

The transfer of community assets, rights and liabilities from the Crown to Councils or public authorities is relevant to the property rights of natural persons who hold an interest in the liability transferred. However, the transfer of the liability from the Crown to a Council or public authority will not limit the property rights of persons holding the interest as they are not being deprived of their interest in the liability, rather the liability is transferred without altering the substantive content of that liability.

Insofar as a cause of action in relation to any potential liability held by the State may be considered 'property' within the meaning of section 20 of the Charter, clause 25 may engage this right. However, in my opinion, clause 25 does not effect a deprivation of property as it does not extinguish any cause of action which a person may have against the State. Rather, liability is transferred to the Council or public authority.

Finally, even if the Bill could be considered to deprive a person of property, any such deprivation would be 'in accordance with law' and will therefore not limit the Charter right to property. In particular, new Subdivision 5 of Division 7 of Part 6 of the MTPF Act, dealing with the community asset agreements more generally, is drafted in clear and precise terms, and is sufficiently accessible to allow persons to regulate their own conduct in relation to it.

*Identification of 'authorised persons'**Right to privacy*

Clause 45 of the Bill inserts a new Part 9AB into the PE Act which includes a new section 201QP. New section 201QP requires a person authorised to enter land for the purposes of new section 201QO to be issued with an identity card containing a photograph. Section 201QO(7)(a) requires such authorised persons to identify themselves when entering land by producing their identity card. This clause may interfere with authorised persons' right to privacy by requiring them to disclose their name and status as an authorised person in specified circumstances.

However, the interference with privacy is neither unlawful nor arbitrary, as it is a proportionate and necessary measure to ensure that persons dealing with authorised persons are able to identify them, as well as providing some protection against people fraudulently claiming to be authorised persons and purporting to exercise their powers.

**The Hon Danny Pearson MP**  
**Minister for Transport Infrastructure**

*Second reading*

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (11:12): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:****Overview**

The main purpose of this Bill is to continue the Government's strong commitment to develop and deliver Priority Precincts and major transport projects. The Government recognises the need to deliver planning and other related reforms to unlock benefits for Victorians for years to come. It is in the public interest to develop the infrastructure and places that are needed to provide Victorians with better housing, transport, employment opportunities and access to services and amenities.

We are reimagining and activating landmark precincts to create places where people have vibrant, liveable and sustainable communities, affordable housing and quality jobs which help to grow Victoria's economy. These include precincts such as Arden, Docklands, Fishermans Bend, Footscray, East Werribee, Parkville and Sunshine.

We are also building and delivering important transport projects that will slash travel times and help to keep Victorians moving. These projects include the Suburban Rail Loop, North East Link, the Level Crossing Removal Project and the West Gate Tunnel Project.

To support the planning, development and delivery of these key projects, this Bill will enhance the government's ability to develop and deliver Priority Precincts, reducing time, cost and risks. This Bill will also support the effective and efficient delivery of Priority Precincts, the Suburban Rail Loop and all other major transport projects through improvement of delivery powers and other related powers.

**Improving precinct development to reduce time, cost and risks**

An extra 3.6 million people are forecast to live in Victoria by 2051. This is a state where people want to live, work and study. However, Victorians are finding it harder to locate housing close to where they work, and commute times are increasing for many. We need to create a better way to deliver the housing and infrastructure Victorians need where they need it.

The reforms in this Bill will amend the *Planning and Environment Act 1987* to enable the Premier to declare a development or proposed development, or a works program or proposed works program, to be a precinct project, and to describe the area of land that will be used for that project. We recognise that precincts will be planned, developed and delivered progressively in stages. The Bill therefore refers to the progressive development of precincts and makes provision for the component parts, including transport infrastructure, to be declared as precinct projects.

The effect of the declaration will be that the precinct project is deemed to be an approved project under the *Major Transport Projects Facilitation Act 2009*. The Premier's declaration will also specify the Project Minister and the project authority. The project area described in the declaration will be deemed to be a project area under the *Major Transport Projects Facilitation Act 2009*. These provisions will provide the Project Minister and the project authority with the project delivery powers in the *Major Transport Projects Facilitation Act 2009* that are needed to deliver precinct projects.

The Bill will also amend the *Planning and Environment Act 1987* to provide the Secretary to the Department of Transport and Planning with powers to prepare for the development of a precinct project. These include powers to carry out early investigations and interface with utilities.

The Bill also amends the *Transport Integration Act 2010* to clarify that the Secretary to the Department of Transport and Planning can enter into contracts for and on behalf of the State in relation to land for a proposed Priority Precinct prior to the declaration of a precinct project. These powers already exist with respect to transport related projects.

**Modernising powers to better fit precincts and major transport projects**

The Government is carefully planning to ensure the areas around Suburban Rail Loop stations will be ready to meet the needs of our growing population. We are planning to ensure these areas benefit from an improved range of infrastructure and services, providing better connections to jobs, open space and community facilities – all on the doorstep of world-class public transport.

Drawing on the learnings from the Suburban Rail Loop, we know that having fit-for-purpose powers in place from the beginning of a precinct project or major transport project is essential. Informed by practice, we are aiming to reduce development inefficiencies and provide enhanced outcomes for the community with greater places to live, work, visit, study and shop.

To achieve these outcomes, the Bill modernises the definition of 'non-transport infrastructure' in the *Major Transport Projects Facilitation Act 2009* so that it is compatible with the requirements and needs of delivering major transport projects and precincts around major transport projects. These components could include open spaces and parks and gardens, which are not an obvious fit within the existing definition but which are

essential to a harmonious urban environment. The amendments to the definition also allow the infrastructure to be separated by unrelated buildings which is likely to occur in infrastructure developments in a precinct.

The Bill also amends the *Major Transport Projects Facilitation Act 2009* to enable a program of works approach to the delivery of Priority Precincts and major transport projects. This will allow for a declaration of a group of related, but independent, projects that are to be delivered in one program of works. To support this change, it also provides for the progressive designation of a project area in stages where different parts of the project area are not 'in the vicinity' of each other. This could include a series of level crossing removals along one train line, or the development of a large-scale precinct in stages.

Enabling the declaration of a program of works, rather than individual projects, will better reflect the way Government develops, assesses and announces projects and will save time and costs in the delivery of such projects. However, it will not affect requirements for each project in each project area to receive the necessary approvals assessed according to the applicable legal criteria.

The Bill also empowers the Premier to add scope to an existing declared major transport project, on the recommendation of the Project Minister. The additional scope can only be added up until the point the project becomes an approved project under the *Major Transport Projects Facilitation Act 2009*. The *Major Transport Projects Facilitation Act 2009* currently empowers the Premier to declare a transport project to be a declared project to which the *Major Transport Projects Facilitation Act 2009* applies. However, at times, there is a need to later include additional scope in the project which was not foreseen at the time of the project declaration. This additional scope is often not significant enough to be declared a project on its own and often has some connection to an existing project, such as adding a carpark to a level crossing removal project.

Together, these changes will support more timely and effective delivery of precinct projects and major transport projects in accordance with state government priorities.

#### **Improving community asset ownership for better community outcomes**

The Government is not just building the transport infrastructure we need for the future – we are creating public spaces and places that will leave a long-lasting legacy for Victoria. As part of the development of our major transport projects, we have delivered a range of community assets to improve the amenity and safety of the surrounding area. These assets include basketball courts, play equipment, skateparks, bins, car parks, footpaths, shared used paths, pedestrian bridges, park benches and retaining walls and signs.

While development authorities construct community infrastructure and assets, these assets need to be owned, operated or maintained by other appropriate agencies and bodies. In most cases, municipal councils have been identified as the appropriate body to operate and maintain the community assets.

For community assets constructed on freehold land, arrangements have been made by which the project authority transfers asset ownership to councils by transfer deed. However, in the case of community assets constructed on Crown land, there is no current legal mechanism available to transfer responsibility for these assets.

To enable the transfer of community assets on Crown land to other public agencies, the Bill provides for powers enabling project authorities to enter agreements and arrangements that are necessary to ensure the legal transfer of ownership of assets. The land will remain Crown land and councils will be able to maintain and govern use of the assets for the benefit of the community.

#### **Enhancing delivery powers to provide more efficient and targeted project outcomes**

The Bill makes a range of amendments to the *Major Transport Projects Facilitation Act 2009* to improve project delivery powers and other related powers. These improvements will be available not only to major transport projects declared under the *Major Transport Projects Facilitation Act 2009*, but also to the Suburban Rail Loop and Priority Precincts. These amendments will provide greater certainty in the interpretation, scope and delivery of a range of works and projects for the benefit of communities across the state.

By way of example, currently, when utility infrastructure needs to be relocated for a project, a project authority must compulsorily acquire an interest in the land, based on the anticipated location of the utility infrastructure, prior to construction. This can lead to a project authority acquiring more land than might ultimately be required. This can increase the State's compensation liability and deprive a person of more of their private property rights than otherwise may be the case.

To address this issue, the Bill enables a project authority to enter, occupy, use and carry out works on any land inside the designated project area, predicated upon an intention to later acquire an interest in the land which supports constructed permanent infrastructure. Land occupiers or owners will be compensated during occupation and will be compensated in full for the land that ultimately needs to be acquired for project purposes.

Similarly, in circumstances where a project authority is seeking to extinguish an easement, it must first acquire the freehold land. This can lead to a project authority having to acquire land it does not require.

The Bill enables a project authority to immediately extinguish any easement on private or public land, by notice equivalent to a notice of acquisition. Consistent with other compulsory acquisition provisions within the MTPF Act, compensation provisions from the Land Acquisition and Compensation Act 1986 will apply to any person who has an interest in the easement that is extinguished.

The Bill also amends the road management powers within the *Major Transport Projects Facilitation Act 2009* to improve consistency between the *Major Transport Projects Facilitation Act 2009* and the *Road Management Act 2004* and reduce administrative burden and delays. Roads related delivery powers under the *Major Transport Projects Facilitation Act 2009* cover various road management matters from use and works powers, to powers to declare, classify, realign, close and discontinue roads. These changes will produce more effective road management powers, and as a result, more efficient delivery of projects.

The Bill also makes minor and administrative amendments that will improve the clarity and operation of the *Major Transport Projects Facilitation Act 2009* and the project completion processes under the *Suburban Rail Loop Act 2021*.

#### **Conclusion**

This Bill represents another step in the Government's continued commitment to develop the right infrastructure and amenities in the right places to support thriving communities across our state.

We will continue to take action to ensure Victorian's can live where they want, close to where they work, in accessible and sustainable communities.

I commend the Bill to the house.

**Cindy McLEISH** (Eildon) (11:12): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 25 September.**

### **Short Stay Levy Bill 2024**

#### *Second reading*

**Debate resumed on motion of Tim Pallas:**

That this bill be now read a second time.

**Brad ROWSWELL** (Sandringham) (11:13): I rise to address the Short Stay Levy Bill 2024. On commencing my contribution, by leave, I seek the opportunity to speak on this bill for an hour.

**Leave refused.**

**Brad ROWSWELL:** It is a real shame actually, because I have so much material before me that I could quite easily fill an hour, perhaps more than that, because of not only the circumstances in which the government has brought the bill to the house but the lack of consultation with industry.

This bill is a real shame because it introduces into this house and into the Victorian statute books potentially Labor's 55th new or increased tax since coming to government. That is right, in the last 10 years, after 10 years of the Andrews, now Allan, Labor government, there have been 55 introduced or increased taxes, and this is number 55. In the middle of a cost-of-living crisis Victorians do not need to be taxed more than they already are. They need a government that understands the circumstance, and they need a government that will tax them less. You do not tax people more and expect things to be cheaper. You do not tax things more and expect them to be more affordable. In fact, if you tax things more, things get more expensive, and that is the case with this new tax. The government refers to this new tax as their short-stay levy. I refer to it as Labor's 55th new or increased tax, their holiday and tourism tax, because that will be the impact of this bill. It is a tax on holidays. It is a tax on tourism.

Frankly, what sort of mug taxes a holiday? What sort of mug taxes tourism? Well, this Labor government does both, and Victorians are paying the price because of it.

I am sincerely grateful for the engagement that I have had with a number of stakeholders in relation to preparing this bill report and the opposition ahead of this bill being considered today. I am grateful for the input of organisations such as the Expedia Group; the Victorian Chamber of Commerce and Industry; the Victoria Tourism Industry Council; the Property Council, Victoria; Airbnb; the Real Estate Institute of Victoria; the Urban Development Institute of Australia; the Short Term Accommodation Association Australia; Accessible Accommodation – and I will come back to Ashlee Morton a little bit later; Master Builders Victoria; Great Ocean Road Regional Tourism group; Alloggio; Quickstay; Mannai Welfare Housing Corporation; Tourism and Transport Forum Australia; and the Australia and New Zealand Short Term Rental Association.

I can say with absolute clarity and absolute certainty that this bill is friendless. Amongst the stakeholders that I have engaged with, this bill is friendless. There is not one person or organisation that I have engaged with on this bill that thinks that this is a good idea or that it will have the impact that the government states it will. Airbnb has said:

The proposed levy will apply only to short-term rental accommodation, creating an uneven playing field that puts everyday Victorians who share their home behind large corporate hotel chains.

Expedia Group has said:

We believe the short-term rental sector is not the cause or solution to housing pressures, any levy should be fair and apply to all accommodation types.

The Victoria Tourism Industry Council has said:

From our initial conversations with Treasury, we are deeply concerned that the Victorian Government does not fully understand the landscape of the short-stay market and the unintended consequences of this levy.

The Victorian Chamber of Commerce and Industry has said:

There is undeniably a need for more social and affordable housing, but the short stay levy is another tax on Victorians that doesn't exist in other states and territories. It makes our state less attractive to visitors and puts businesses who rely on tourism at a distinct disadvantage.

The Great Ocean Road Regional Tourism group has said:

This is a tax on the visitor economy which takes money out of the industry. It's another hit to our sector after we already experienced severe funding cuts to tourism in the 2024/25 State budget.

The Short Term Accommodation Association Australia has said:

Singling out short stay accommodations, while commercial short stays are exempt, disproportionately targets small businesses, and mum and dad investors in Regional Victoria.

These are just some of the responses that I have received from stakeholders that the government has said that it has consulted with. But if they had actually consulted, they would have listened, and on this occasion, as on other occasions, the government has not listened.

The government has said that this is about more housing, but the government has failed to demonstrate that. I would be very keen to hear from government members who contribute to this debate today – very, very keen – about the exact number of houses that they expect to become available in the long-term rental market or in the affordable housing space, because to date the government has not been able to demonstrate that. They say that that is their policy intent. I respect their policy intent. We do need more housing in Victoria. But taxing short-stays will not achieve that outcome, which says to me that this is nothing more than a tax grab from a government who has the highest debt in the nation. This tax will not solve the housing crisis in Victoria. Victoria's rental vacancy rate is currently at a historic low, estimated to be between 1 and 2 per cent. There is no evidence to support that a tax on

short-stays will actually boost the supply of long-term rentals, and the government has failed to provide that evidence as well.

Victoria's housing crisis is felt right across Victoria – right across Victoria, in regional Victoria and in metropolitan Melbourne. According to Airbnb, 50 per cent of short-stay rentals are positioned in regional Victoria. Pressuring regional investors to sell or put their homes on the long-term market will not solve the rental crisis felt right across the state. For example, if you owned a sizeable property on the Mornington Peninsula, for argument's sake, if that property was then shifted to potentially be on the long-term rental market or put up for sale into the sale market, frankly there are first home buyers around Victoria that would not be able to afford that particular home. So it is a false argument from the government to say that forcing sizeable homes in places like the Mornington Peninsula onto the long-term rental market or onto the sale market will actually improve housing in this state. That is simply, simply wrong.

It is another hit. This tax is another hit to Victoria's tourism industry. It will do more harm than good, dissuading tourists from visiting Victorian regions. The Shadow Minister for Tourism, Sport and Events is at the table with me today, and I am sure that he will go into greater detail on this. But as has been shared with us by the Victoria Tourism Industry Council:

During Covid, Victoria relinquished its number two spot on the ladder behind NSW to Queensland on the metric for total overall tourism spend by visitors. Over time –

so says VTIC –

we have failed to narrow that gap quarter on quarter since 2021.

They go on to say:

When we consider our position on the national scale, Victoria significantly lags behind NSW, who has hit a staggering \$53 billion in total spend by visitors to the state, with Queensland firmly in the number two spot achieving \$41 billion in total spend. While Victoria is growing quarter on quarter in performance, the growth of our major competitors in Australia is outpacing our success.

So again, taxing something is not going to incentivise getting more tourists to Victoria. In fact it will push them further and further away.

There is also an impact on the visitor economy in tourist regions within this state, communities which rely upon tourism dollars to survive. There are many of those communities around this state, and frankly, if visitors to those regional communities in particular are hit with a greater tax and are spending more because of Labor's 55th new or increased tax, they will spend less in those communities – and over a period of time Labor's tax adds up. This is not just a tax on the accommodation element, this is a tax on accommodation plus all the service charges that come with staying in a short-term rental. It is a tax on all of those things, and it will cost Victorians at a time when they can least afford it.

It will have an unfair impact on Victorian small businesses specifically in regional Victoria, but truthfully, all Victorians will be punished by this tax. Around 40 per cent of those who stay in short-term rentals are not in fact tourists. They are FIFO workers, they are frontline workers, they are people who are fleeing domestic violence and they are vulnerable Victorians who for whatever reason or circumstance are not able to stay in their own long-term rental accommodation or in their own home and need emergency housing. Around 40 per cent of people who stay in short-term rentals are not in fact tourists, so all of those Victorians will also be subjected to this new Labor tax.

This tax disproportionately impacts women. According to Airbnb, 65 per cent of their hosts are female, and in many communities short-stay accommodation provides a revenue source and flexible work from home. Women dominate the short-stay sector, with the majority of hosts over the age of 50. It is also important to note that women over 50 are the demographic most at risk of becoming homeless, so short-stay platforms can serve as a form of economic empowerment. Labor's tax will hurt all



Victorians and will place women at a competitive disadvantage in the marketplace. I just wonder if the Labor government considered that fact when they were bringing this tax to the Parliament today, and I dare say they have not.

This tax is in fact the largest, the highest short-stay levy of any such levy in the entire world. At a proposed rate of 7.5 per cent it will be the highest in the world. Councils also have the power – in fact this bill more or less green-lights councils to slap additional taxes on short-term stays, meaning there will be different rules across the 79 local government areas. There is no consistency across the state in terms of the regulations and the taxes that local governments can place on short-stays. It is going to be an absolute and utter mess. It is terrible for that reason. And 100 per cent of the tax will in fact go to paying off Labor's debt. It will not actually go back to the regions from which it is collected.

Let us have a frank conversation. Homes Victoria, the state government body charged with producing affordable housing and social housing in this state, is currently about \$180 million in the red. The Labor government, or the Treasurer, when this bill was first spoken of last year, suggested that this tax would raise about \$75 million in revenue. That has been significantly revised down to \$60 million. There are people that I have spoken to who question whether the revenue stream of \$60 million is actually appropriate or otherwise, because they think that, especially with council elections coming up in October this year, there will be some councils that use this opportunity that this government has given them to effectively ban short-stays in their own municipalities, which would further reduce the anticipated revenue as well. This revenue coming from this new tax will not be put into new homes. The government says it will be put into new homes. It will not be put into new homes, it will be put into paying off the highest debt in the nation. It will be put into paying off the debt of Homes Victoria, which currently sits at about \$180 million. It will go into paying Labor's interest bill on their debt, which is climbing to \$26 million a day, each and every day, in just a few short years time.

This government has not considered a number of circumstances when bringing this bill to the Parliament. Yesterday I met with Ashlee Morton. In fact I welcomed Ashlee Morton, together with the shadow minister for tourism, to the Parliament. Ashlee is from Accessible Accommodation. On first meeting Ashlee I found her to be unassuming but forthright and driven. Ashlee is wheelchair-bound. She is a single mum. She has two teenage children. She is a powerful advocate. There are Victorians around the state – disabled Victorians – who choose to stay in short-term rental accommodation such as Airbnb and other platforms because it enables them and their families to have the greater support and flexibility that they need when they are going on holidays. They choose short-stays over hotel accommodation because hotel accommodation does not fit the needs that they have when they are travelling either by themselves or with their families, as Ashlee explained yesterday. If equipment is required to support a disabled Victorian that is not in a hotel setting, sure, it can be hired, but it can be hired for a minimum period of time.

So if Ashlee, for example, was travelling for work reasons for one or two nights and required additional equipment to support her with her needs, yes, she could hire it, but that is frankly a pain in the backside, because often the people who loan out or who rent out this type of equipment have a minimum time for which it can be rented. It could be one week or it could be up to four weeks, which means additional and unnecessary costs for Ashlee, whereas there are short-stay accommodation places in Victoria at the moment which have built within their property offering the supports that some disabled Victorians need. In fact Ashlee was telling us only yesterday that if you have a severe disability and wish to travel in this state and you are requiring things like lifters and high-low beds and other equipment that disabled Victorians rely upon, in terms of hotels in Victoria there is an option for you, but there is only one, and it is a hotel in Burwood East. Nothing against Burwood East, but it certainly would not be my first choice of destination to go on holiday either by myself or with my family.

*Members interjecting.*

**Brad ROWSWELL:** Yes. There are many other places that you would go to over Burwood East. I have had some decent dumplings in Burwood East, but beyond that –

*Members interjecting.*

**Brad ROWSWELL:** The member is interjecting, and that is disorderly, Acting Speaker. I am pleased government members are listening, because there is an opportunity to change this bill. I suggest that it will not take place in the Assembly. I implore government members to change this bill when it reaches the Council. Please, please carve out a portion of this bill that means disabled Victorians are not taxed more to go on holiday either by themselves or with their families. Please do the right thing by disabled Victorians and their families. Do not disproportionately impact them or their families simply in the name of a tax grab – please, please, please. And the same should be said for victims of domestic violence.

Ashlee, who visited Parliament yesterday, said in a note to me:

Accessible short-term rental properties are essential for ensuring that people with disabilities can travel comfortably and enjoy the same opportunities as others ...

Many of us rely on these specially adapted accommodations to ensure a safe and enjoyable stay when away from home and short-term rentals are much more suited to this type of traveller rather than hotels and motels.

Few hotels cater to higher physical needs, and a short-stay property gives us the flexibility to save money with self-contained cooking facilities.

The new tax poses a serious threat to the availability and affordability of accessible accommodations.

Well, to Ashlee's comments I say: hear, hear. This side of the chamber says hear, hear. We are on your side, Ashlee. We are on the side of disabled Victorians, and we encourage, we implore and we plead with the government to move amendments in the Council so that disabled Victorians are not disproportionately impacted by their latest tax grab. We think that is a fair and eminently sensible request of the government.

We now come to the question of the constitutionality of this bill. This is something that has been raised publicly. It has been raised by me publicly for many, many months now in fact and more recently in the media as well. I hope that the government has not received advice on whether this bill is constitutional or otherwise from the same people – group, mob, outfit – that they received advice from that their electric vehicle tax was also constitutionally sound. I would like to think that the government sourced separate legal advice given the disaster that that was in the High Court for the government. In fact I raised this matter with the federal Treasurer the Honourable Dr Jim Chalmers on 11 August last year – so more than 12 months ago, in fact 13 months ago.

I wrote to the Treasurer then to raise with him a series of questions about whether the imposition of this new tax actually contravened the intergovernmental agreement on federal financial relations that was introduced following the introduction of the GST in the year 2000, because this Airbnb tax – this short-stay levy, this holiday and tourism tax: well, it looks like a bed tax, it sounds like a bed tax and it smells like a bed tax, and that bed tax was scrapped in the year 2000 as part of the intergovernmental agreement on federal financial relations and replaced by GST revenue, which the states have been benefiting from ever since. So I raised these matters with the federal Treasurer in August of last year. I said:

I write to express my concern at the Andrews' Government proposal to break the Intergovernmental Agreement on Federal Financial Relations (**IGA**) with the introduction of a Holiday and Tourism Tax.

Recent reports reveal that your state Labor counterpart, Tim Pallas, is examining options to introduce a Holiday and Tourism Tax ...

As you would be aware, when the Goods and Services Tax (**GST**) was introduced in 2000, all states and territories agreed to abolish a number of economically damaging taxes in exchange for the revenue that would flow from the GST. One of those taxes were accommodation taxes levied on the cost of temporary residential accommodation, otherwise known as 'Bed Taxes'.

I went on to ask the Treasurer a series of questions. Frankly, I did not expect a response. I thought the federal Treasurer would just file that and I would not get a response, but to my surprise I got a response.

I got a response many months later – in fact five months later, in January 2024 – from the office of the Treasurer:

Dear Mr Rowsell

Thank you for your correspondence concerning the Victorian Government's proposed introduction of a Holiday and Tourism tax.

I am pleased to see that even the federal Treasurer is adopting my language.

The Treasurer has asked me to respond on his behalf.

The *Intergovernmental Agreement on Federal Financial Relations* does not constrain the states and territories from exercising their constitutional power to impose taxes.

I encourage you to engage with the Victorian Government to raise your concerns related to the proposed tax.

Which of course I have done. But what the federal Treasurer actually did was green-light the Victorian government, independent of the intergovernmental agreement that I referred to, to do whatever they like and tax whatever they like. This is a Labor state and Labor federal cabal working together against Victorians. They are ignoring that intergovernmental agreement that was agreed to some 24 years ago, and they do not give a stuff about it. What they do give a stuff about is raising more revenue to pay off their record debt, and Victorians are paying the price because of it. Of course I am happy to make all of this correspondence available to the house and to Hansard.

Further on the matter of constitutionality, this matter has been raised in a series of news articles recently, and that legal advice has also been made available to me. I quote from a recent *Herald Sun* article in relation to it:

A legal challenge to Victoria's controversial new "Airbnb" tax could blow a \$60m hole in the state budget and hamper the Allan government's efforts to address the state's housing crisis.

High level legal advice circulating among tourism operators has flagged the new tax, which is due to be debated in parliament next week, could be unconstitutional.

Senior tax lawyers have been reviewing the Short Stay Levy Bill 2024 in recent days with a potential High Court challenge understood to be in consideration.

...

Lawyers say the Airbnb tax could be unconstitutional.

This is the legal advice itself:

"By imposing a levy on the accommodation booking, as opposed to the stay, the Bill may give rise to constitutional issues, as it is not taxing property but the service of booking the property," legal advice has warned.

"Whilst there is no issue with a State government imposing tax on property in Victoria, there may be issues with imposing tax on bookings.

"There is an argument that the Victorian Government is introducing a state services tax, applied to accommodation booking, which is essentially doubling up the existing Goods and Services Tax ...

So here we are. This tax is friendless, completely and utterly friendless. It is not supported by industry, it is not supported by communities, it is not supported by the disability sector, it is not supported by domestic violence survivors and it is not supported by legal experts, who warn that this tax could be subjected to a High Court challenge. For that reason I move:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government commits to:

- (a) consulting with the property sector, tourism industry, disability advocates and survivors of family violence about the proposed levy and its impact across Victoria, especially regional Victoria;
- (b) making public modelling showing projected long-term rentals, the impact on Victoria's tourism industry and legal advice about the bill's constitutionality;
- (c) working with short-stay operators to agree to a regulatory framework for the sector; and

- (d) making public a whole-of-government forward plan for sustainable growth of Victoria's long-term rental stock.'

We believe that this is an eminently sensible reasoned amendment. We are introducing it to give the government an opportunity to do the right thing by Victorians who are adversely impacted by the state Labor government's 55th new or increased tax. This is simply a tax grab. The economic circumstance in the state is not pretty. This bill will not improve housing affordability or availability; in fact it will make things more expensive. We have got the highest debt in the nation, the highest taxes in the nation, the highest property taxes in the nation, the highest business taxes in the nation and the lowest wage growth in the nation. That is the economic circumstance that is on the head of the Allan Labor government and its members, and for the government to come into this place today and introduce its 55th new or increased tax, a tax on holidays and a tax on tourism, is the wrong thing to do.

In closing, I implore the government. I encourage them with every fibre of my being to, at the very least, in the Council make this bad bill a less bad bill by carving out exemptions for disabled Victorians and domestic violence survivors. At the very least, if you are going to use your numbers to crash through with this bill, crash through by making this bad bill a less bad bill by considering the needs of those Victorians who are vulnerable. I put on record in this house that on the basis that this reasoned amendment will not be agreed to, this side of the house opposes wholeheartedly Labor's 55th new or increased tax.

**Paul EDBROOKE** (Frankston) (11:43): Before I go on to myth bust quite a bit of the shadow minister's story I will say that I think on this side of the house, I think on that side of the house and I think on the crossbench there is one thing we hear a lot about from our constituents and that is lack of housing. There are a lot of people who are doing it tough because of the cost-of-living crisis, but we are here to talk about housing.

*Members interjecting.*

**Paul EDBROOKE**: While members would like to interject, they are really proving my point that it is waffle and hot air that does nothing. You can talk about this all you want, but at some stage a good government has to take a look at the levers and the options to make sure that people in a community can have roofs over their heads.

I am the first to say that not everyone in this chamber will agree with this bill, and we have heard some stories from those opposite. We have heard some accurate recollections, but as the Parliamentary Secretary to the Treasurer I undertook chairing the consultation on this bill. From the outset I want to pass on my heartfelt thanks for the respectful conversations we had in those consultation sessions, which were very, very well attended – the Victoria Tourism Industry Council, Expedia, the Victorian Chamber of Commerce and Industry, the Property Council of Australia, lots of local councils, lots of tourism bodies, the Great Ocean Road regional tourism group – and I made many, many good contacts throughout those conversations, even speaking about some other things and some other options that could come up. There was one thing I think we all agreed on in those conversations, and I will quote from a news.com.au article recently that says:

... Airbnb supports a tourism levy, which it said should be broad in scope, but did not specifically call for hotels to be included.

*Members interjecting.*

**Paul EDBROOKE**: This does not change the substantive subject of what I am talking about, member for Nepean.

Airbnb advocates setting the levy at three to five per cent –  
so we have a difference there –

of the cost of accommodation, to be used to support social and affordable housing projects.

Airbnb also wants the state government to scrap caps on the number of nights properties can be rented for, which have been implemented ...

and withdrawn in New South Wales as well. It does not matter what those opposite say. I was in the room, and while we do disagree on the way some things can be done there was I think a genuine consultative process that outlined that something needed to be done. The conversations we had, as I said, were genuine. I think people were able and felt like they were able to be fearless and have a frank discussion, and I think we did. The bill before us is part of that conversation.

We have had to, as a government, look at how we provide housing for our communities, and it is not all about how many houses we are going to build; it is about how we free up accommodation that is sitting there right now and is vacant. That is one of the biggest issues we have got. In Victoria there are around 63,000 short-stay accommodation places, with almost half of these in regional Victoria. That is why 25 per cent of the levy goes to regional Victoria. Almost 50,000 of those places are entire homes.

We could pretend that we are doing this alone in Victoria, but New South Wales are actually looking at this same type of legislation at the moment and going through the same consultative process. I disagree with the shadow minister that this legislation will not provide a single home for long-term rental – I totally disagree with that. It is a very binary statement to make. I do agree with him, though, that this will not solve the issue of housing. This bill alone will not solve the issue of housing: what a bold but very, very obvious statement. Good governments need to walk and chew gum at the same time and do different things to solve problems. One of those is investing in housing – making sure we build the property stock. Another is making sure we identify what other levers we have and what other options we can use to make sure people have a roof over their head. As I said, there is not an MP in this house that does not have people or families coming to their office asking how they can make it easier to get housing.

I take umbrage with the shadow minister's claim that the short-stay levy of 7.5 per cent is the highest in the world. It is not. I believe from my research and also the research given to me by some of the people I consulted with that in LA county – they might call their taxes something slightly different – I think it is around 12 per cent and in the different regions in Alaska it goes from 1 per cent to 12 per cent. We are setting it at 7.5 per cent. We think that is reasonable.

This policy I think will increase the supply of long-term rentals, and as part of that housing statement last year we said we would be doing this. It has been around for a long time. I think everyone in this house supports that any funding raised from the levy will go towards building more houses, but as well as that it frees up housing stock. New South Wales, again, are going through this same issue right now. In my conversations with some of their ministers the thing that we have in common is people will have to agree to disagree on some of these issues for the sake of making sure we have housing for people in Victoria. I am not going to go into the whole rigmarole of what some people have talked about with multinationals and tax and how much of a percentage we are of the Airbnb market. I have got too much respect for the people that were involved in that consultation. They are good people. They want to run a business. At the same time we have got to run government and provide for the people of Victoria.

This bill introduces a 7.5 per cent levy on short-stay accommodation from 1 January 2025, as we announced. In Victoria there are more than 63,000 short-stay accommodation places. More than half of them are in regional Victoria, and around 48,000 of those places are actually entire homes. That is a hell of a lot of homes that are vacant most of the year. I understand that in this house there would be many, many people who utilise Airbnb, Stayz, Expedia and other platforms and would have their own holiday homes that they rent out or put on the short-stay market. I think you would be silly to think that there would not be some kind of self-serving ego involved in this, but levies do exist internationally, even at higher rates, and for this same reason. The extensive consultation in the design of the levy involved a range of stakeholders, as I have said, in the community. People had a ton of

different opinions, but we all agreed that something probably needed to be done for the amenity of communities. Local councils had a very different lean and a very different contribution to what some people in the private market had as well.

The opposition were speaking a little bit about taxes there, and I just wanted to put on the record that since coming to government we have cut or abolished taxes and fees 64 times – that is 64 times since coming into government. This includes increasing the payroll tax-free threshold four times since coming into government, so fewer small to medium-sized businesses pay any payroll tax at all. In last year's budget we committed to increasing it twice more, lifting it to \$1 million so that 6000 businesses – about 15 per cent of all payroll taxing businesses – will no longer pay a percentage of payroll tax. We have also cut the regional payroll tax. That is just one-quarter of the metro rate, so that is now just 1.2 per cent, and that is easily the lowest in the country – and that is a fact. The priorities of those opposite lie different to us, I understand that, but we do actually have to maintain our integrity here and speak the truth.

In closing, I would say that in the consultation sessions that I chaired I appreciated the candour and I appreciated the honesty of the people involved in those and the people that represented their agencies and institutions. I learned a lot, and I think that there were some great people trying to meet in the middle on issues as well. But one thing was for certain and that was that there was no denial of the fact that Victoria does have a housing crisis and Victoria must do something about it. I think today the people who might even be watching this can appreciate that this government has had to take some action to make things happen and to do the right thing by our community, because that is why we are here: a community has come to us and said, 'I need a roof over my head.' We have a housing crisis. We must do things, and we must do whatever we can to actually solve those problems, not just sit there, have a big headline and say, 'That's the one thing we're going to do.' I appreciate that we are a government that can be flexible enough to make sure that we will pull every lever possible for our communities to engage them and have the best outcomes. I commend this bill to the house.

**Emma KEALY** (Lowan) (11:53): I rise to speak on the Short Stay Levy Bill 2024. This is a very significant bill for rural and regional Victorians. It is not just about access to holiday accommodation when you are trekking around regional Victoria – and I will give a plug to my beautiful electorate of Lowan, which has some of the best natural resources and natural environments for people to come and visit. It is also an attack on the businesses that rely on tourism. It is an attack on the jobs that are created by these small-scale tourism operators, and that is exactly how they should be considered. It is an attack on women, given women are the predominant hosts – in fact 65 per cent of Airbnb hosts are women. This is definitely a women-dominated industry because it provides the flexibility of opening and running a small business, of making sure that you are bringing additional finances into the family home or that you are ensuring you have got your own financial freedom to be able to do what you need as a single woman, as a single mum, as someone who has gone through a marriage breakdown or as someone who is looking for a financial pathway to escape a violent relationship. The other important part of short-stay accommodation in Victoria is that it is a very, very important stockpile of emergency housing for victims of family violence. I would like to go through all of those different aspects, but for that reason I oppose this bill and I support the reasoned amendment put forward by the member for Sandringham in his contribution.

Firstly, I want to speak to the impact that this short-stay tax will have on regional Victoria. As I noted, 42 per cent of Airbnb listings are hosted in rural and regional Victoria. These are in areas where it is simply not commercially viable to put a large-scale hotel, motel or caravan park, which are all businesses exempt from this tax. These are areas where there simply is not the weight of numbers to be able to provide that type of accommodation. So when you put an additional tax on a very small portion of the accommodation sector, on the holiday sector, what you are doing is putting a huge lever in place that says, 'Don't go here. Don't visit here. Don't spend your money here.'

This will affect the rural and regional Victorians who are the hosts of these businesses, but also the people who own the local coffee shops and restaurants or have little boutiques – they might have a

homewares shop – all of those little quirky places we have got in our communities. I think of Dimboola's Imaginarium, which is the most phantasmagorical place you could ever go to. I can see that there are nods around the room from people who have attended that fabulous business; it is an amazing location. But you cannot stay in one of those big commercial entities that are exempt from Labor's short-stay tax in Dimboola. You have to stay in short-stay accommodation. It is a tax not just on the host but a tax which attacks the communities that rely on this form of tourism to be able to support the local economy.

I would like to go back to the member for Frankston's comments, because he made some very, very interesting quotes that I think reflect very badly upon him. He did say that he would like to maintain integrity and speak the truth, yet he quoted Airbnb and said that they were supportive of this legislation. That is absolutely incorrect. The member for Frankston said that Airbnbs were supportive, and I stand by that comment. If the member for Frankston would like to rephrase his comments or withdraw them, then I encourage him to do so. I will now take a comment that is on the public record from Airbnb. It states:

Airbnb has long advocated for a small levy, paid for by the guest at the time of booking, that goes into affordable housing. We need to build more houses and this is a way to raise much-needed funds to do that ... However, 7.5% is too high and will jeopardize Victoria's ability to attract tourists to areas lacking traditional accommodation and penalize families looking to travel as cost-of-living pressures continue to bite.

**Paul Edbrooke** interjected.

**Emma KEALY:** Apparently now the member for Frankston – I will take that interjection – wholeheartedly agrees with that statement. Airbnb do not support a 7.5 per cent tax on –

*Members interjecting.*

**Emma KEALY:** I have just read the quote in, and I am getting lots of objections from members on the Labor side of this house.

**Paul Edbrooke:** On a point of order, Acting Speaker, the member for Lowan well knows not to misrepresent other members of the house.

**The ACTING SPEAKER (Paul Hamer):** It is a point of debate.

**Emma KEALY:** While maintaining integrity and speaking the truth, I would reflect on what the member for Frankston has said and is trying now to hide and the comments by Airbnb that show that they are absolutely not in support of this bill. Any words that are in that line of debate today are absolutely misleading the Parliament of Victoria.

I would also like to speak directly to some of the issues that this tax will have an impact on in my community. We have a significant shortage of emergency housing for family violence victims. We simply have nothing available, and so often it is victims of family violence that have to move hundreds of kilometres away with their kids, often with no notice to their children. To put them in a strange environment with no supports around them is not best practice. It is not what the Royal Commission into Family Violence recommended, and it is not what Victoria should be doing.

I spoke to one local host of an Airbnb property in Horsham just this past week. They have somebody who is currently staying in their accommodation for two weeks. They have not booked it in their own name; it was booked by Victoria Police, and that is simply because there is no emergency accommodation available for family violence victim-survivors in the region. There is nothing at all. If short-stay taxes are put in place, it will shrink the options for family violence victims to find shelter. It will force them to stay with their perpetrators for longer or will render them homeless. That is not an outcome that any member of Parliament should be supporting in this day and age when we know family violence is such a critical issue in our communities.

I would also like to get on the record some of the views of the regional tourism boards. Again, the member for Frankston raised some of the regional tourism boards that he had met with. I have got feedback from Grampians Tourism. This is an organisation that have done an amazing job, and they now are representing not just the Grampians but also the Wimmera–Mallee. Their view was not supportive of Labor’s holiday tax. I will read it into *Hansard*:

In summary, this new policy will only serve to make Victoria a less attractive and more expensive destination – all of this occurring when cost of living increases are beginning to impact on the rate of visitor spend, particularly in regional Victoria and at a time when we see our own occupancy levels down 30% and YoY visitor spend down 70%.

And it will be regional Victoria that will be hit hardest by this measure, given the limited options of traditional commercial accommodation in our region. If customers do not want to pay the 7.5%, metro Melbourne has a plethora of other options that consumers can consider; but in regional Victoria, those same options are not necessarily on offer, particularly in places like the Grampians & Wimmera Mallee as we rely heavily on short-stay accommodation as a critical component of our accommodation supply.

...

It is my understanding that none of this money will flow back into tourism ...

This is a very bad move by the Labor government. For our region, it is not just metro Melbourne that we are competing with, who have those large-scale commercial holiday providers, it is also South Australia. You can simply nip over the border for your local holiday and know that you are going to pay at least 7.5 per cent less than if you had stayed on this side of the border.

This is a terrible, terrible tax that Labor is putting on Victorian people. But of course it is a tax that we know Labor will mismanage, because Labor cannot manage money and they cannot manage projects and every single time Victorians are paying the price. In this instance it is rural and regional Victorians that will pay the price, and not just the hosts of short-stay accommodation. It is our local communities and businesses that rely on that tourism stream and visitors to our region. It is people who are looking at escaping family violence situations and having a safe roof over their head. This is an attack on women in small business, who are the majority of hosts of Airbnbs. I condemn the government, and I support the reasoned amendment.

**Daniela DE MARTINO** (Monbulk) (12:03): I rise with pleasure to speak on the Short Stay Levy Bill 2024. This bill, once passed, will create a new act, and it will amend the Owners Corporations Act 2006 and the Taxation Administration Act 1997. I have quite a bit to say about this, but before I begin, I would like to touch on some contributions which have occurred in the chamber over the course of the past 20 or so minutes. I would like to begin by echoing the member for Frankston, who said that we currently have a housing crisis and we need to pull all the levers as a government. We can walk and chew gum at the same time. There is no one simple solution to the situation that exists, and therefore we must pull a whole range of different levers to address this matter, which is serious. It affects the constituents across all of our electorates. It is incredibly important that we as a government are doing something in this space, and this is one piece of the puzzle. This is one way to try and address the matter of housing and the lack thereof for people, especially when it comes to rentals.

I also would like to touch upon his contribution when he was discussing his consultation with Airbnb. It was incredibly difficult to hear the contribution given the very loud interjections, which barely allowed the member for Frankston to finish his first sentence. I could hardly hear it, and I have a speaker right here next to my right ear. I would like to just make the point that the member for Frankston was not actually talking about Airbnb’s comments specifically on this bill, he was talking about his consultation with them. I do not believe the members opposite who were interjecting at the time were in the same room as them, but the member for Frankston was, and I am sure that within the next few hours, when *Hansard* becomes available for all of us, the facts of what was said on the record will bear themselves out.

There are a couple of other matters I would like to talk about. I would like to address the member for Lowan’s very real concerns. I understand the concerns and I would like to assuage her concerns about



crisis accommodation, because they are exempt from this levy. So I will read through the exemptions of this levy. It is incredibly important that this is on the record. The levy will not apply to –

*Members interjecting.*

**Daniela DE MARTINO:** Maybe if those opposite listened they would actually hear what the levy will not apply to. It will not apply to rooming houses, retirement villages, residential care facilities, supported residential facilities and temporary crisis accommodation. It will not apply to temporary crisis accommodation, and that is incredibly important. It is important to me as well. It is important to all of us here. I am offering this information here. I have had it confirmed: it will not apply to temporary crisis accommodation.

I will now delve a bit deeper into this. It is a 7.5 per cent levy on short-stay accommodation which commences on 1 January next year. It has been a year since we announced the housing statement, and this policy is aiming to encourage property owners to transition short-term rentals into longer term rental opportunities.

In the regions there is an issue. I know there is an issue for me in outer parts of my electorate where businesses are struggling with workforce to try and attract people because they cannot stay there. There is nowhere for them to rent long term. This is a problem, but there is a slew of Airbnbs. So it is actually having a deleterious impact on businesses as well. Those opposite like to champion themselves as being in the corner of business. Well, I know businesses who have said, ‘We can’t find accommodation for our workers.’ It is also important that that is part of the exemption. Worker accommodation will be exempt from this levy as well. This is sensible. It is a sensible levy, and it takes into account real-life situations where we do require some short-term accommodation and they are therefore exempt. We deal with nuance on this side of the chamber, not merely black-and-white terms on everything, and that requires sophistication and a little bit of panache as well, which I think we definitely have.

It is an important levy, and there is a global trend of this. Look at most countries in the world, and if they have not done it already, they are in the process of doing so. I have to say there is a need to disincentivise short-term rentals by making them less financially appealing compared to long-term leases. I know somebody who actually went and rented places to live in and then let them out as Airbnbs. That became her full-time occupation. People were not able to live in those. Families were not able to –

**Emma Kealy:** How dare a woman be an entrepreneur.

**Daniela DE MARTINO:** I take up that interjection from the member for Lowan, and I do not actually think it matters. I was a small business owner, and I would like to see the hands raised in the chamber of how many of those opposite were. I employed 30 people at one time. I had two businesses running, and when they were running in parallel I employed about 45 people at the one time. I can speak to running a business; I can speak to a number of issues. And guess what happens when you run a business and the situation changes around you? You pivot, you adapt and you improve.

When you are in business you have to adjust. I will also say that when you are in business sometimes it can be challenging. But when it comes to a 7.5 per cent levy on an average \$200-per-night stay – I can do the maths really quickly – that barely has an impact on the price of the stay. If I am able to afford to pay \$200, I can pay the 7.5 per cent more for that evening.

I will say – I am talking about \$210 a night – the levy is being collected by Airbnb. When I book my accommodation on Airbnb, everywhere they charge a cleaning fee; there are all these fees added on, depending on where you are. There is a total amount. The total amount is the amount I know I have to pay. If I am overseas in Europe, there are tourist taxes there. This is different to what we are doing. The tourist tax applies to every form of accommodation that you stay in. This Airbnb levy only applies to short-term rentals, but there are many exemptions, which I have read through.

I do have to say the 'why' about this. The why is because we need to free up some of these short-term rentals, which have exploded over time and which have diminished the number of accommodations available for people – for families, for single parents, for women over 55 who are struggling. There are countless stories. You do not need to delve far to hear the stories of how people can no longer live where they work because they have lived in tourist towns where now that market has been soaked up by Airbnbs. The head of a hospital, one of the nurses in charge, up on the New South Wales coast ended up living in a tent because the majority of the properties in her tourist town, where she had lived for years and years, were converted to Airbnb short-term stays because they were more financially profitable. She had to live in a tent – a full-time, registered nurse, and that was her accommodation choice.

I know that is not an example I am giving of here in Victoria, but it was one of the first I read that stuck with me. That is why this is important – because not only will it help with that, it will also add a considerable amount of money to Homes Victoria. We have important work to do. This is expected to collect about \$60 million, and that money is going to go into Homes Victoria. That is going to assist them with their important work as we seek to create more homes for people who deserve to live with dignity and with surety and to not always worry that they are going to have to leave in 12 months time or to worry that they will not find the next place to live in.

It is incumbent upon all of us to think about broader society and what is in the best interests of all, not the few. And it is disappointing that those opposite can take such a black-and-white approach to something – but then again, it is not surprising. I commend this bill to the house wholeheartedly.

**Sam GROTH** (Nepean) (12:13): I am so glad I get to follow the contribution from the member for Monbulk on what is the government's holiday and tourism tax that they are introducing, their 55th new or increased tax since they came to government. Before I get to the member for Monbulk's contribution, I just want to touch on something that the member for Frankston said. He said that a good government has to use the levers to take action. Now, just for the member for Frankston's information, back in 2018 industry actually put a paper to the government, the government that was in power at the time, saying to them that they needed some regulation within the short-stay sector. And do you know what the government came back and said to industry? 'The market will deal with it itself.' Six years ago the industry actually recognised that there was going to be an issue with this, and those on the other side rejected that claim. And so what they do is they wait until there is a housing crisis that has been created on their watch – on their watch over the last 10 years. And what they do is what they always do; there is not a single original thought from a single member on the other side of the chamber. They pull the lever that says, 'Let's tax Victorians once again, and this time we're going to make it a tax on those that decide to take a holiday in regional Victoria.'

Now, I am glad the Minister for Tourism, Sport and Major Events is on the other side of the table here, and I do hope he is going to make a contribution on this bill when it comes to the impacts on the tourism sector. We saw a release put out by the Victoria Tourism Industry Council (VTIC) just two days ago on the imposition of this tax. We know from data collected from those who either own Airbnb properties or stay in Airbnb properties that this will do absolutely nothing to help the long-term rental market and it will do absolutely nothing to help those tourism businesses, those hospitality operators and those who operate tourism attractions who are already struggling.

People in Victoria are absolutely battling with a cost-of-living crisis. When people see their mortgages go up, they see their taxes go up, they see their gas bills go up and they see their electricity prices go up, do you know what they do? Mums and dads at home have to run a budget. When they get their weekly pay cheque and they have a couple of kids they run a budget. They know how much they are spending each week. They save and they put that money away and they decide to go on holidays, and this is what they have said. Fifty-one per cent of respondents who use short-stay accommodation when they go out to the regions have said that if this tax is imposed, they will reduce how often they travel and how much they spend. Fifty-one per cent, so one in every two, of users of short-stay

accommodation have said they will travel less or they will reduce their spend in those areas that are already struggling. Fifty-five per cent have said they would shorten the length of their stay.

Regional Victoria is already battling to get people back into the regions following COVID. This 7.5 per cent tax will add \$156 to the average short-stay. That is dinners in pubs. That is coffees and breakfasts in restaurants. You are forgetting that it is not just the people who travel. The money they spend directly impacts tourism businesses in the regions if people are not coming in and spending. The member for Monbulk said, 'I've employed people in business. We can't employ staff.' If people are not coming into your business, you will not have a business to run. You need people coming in and spending to keep your business afloat.

**A member** interjected.

**Sam GROTH:** They will not. They are saying they will not come. You have absolutely nothing. There has been no modelling done. I do pick up from the minister for tourism a comment that he made that was played on Channel 9 news last night where he said:

7.5 per cent is not the make-or-break point, I don't think.

It is either the make-or-break point or it is not, because you have the data, but he said, 'I don't think.' Has there been any consultation done?

**Steve Dimopoulos** interjected.

**Sam GROTH:** You said, 'I don't think.' Have you spoken to anybody? Has the minister spoken to anybody?

*Members interjecting.*

**Sam GROTH:** He has spoken to VTIC; I will take that interjection. VTIC is in no way supportive of this.

I can say that the short-term accommodation sector and all of those stakeholders involved absolutely would love to see some regulation within this sector. I think we can all agree that some regulation in this sector would go a long way to improving some of the stays that people have in regional Victoria. One in seven businesses in Victoria operate in the tourism sector.

There are over 250,000 people employed in our visitor economy, and 118,000 of those are in regional Victoria. We want to talk about those people that this is going to affect. It is going to affect those mums and dads and families. Eighty per cent of travellers to regional Victoria are Victorians. They are people travelling within our own state, and they are the people who are going to be paying an extra cost on everything they do every time they go to stay in regional Victoria in short-stay accommodation. They are the ones that are going to be paying this. This government has nothing else in its powers and no original thoughts on how to turn this state around other than to pull another lever on tax, because of the financial mismanagement that they have shown over the last 10 years. Jobs are going to be affected by this. When you talk about who is going to pay it, it is going to be Victorians. Victorians are going to pay it – 7.5 per cent.

We can question the constitutionality of the tax and all of those things that we have heard from the member for Sandringham, the Shadow Treasurer, and I fully support his reasoned amendment and our opposition to the bill. The member for Monbulk wanted to speak about regional jobs – jobs for those people that are going to be affected. What about when you start to pull the minimal number of properties? I think, based on those surveyed who have short-stays, between 1 and 6 per cent may think about moving their properties to the long-term rental market. That is not even mentioning when we questioned the government in our bill briefing.

They have absolutely zero modelling when it comes to how many properties would actually be going back to the long-term rental market. They could not provide a number, and they would not provide

any of the modelling. But how many properties would go back to the long-term rental market from the short-stay market by the imposition of this tax? It is purely a tax grab. If there are places that go back, what happens to the jobs of the people in regional Victoria or who work in short-stay accommodation who do the laundry for the properties, who clean the properties, who do the garden maintenance on the properties, who clean the pools? We are talking about small business owners who work directly with the short-stay sector to provide services. They employ people; these people employ people. The other side say they care about jobs. What about the jobs of all those people that may be affected by any imposition that this pushes onto the sector?

This government has no regard for the tourism sector in this state. Our visitor numbers are stagnating. They are not catching up. We are recovering slower than every other mainland state in Australia. We are behind New South Wales. We are behind Queensland. Queensland has gone and put the same amount of money into destination marketing – there is \$17.5 million for destination marketing, which actually directly provides the opportunity for regional Victorian businesses to advertise themselves both here in Victoria, domestically and internationally; they have absolutely trashed that budget and sucked so much money out of it – in a single campaign over the last three months as this government is due to spend over the next three years. Tell me how that is giving any support to those small business operators in the tourism sector.

I also want to ask, when you talk about our relationship with other states: what about our border communities? When people have the opportunity to go up to Albury–Wodonga, to Echuca–Moama and to the New South Wales–South Australian border, where do you think people are going to stay? Are they going to stay in Victoria, where it costs you an extra 7.5 per cent on your total booking, not just on the night's accommodation but on the booking fee, on the cleaning fee, or are they going to take a 5-minute drive across the river and go and stay in New South Wales and make direct investment into the New South Wales visitor economy? Why would anybody in their right mind stay on the side of the border that is going to charge you an extra 7.5 per cent tax?

No-one on that side of the chamber has a single original thought other than the imposition of another tax when it comes to the tourism sector. It is going to affect our hospitality venues, our cafes, our restaurants, our pubs and our tourism attractions. It is going to affect those people that it employs. Every single one of you on the other side: when people from your electorates go and travel out to the regions, they are the ones that are going to be paying the price. They are the ones that are going to be paying the price for 10 years of absolute incompetence from this government, and now you are coming after those people who want to save their money and go out and travel to regional Victoria.

**Josh BULL** (Sunbury) (12:23): I am pleased to have the opportunity to contribute to debate on the Short Stay Levy Bill 2024. It is always good to be reminded of original thoughts and original ideas from a team who for four miserable, lazy years did not manage to open an envelope; they were lucky to open a sauce bottle on that side of the house. We on this side of the house are of course committed to ensuring that we are working for and with all Victorians and making sure that we are providing a range of options and opportunities for housing in this state. We know that this piece of legislation, the Short Stay Levy Bill, introduces a 7.5 per cent levy on short-stay accommodation from 1 January 2025, announced in what was the housing statement.

I do want to go into quite a bit of what is contained in the housing statement, obviously that being the genesis of the legislation that is before the house this afternoon. We know of course that short-stay rentals have become a popular feature of the visitor economy, and they have in many instances resulted in the reduction of the availability of properties to be used for long-term accommodation.

This piece of legislation, as do so many of the initiatives, programs and projects that we bring to the chamber and across the government, brings a real solution to the challenges that we face, not running in here and on one hand promising all sorts of things, voting one way and then going out to the community and saying another, but delivering important, tangible solutions to the challenges that we face. Bringing in a suite of reforms to create more homes, more opportunities and more options for

those that are experiencing vulnerabilities in their lives, while also creating a range of options as people move through various stages in their lives, is important and is something that the government is committed to.

We are working with the sector, partnering with industry and making sure that we are, as has been mentioned by my good friends the member for Frankston and the member for Monbulk, using those levers and providing a range of opportunities to increase supply and ensure that we are doing those things in a practical, tangible and sensible way. Of course we know there is an alternative approach. That is to at every opportunity undermine good policy, at every opportunity run scare campaigns and at every opportunity go out into the community and promise things that you simply cannot deliver.

I did reference earlier in my contribution the housing statement, and I want to speak about a number of initiatives that are contained within that. One of the recommendations that was provided within the housing statement was the legislation that is before the house today. We know that the more than \$5.3 billion in the Big Housing Build, delivering more than 1200 social and affordable homes across metropolitan and regional Victoria, is critically important. More than 820 construction sites across the state, more than 10,000 jobs a year, 7600 homes in planning and construction, 2800 households – making sure that we are providing those options and that increase is incredibly important.

We know and understand that that diversity, as I mentioned earlier, as people move through different stages of their lives and experience vulnerability and need support is something that this government is committed to. Making sure that we are providing a range of options is something that we know and understand is incredibly important, whether it is in transport, whether it is in health or whether it is in education. Providing for those homes and those opportunities and, as I am sure all members of the house do, moving around local communities and speaking to people about housing is an incredibly important role and responsibility. But what is more important than that is bringing solutions to the table. We have outlined within the housing statement a range of initiatives both in terms of clearing the backlog and making big decisions faster. We are increasing housing choice in activity centres and making it easier to build a second, smaller home with faster permits and planning certainty. That large suite of reforms to the red tape commissioner – converting commercial buildings to residential, providing quicker connections to utilities like water and more resources to support faster and fairer planning systems – is outlined within the housing statement. It is the genesis of the legislation before the house today.

We know and understand that there is always more work to be done, but what this piece of legislation does is provide those necessary funds to support those that are experiencing some vulnerability but also provide more supply and more stock to market, making sure that those houses are in regional Victoria, in the suburbs and right here in the heart of the CBD. We are a team that is committed to working with communities right across the state, with local government and with industry to ensure that we are doing every single thing that we can to get those options and safe, affordable premises to as many Victorians as possible.

On one hand, what we see from those opposite is a constant push, if you like, a constant call for more to be done within this space. But when you dive down into the detail, when you have a look at the housing statement and when you have a look at all of those reforms that I have just gone through and the many, many more that are contained in the very comprehensive statement – this goes to planning, supply, capital, funding and working with other partners within industry and across government to make sure that those options and opportunities are there – this is something that we are committed to.

What we know through both growth and our investment in transport and planning is that not only is ensuring that the home and the opportunity that is provided fundamentally important, but it is having the ability to move on and move around the community – those transport networks and the new connections that are provided. This was also alluded to quite comprehensively in the statement, I would say at around part 2 or 3, which looks at what an investment is in a public transport network.

The Metro Tunnel, which we have spoken about at length, and a whole range of investments that go to getting Victorians to where they need to go safer and sooner are things that are incredibly important.

I do just in the last couple of minutes want to talk about some of those reforms that are also contained within the statement which go to the diversity, the new mix of housing options. The social and affordable element I know is something that is incredibly important to my local community, and I do just want to take the opportunity to thank all of those that work in the sector – all of those staff who do a wonderful job in supporting those who are working towards securing a home – and those who are experiencing new challenges and vulnerabilities as they move through our community.

This forms what is a very comprehensive package – the \$5.3 billion investment, the planning reforms, the reduction in red tape, the streamlining of a process. What we have seen certainly through the Minister for Housing and the Minister for Planning and others is of course a targeted approach to get on and deliver more stock to market so that people have a real opportunity, a practical opportunity to get a safe and affordable roof over their head to support their family and so that we can make sure we are listening to and working with communities at each and every opportunity. That is why this bill enables a further the mechanism for supply. We know and understand that these are the decisions that have to be made and the decisions have been made in a rightful and respectful way, and for those reasons I commend the bill to the house.

**Cindy McLEISH** (Eildon) (12:33): I am pleased to be able to rise to make a contribution on the Short Stay Levy Bill 2024. The reason I am pleased to do it is because this is another tax and another demonstration of the Labor government's inability to manage money and manage their budget. This is the 55th new or increased tax from a government that said there will be none. Now we have got another levy, a 7.5 per cent levy on all non-commercial Victorian short-stay accommodation from 1 January 2025. It is also going to expand the powers of owners corporations and green-light councils to regulate and tax the short-stay sector.

The lead speaker, the Shadow Treasurer, has put forward a reasoned amendment because there has been, again, inadequate consultation. Again we have not seen any of the modelling and projections that the government is relying on, and we would like to see them work a little bit more closely with the short-stay operators. I fully endorse the reasoned amendment put forward by the Shadow Treasurer.

There has also been a question about the legality here: is this constitutional? We know that the government last year were forced to scrap their tax on zero- and low-emission vehicles because the High Court made a ruling to say it was unlawful, saying only the federal government had the power to establish such an excise. The government just say, 'No, this is constitutional,' but they have not given us any advice. I would like to actually see the advice, because I am not really keen to just trust their word without it being backed up.

The context around this bill is an enormous government debt heading to \$188 billion. That is unheard of. That is worse than the Cain–Kirner days. We have budget black holes opening up already – and potholes opening up already too, which seemed to get missed in the budget. We have got a housing crisis. We have got a housing crisis on many levels. We do not have enough accommodation. We do not have enough social housing. We do not have enough accommodation for people who are coming to this country to live. People who are moving to country towns cannot find accommodation as it is. And somehow the government thinks that this tax is going to help the housing crisis. When I listen to the government members as they make their contributions, they are all using the word 'levers', so I figure that is in the speaking notes that have been prepared for them, because I do not really hear them talking about economic levers ordinarily. Apparently it is going to collect \$60 million per annum, but we will wait to see how that will go.

The Airbnb listings and short-stay accommodation listings that fall under this category – the government I think are reporting about 50,000, and maybe half of those are in country Victoria. I

would like to think that half of the money is going to come back to country Victoria. It is not exactly huge money in terms of government spend. It is only millions, not billions, we are talking about. If 25 per cent goes back to regional Victoria, well, that is \$15 million, and that is not really going to go terribly far.

We know also that the Treasurer is on a collision course with other cabinet colleagues, trying to rein in their spending because they do not know how to do it. The Treasurer I think is beginning to understand that really some more work needs to be done to balance the books and manage the books. If we have got this short-stay accommodation levy, who does it hit and what does it really mean? Who is it that uses these properties? I have heard that many people actually use these properties, not just holiday-makers. We have family and domestic violence victims using these properties as a means of emergency housing. If you have a look at the government's detail in the budget about how long people who flee domestic violence are waiting for properties, it is two years. We have got an issue here: the government do not understand the difference between their agenda of trying to open up properties back to the longer term rental market and exemption. We are not talking about exemption. We are talking about properties coming back to the market – to the rental market or even to be sold. We have got police who are contacting and booking these properties because it is the only emergency accommodation available. It does not matter whether they are exempt or not, these properties are being used for specific purposes, and they are not going to be returned to longer term accommodation.

Also when we look at Airbnb properties, whether they have been there for victims of family violence or not, this is a bit of a tax on women, because 62 per cent or 65 per cent I think of hosts are women, and a lot of the people that are involved in the turnaround and cleaning between one tenant or holiday-maker or person who is using it on a short-term basis and another are usually woman.

We have people who are using these properties who are workers coming for short-term work on different projects. You see in country areas if they are building a particular bridge or doing a major road build – which has not happened for donkeys in my electorate – that the workers will find somewhere to stay because they need to have somewhere close. We had a big project in the Upper Yarra dam where they pretty well rebuilt the wall, which was an enormous project over a couple of years, and they would have been looking for this type of accommodation.

I have had a lot of feedback, because the government thinks that these properties are all going to go into the longer term rental market. Brian from the Upper Yarra tells me that he and his wife have three self-contained units that they have been running for 16 years. He said:

Our permit to operate from the Shire of Yarra Ranges only allows us to have guests for a maximum of 14 nights ...

They are not allowed to have long-stay or permanent tenants, so these are properties that are not going to be returned to the longer term rental market. He is very concerned about this 7.5 per cent tax that will be collected.

Tony from Marysville has been operating properties for quite some time – cottages. He is talking about the same issue as Brian and says:

I can't rent my cottages out permanently because my business permit doesn't allow it ...

This is a Murrindindi situation and a Yarra Ranges situation. It is the same. They have permits to operate which give particular conditions.

Some people may know Woods Point. Woods Point is quite remote. It is a very small community in my electorate. It is way beyond Mansfield, probably an hour and a half on a dirt road. There are only 27 people who live in Woods Point. There are not a lot of work opportunities, but there is a pub and there is a shop and there is a police station, because it is a very popular destination for people who

want to do activities in the great outdoors. A lot of hunters, fishers and shooters go there. This is from Amy:

We purchased this house to run an Airbnb to support my family and help us to be able to afford to live in this remote town.

They also wanted to support tourism in Woods Point and to keep the other jobs. They wanted the hotel to stay in business. They wanted the shop to stay in business. This tax is going to put a strain on her mentally and financially. She really wants the government to rethink this tax, because it is going to be mums and dads who are hit with it if it is for the holiday accommodation.

I do know that not everyone is a fan of Airbnb. I, like many others, have had a number of challenges that have been brought to me. A couple of them are from Healesville. We have got a particular street, Newgrove Road, that has quite a lot of properties. Over the years there have been party houses that have caused a lot of problems with the number of people, the noise, the parties at all hours of the night and the parking issues. There is a lot of stress. I have heard of people urinating in driveways where there are little kids' bikes and things like that. People who are going to those party houses do not respect them. I know council have a greater role to play, and I know council have tried to work to resolve these sorts of issues. These are the sorts of regulations that really could be improved to make it a better experience for everyone, because Airbnb is certainly here to stay.

This tax really is tackling the tourism industry. It is not tackling it – it is putting a big dent in it. The Victoria Tourism Industry Council are really disappointed with it. I am pleased to see that the Minister for Tourism, Sport and Major Events is in the chamber listening to our contributions, but I understand that he is declining to speak on this bill. I know that the tourism industry would be dying to hear what it is that he has got to say. They think that this is a very negative tax on their industry, which is really struggling. We have had tourism way down in so many areas, and this is going to make it worse.

**Nathan LAMBERT** (Preston) (12:43): I rise to also support the Short Stay Levy Bill 2024. There is a lot to say about this important reform from the Treasurer, but I will try and restrict myself mainly to remarks which reflect the perspective of those in Reservoir and Preston. The bill obviously raises revenue to support social housing, which is very welcome, but of course its key effect is also to increase supply and thus ease affordability pressures. Other members have sort of spoken about the regional effects, but if we just think of Melbourne, it certainly does that in quite a geographically specific way. There are obviously lots of short-stays in the CBD, and there are certainly hundreds in places like Collingwood and Fitzroy. As you come out through the northern suburbs, it is true that the amount of Airbnbs and short-stay accommodation reduces. I think in Reservoir there are about 25 or so.

Before I get to those geographic specifics I do just want to talk about housing affordability generally. It is a very significant issue in the community. There are some researchers. Ben Phillips at the Australian National University often points out that if you look at mortgage payments and rents as a percentage of income they have gone up but not dramatically over the last 30 years. But I think it is very important to remember that things have changed a lot. Most obviously interest rates are now lower than they were for those who remember the early 1990s, and therefore as a result asset prices and housing prices are a long way up. Certainly when we talk to people in Preston and Reservoir about that there are three particular aspects that concern them.

The first is the impact on deposits. It is much, much harder now to save up the money for a deposit than it was 30 years ago, and I think there are some questions there for our federal colleagues, who are responsible for prudential matters, about whether there is further work that can be done in terms of some sort of general insurance scheme or a way to alleviate that issue. But it certainly is an issue in our community.

There is also the very important issue of providing security for lower income renters, and of course this Allan Labor government has taken big steps forward in that respect. Just last sitting week we were talking about the Minister for Consumer Affairs' bill that provides support to those in residential parks,



which I know the member for Laverton helped lead. And also of course increasing rent assistance is really important – I think underrated sometimes – and one of the most important things you can do for housing affordability, and we commend the federal Labor government, which has just done that.

Outside of those specific issues that people often raise there is of course a general issue with affordability. The member for Frankston I thought spoke eloquently about that. But I would also like to make a point that I know that they make at the Grattan Institute, which is that anything we can do to reduce the cost of housing has a really profound effect because housing is such a large part of most people's budgets. And of course we are living through an era where those budgets are under considerable financial pressure.

A key part of reducing costs is increasing supply. We know that if you restrict the provision of a good, its price goes up. If there is a cyclone in Far North Queensland, we all pay more for bananas, and if you restrict the ability to build houses, they will be more expensive. There are perhaps two important qualifications to add to that. The first is that it is particularly consequential if you restrict housing in areas where there is a very high demand. There was a slightly infamous case last year where I think people wanted to heritage protect the former car park of the Royal Women's Hospital, which people at Melbourne University or in Carlton might know well. We just know that the effect of that sort of thing would be very profound if the intention was to prevent any housing being built there, on a site that we know would be taken up by literally hundreds of people if it could be.

That is less true if you go back to, say, Ninda, which is the very small farming community where I started out. Because of rising agricultural productivity there is no longer a large demand for houses in Ninda, and you could change zoning all day long in Ninda and I do not think people would build new houses there. If anyone is interested, you can still rent our old farmhouse for about \$50 a week. But I do make the point that there is a big difference between what might happen in Carlton and Ninda.

I will make a second point briefly that this government is by no means saying that planning is not important or planning does not deliver real benefits for the community. Most obviously, property developers do not pay the full costs of the impositions they put on the community in terms of extra service provision. They certainly do not pay those costs directly – the government does – but they often do not even pay them indirectly through lower prices, because it is very hard for people buying a new property to fully understand the effects of possible future restrictions on service provision. That is especially important with transport infrastructure. Transport infrastructure is very expensive to retrofit, as we know. We would all love it if developers built all of their homes close to mass transit hubs with lots of spare capacity, but in the absence of planning laws, we know they will not do that, and there are examples all around Melbourne. Certainly if you look at the extensive townhouse development that has occurred in eastern Reservoir, most of that development is more than 1 kilometre away from any of our train stations. Congestion is becoming a real challenge at Boldrewood and Plenty, at Broadway and High and at Hickford and Cheddar, and that cost is being borne by our residents, not by the developers that built and sold the townhouses.

I just make this point because sometimes the more radical activist groups, YIMBY Melbourne – I have a lot of respect for them, but they really push for liberalisation of planning everywhere and equally. I make the point that the benefits, as I think we all know, are greatest in the expensive, inner-city suburbs, where you can often go from currently single-storey buildings to six or eight or 10 storeys and where they are already very well served by transport options. As you move away from the CBD and you come north through the northern suburbs, that balance does change a little. I was speaking to a developer who made the point to me that putting a lift into a building is expensive, but that lift costs the same amount whether you are putting it into a building in East Melbourne or you are putting it into a building in Berriwillock. In East Melbourne you can sell the apartments for a lot of money and recoup the cost of your lift. In a small country town you do not. And if you come to somewhere like Reservoir, at the moment it is probably about 50–50.

I was talking to one of our local residents, Angela Villella, the other day about the fact that it is still relatively hard to find an apartment in Reservoir if you want to buy one, not because of planning restrictions but just because it is still not quite economically feasible really to build that form of housing; it just does not quite stack up economically. I say all that because I think it is very important to understand that as our important reforms which increase supply play out, we do expect that the greatest uplift will occur closer to the city, and that will then allow all the rest of us to perhaps live a little closer in. That is certainly how residents in Preston and Reservoir see it. They understand the benefits of living in places like Collingwood or Fitzroy. Some of us have lived there previously. You can walk to the MCG. You can walk to world-class galleries. You can go to Gertrude Street Yoga and then to the Carlton Gardens. You are within walking distance of literally thousands of varied workplaces, including of course the workplace that all of us stand in today. It is great if you can walk to all those things. For most of us, me included, you cannot. You have to get on a train or your bike or your car and drive in, as I have done this morning. But that is totally fine, and people in Preston and Reservoir are totally fine with that. There are many huge benefits to living where we are, but the thing we would say is it is most helpful if that extra density goes in close to all those things I have just mentioned, because that lets those new residents walk to those things and means the rest of us do not face any additional challenges or competition as we catch the train or drive our cars in to access them ourselves. For that reason I think residents in Preston and Reservoir strongly support this bill, and that comes back to where I started.

It is of course a bill that will particularly increase supply in those suburbs I talked about at the start where there are a lot of Airbnbs. That will be great for increasing supply there, reducing housing pressure there, and as I just set out, it will stop there being any extra pressure on those transport links that then take you further north through the northern suburbs to Preston and Reservoir and indeed to Thomastown and Epping and the other great suburbs that are represented by the member for Thomastown. That is I think the general perspective of support that we bring to this bill, and certainly we would oppose the reasoned amendment. As is sometimes the case with the member for Sandringham's reasoned amendments, it is the kind of reasoned amendment you have when you do not have a reasoned amendment. It calls for further consultation and data and so forth, but I think it did not really address the substantial impacts and intentions of this bill.

Briefly, in the time I have got left, I will note that we do have some further planning exercises going on in Preston Central in particular as part of our housing statement. We have there a community reference group who are doing some very important work there. At another opportunity I will pass on their feedback on issues like social housing and the priority waitlist, which are very important to them, and issues like tree cover, which is important. In many respects the same issues that I have just set out here today are important, and they also want to see our new housing going in as close as possible to mass transit hubs in order to ensure that people can walk to the train station or they can jump on a bike path. It does not unnecessarily add to that congestion, as I set out in my earlier remarks.

With that, I commend the bill to the house, as I said, on behalf of that perspective of Preston and Reservoir. I oppose the reasoned amendment, and I wish the bill a speedy passage.

**Tim BULL** (Gippsland East) (12:53): It is a pleasure to rise and make a contribution on the Short Stay Levy Bill 2024. We have got a scenario here where we have a Treasurer looking at every possible area he can get his hands on to pay for this state's increasing debt, which is forecast to reach \$186 billion – \$26 million a day. It is just very, very difficult to even get your head around that. I do support the reasoned amendment, and I take up the member for Preston, who said it was a reasoned amendment when you do not really have a reasoned amendment. Member for Preston, we are advocating for the disability sector to get a better deal in this, which is part of that reasoned amendment – a sector that was not consulted with or catered for. I certainly do not agree with those comments that you made. I think it is actually a very, very important issue that this government needs to have a close look at and address between houses.

I will just make a few comments that I think are rather pertinent, and the first one relates to my own electorate of Gippsland East. I say this with the Minister for Tourism, Sport and Major Events at the table. I just want to talk about the impacts or potential impacts this levy or this tax would have on my electorate. It is a tax that will not solve the problem, because almost all short-stay accommodation owners who have been surveyed have said they are simply going to put up their rates and that they are not going to return these homes to the rental market. They will simply pass on the costs.

My area of Gippsland East has not had a great time if we look back over the relatively short history of fires in 2019–20 and then straight into COVID. Here we are, nearly five years on this summer, and we still do not have our tourism infrastructure rebuilt. I am not sure what the Minister for Tourism, Sport and Major Events has to say about that. We have had our timber industry removed, and that has resulted in a lot of workers moving interstate to New South Wales, Queensland and the Northern Territory, out of our towns along the eastern seaboard there. Then last week the minister announced that we are losing – when we are meant to be supporting these timber communities – departmental jobs and Forest Fire Management Victoria jobs out of towns.

**Steve Dimopoulos** interjected.

**Tim BULL:** Well, Minister, the staff members who have been on the phone to me this –

**Steve Dimopoulos** interjected.

**Tim BULL:** No, no, I am talking to the people who have been told – seven jobs down to three in Swifts Creek.

**Steve Dimopoulos** interjected.

**Tim BULL:** Two jobs going out of Orbost is not rubbish at all. This is coming from your people working in your departments. And now what are we doing? We are introducing this short-stay tax. And what will that do? We have a lot of people come out of the metropolitan area to holiday in East Gippsland at places like Lakes Entrance, Paynesville, Marlo and the like and Mallacoota right up on the border, and now we are introducing a tax that does not exist over the border in towns like Eden, Merimbula and Bermagui. It will become more attractive for holiday-makers that are heading east to just stay in the car. If you are going to Mallacoota, why not stay in the car for an extra 45 minutes and just duck over the border and get your accommodation at 7.5 per cent cheaper, because that tax does not apply over the border there in New South Wales. So comparatively we are making it cheaper over the border for short-stay accommodation than we are in our coastal towns along that border. Minister, with these job losses that we have in Swifts Creek and your removal of the timber industry, there are a lot of people in East Gippsland actually wondering what you have got against the region, because we are not getting a very fair deal on a whole range of fronts.

I will get onto some of the issues more widely and how this stifles investment. I have got an investment group in my area. They are relatively young people. They want to have a go and they are up-and-comers. They have chosen to invest in real estate. They have avoided the opportunity to invest in the share market, bonds, cryptocurrency or other areas, commodities or whatever it is. They have decided to invest in real estate. They have got a few properties, this group of young people, and they believe that there is opportunity there. They recently attempted to increase their portfolio of investment – we want investment in this state – only to be told by the two lending agencies that they cannot do that. The key component that was put to them was because of the increased costs of the short-stay accommodation that they would incur. They have some rental properties. They have some Airbnbs. They have got a pretty wide portfolio. So we end up with a situation where we want to promote investment in our state to help our local economy and we have this impediment put in place.

**Steve Dimopoulos** interjected.

**Tim BULL:** Yes, but it is the lending agencies, Minister. It is the lending agencies that are saying no. It is not them; they want to invest. We have got a government that says they want all the properties

to be rentals, and that is just not the case. This will not solve the problem. The surveys that have been done have said people will keep their properties in short-stay accommodation and they will not put them back into the rental market. So this will be investment that is lost to Victoria. We need to promote investment in our local economy, and that will not be achieved by this tax. It will not solve the problem, and it will simply increase costs on those who want to have a holiday in the regions. And in my case, where I have got an electorate that sits on the border, it will provide an incentive to cross the border for accommodation.

I am realising that the lunchbreak is coming up here, and I want to get onto the disability sector, which I touched on earlier. Earlier this week I had the opportunity to meet a young lady by the name of Ashlee Morton, who is a wheelchair user and general manager –

**The ACTING SPEAKER (Juliana Addison):** Excuse me, member for Gippsland East, the time has come for me to interrupt business for lunch. We will return at 2 o'clock.

**Sitting suspended 1:00 pm until 2:02 p.m.**

**Business interrupted under sessional orders.**

**The SPEAKER:** I acknowledge in the gallery a former member for Carrum, Donna Hope.

### *Members*

#### **Minister for Government Services**

#### *Absence*

**Jacinta ALLAN** (Bendigo East – Premier) (14:02): I rise to inform the house that for the purposes of question time today and tomorrow the Assistant Treasurer will answer questions for the portfolios of government services, consumer affairs and public and active transport.

### *Questions without notice and ministers statements*

#### **Youth crime**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:02): My question is to the Premier. Over the past 10 years the number of home invasions committed by youth offenders has surged by almost 1000 per cent. The Attorney-General has said that she does not 'want a discussion about a youth crime crisis that doesn't exist'. Does the Premier stand by the statistics or the Attorney-General's denial of a youth crime crisis?

**Jacinta ALLAN** (Bendigo East – Premier) (14:03): In answering the Leader of the Opposition's question I would like to thank the Attorney-General for her outstanding leadership, along with the Minister for Police and the Minister for Corrections, who have been working very, very closely with Victoria Police, the courts and the broader youth justice sector to address what is a challenge for our community around a small group of young people who are undertaking repeat youth offending. That is how Victoria Police categorise this group, and that is why the Leader of the Opposition, who of course referenced a 10-year period, failed to mention in referencing that 10-year period that we have invested more than \$4 billion into Victoria Police and have put an additional 3600 police on the street. I must say we had a bit to do on that front because in the previous four years not one single police officer was funded and employed here in Victoria.

**James Newbury:** On a point of order, Speaker, on relevance, the Premier, who forgot to mention her Minister for Police, is debating the question.

**The SPEAKER:** The Premier was being relevant. The Premier to return to the question.

**Jacinta ALLAN:** I understand why the member for Brighton and those opposite are a little touchy on this matter, because – I will repeat – they failed to fund one single police officer during the time they were in government. What we have been doing is working with Victoria Police, with those

additional tools and resources, in more recent times in terms of some of the challenges around this group of repeat youth offenders. We understood that we needed to take further action to respond to those community safety challenges, and the way we responded to them was of course by bringing to this place a comprehensive youth justice reform program that was informed by Victoria Police, informed by our discussions with the courts and informed by our discussions with the youth justice sector. Central to that package of reforms of course, again after having listened carefully to Victoria Police, was the need to strengthen bail changes in this state, which we did. For the record, I note –

*Members interjecting.*

**The SPEAKER:** Order! The member for South-West Coast is warned.

**James Newbury:** On a point of order, Speaker, the Premier is debating the question, and I would ask you to bring her back to the question.

**The SPEAKER:** The Premier was referring to the youth crime crisis, to youth offenders –

*Members interjecting.*

**The SPEAKER:** Order! Member for Malvern! The question referred to the Attorney-General and the youth crime crisis. The Premier can come back to the question that was asked.

**Jacinta ALLAN:** That youth justice reform package that we brought to this place, which was, again, as I said at the outset of my answer, led by the Attorney-General, the Minister for Police and the Minister for Corrections and Minister for Youth Justice, is a really important package of reforms. It is a really important package of reforms that is focused on giving police more tools to divert young people away from crime, but it is also strengthening bail and strengthening action for those serious offenders. That package was opposed by those opposite, who do not take these issues of community safety seriously.

**James Newbury:** On a point of order, Speaker, the Premier is debating the question.

**The SPEAKER:** The Premier has concluded her answer.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:07): Over the last 10 years youth crime has surged, with a 934 per cent increase in aggravated burglaries, a 905 per cent increase in non-aggravated robbery, a 231 per cent increase in firearms offences, a 242 per cent increase in aggravated robbery and a massive 738 per cent increase in riot and affrays. Has the government's failure to fill nearly 1000 police vacancies and its weakening of bail laws contributed to the youth crime crisis?

**Jacinta ALLAN** (Bendigo East – Premier) (14:08): In answering the Leader of the Opposition's question I am going to correct what he has said in terms of bail. We have put to the Parliament and passed through the Parliament, despite the opposition from the Liberal Party and despite the opposition from those opposite, a package of stronger bail measures, and we did that following –

*Members interjecting.*

**Jacinta ALLAN:** Well, I refer the Leader of the Opposition to the comments from the –

**James Newbury:** On a point of order, Speaker, the Premier is required to be factual, and the government weakened bail laws earlier this year.

**The SPEAKER:** It is not for me to determine whether the Premier is being factual.

**Jacinta ALLAN:** I will take my advice from the Chief Commissioner of Police on these matters, who on 13 August said in regard to those bail changes:

I'm very pleased to say here today we support those amendments ... they're going to be a positive thing for community safety.

Those opposite opposed. This package of community safety reforms was opposed by those opposite, and that is consistent with their record of cutting police.

*Members interjecting.*

**The SPEAKER:** Order! The member for Rowville is warned.

**James Newbury:** On a point of order, Speaker, I would just like to make one point: the Premier is debating the question.

**The SPEAKER:** The Premier will come back to the question.

**Jacinta ALLAN:** We will take our advice from Victoria Police, not those who cut Victoria Police, when it comes to protecting community safety.

### **Ministers statements: government achievements**

**Jacinta ALLAN** (Bendigo East – Premier) (14:10): I am delighted to rise today to update the house on how our government is delivering for Victorian families, helping busy families – helping them get to work and get to university sooner and safer and also investing in those frontline services that families rely on. We are focused on building for the future, delivering those projects that we know Victorians voted for – the Suburban Rail Loop, the Metro Tunnel, the West Gate Tunnel, the North East Link – projects that are all under construction right now. On top of that, we are building hundreds of schools and removing 110 dangerous and congested level crossings, and we have created more jobs than any other state. Delivering on those jobs and opportunities, the Victorian economy has grown by more than 9 per cent over the past two years, more than New South Wales, Queensland, Western Australia and Tasmania. On top of that, business investment has grown in Victoria by 13 per cent in the last year. That is six percentage points higher than the rest of Australia. Despite our blockers and knockers on the other side of the chamber, we have approved more –

*Members interjecting.*

**Jacinta ALLAN:** There is the blocker. There is the knocker. Hello, blocker and knocker. They are the chief blocker and knocker.

**James Newbury:** On a point of order, Speaker, I would like to make just one more point: the Premier should not be using ministers statements to attack the opposition.

**The SPEAKER:** Manager of Opposition Business, I ask you to make your points of order in the correct manner.

**James Newbury:** On the point of order, Speaker, for clarity, I was just making one point.

**The SPEAKER:** The Premier will come back to the ministers statement.

**Jacinta ALLAN:** We are also approving more home builds than any other state in the nation. It is not just jobs, transport and services; we are also delivering a simple, commonsense change that will help save lives, introducing new legislation to allow pill testing in Victoria, starting with an implementation trial. This will include mobile services at festivals and a fixed trialling site. It is not the only big trial going on, though, is it?

*Members interjecting.*

**The SPEAKER:** Member for Bentleigh, you are warned. Member for South-West Coast, this is your second warning.

**James Newbury:** On a point of order, Speaker, the Premier is unpleasantly defying your ruling.

**The SPEAKER:** There is no point of order.

**Cindy McLeish:** On a point of order, Speaker, yesterday I raised a point of order about the procedures for taking a point of order as per page 133 of *Rulings from the Chair*. It was that the member with the call must give way. Now, again –

**The SPEAKER:** Order! What is your point of order?

**Cindy McLeish:** The point of order is that the Premier is defying that ruling because each time the Manager of Opposition Business –

**The SPEAKER:** The Premier has been required to be seated when I have asked her to be seated. There is no point of order.

**Cindy McLeish:** Further to the point of order, Speaker, it specifically says:

When a point of order is taken, the member with the call must cease their remarks and sit down ...

In this instance and yesterday the Premier continued to grandstand rather than sit down. She did know that the Manager of Opposition Business was on his feet. I ask you to remind her of the practices of the house.

**The SPEAKER:** I remind all members of the *Rulings from the Chair* and the standing orders, and I ask members to make themselves familiar with the *Rulings from the Chair* and the standing orders. Members who call a point of order have the call, and members on their feet are required to be seated when a point of order is being taken.

**Jacinta ALLAN:** Like all trials, in this trial of the century there will be a lot to discover, a lot of evidence given, a lot of evidence to collect, and that is what is on trial – (*Time expired*)

### Youth crime

**Brad BATTIN** (Berwick) (14:15): My question is to the Minister for Police. Over the past 10 years the number of home invasions committed by youth offenders has surged by almost 1000 per cent. The Attorney-General has said it is irresponsible to suggest there is a youth crime crisis. Will the minister admit the Attorney-General is wrong?

**Anthony CARBINES** (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (14:16): Can I just firstly say that a range of the operations that Victoria Police were able to conduct, including Operation Trinity, which has seen thousands of arrests being made across the south-eastern suburbs, are in part because of the \$4.5 million investment Victoria Police have had from our government and the 3600 additional police that have been funded by our government. We have seen thousands of arrests made, and residential burglaries are down.

**John Pesutto:** On a point of order, Speaker, I ask that you draw the minister back to the question about the Attorney-General's remarks.

**The SPEAKER:** The minister had just started his response to the question. The minister will come back to the question that was asked.

*Members interjecting.*

**James Newbury:** On a point of order, Speaker, the unpleasant affray across the chamber is very unparliamentary.

**The SPEAKER:** I believe there is unparliamentary behaviour on both sides of the house today, Manager of Opposition Business.

**Anthony CARBINES:** I again inform the house that in Victoria our offence rate remains below pre-pandemic levels. We can also take the opportunity to thank Victoria Police today.

**James Newbury:** On a point of order, Speaker, the minister is required to respond to the actual question, not discuss the issue generally, and the minister – without repeating the question – has not addressed the substance of the question.

**The SPEAKER:** I cannot direct the minister how to answer the question or compel him to answer the question. However, I do ask the minister to come back to the question that was asked.

**Anthony CARBINES:** This side of the house would also like to take the opportunity to thank the Attorney-General for her leadership in relation to our Youth Justice Bill that has become law in this place and also to take the opportunity, with the reference that has been made to Victoria Police by those opposite today, to thank Victoria Police members for the work that they are doing each and every day but particularly today – those police members who have come from around the state to keep the community safe.

**Brad Battin:** On a point of order, Speaker, in relation to relevance, if the minister wants to respect Victoria Police, then he can answer the question around our youth crime crisis here in Victoria.

**The SPEAKER:** A point of order is not an opportunity to make a statement to the house. The minister to come back to answering the question.

**Anthony CARBINES:** You can only provide Victoria Police with the tools to do the job, to make arrests and keep offence rates down, by investing in Victoria Police – a \$4.5 billion investment, with 3600 additional police in our state.

*Members interjecting.*

**The SPEAKER:** Order! I cannot direct the minister how to answer the question.

**James Newbury:** On a point of order, Speaker, twice you have asked the minister to come back to the question, and though you are not able to require him to answer in any particular way, you can sit him down if he refuses to do so.

**The SPEAKER:** Thank you for the advice, Manager of Opposition Business. I cannot compel the minister how to answer the question. The minister to come back to the question that was asked.

**Anthony CARBINES:** Those opposite can choose to cut the data whichever way they like, but when it comes down to it, the offence rate here in Victoria is below prepandemic levels thanks to our investment in Victoria Police.

**James Newbury:** On a point of order, Speaker, the minister is debating the question.

**Mary-Anne Thomas:** On the point of order, Speaker, there is no point of order. The minister was asked about data. He is going directly to the data, if the opposition could only settle down and listen to the answer. They have asked the question. I ask that you ask them to listen to the answer and rule the point of order out of order.

**Peter Walsh:** Further to the point of order, supporting the Manager of Opposition Business, the Leader of the House is wrong. The question had nothing to do with data. The question had to do with whether the minister supported the comments from the Attorney-General that talking about youth crime was irresponsible, and I ask you to bring him back to answering that question.

**The SPEAKER:** I ask the minister to not debate the question and to be relevant to the question, and I ask the minister to come back to the question.

**Anthony CARBINES:** I thank the Attorney-General for her leadership. I thank everyone on this side of the house who has supported our Youth Justice Bill and made tougher bail laws in this state while those opposite ignored them. We will continue to invest in Victoria Police, and we thank them particularly for the work that they are doing today.



**Brad BATTIN** (Berwick) (14:21): In the 12 months ending March 2024 crimes committed by youth offenders have surged, including 1230 aggravated burglaries, over 4500 assaults, 1763 aggravated robberies, over 2000 reports of criminal damage, 1881 cars stolen, over 2300 thefts from stores and nearly 1000 weapons offences. Why do innocent Victorians have to pay the price for Labor's mismanagement of our justice system?

*Members interjecting.*

**The SPEAKER:** Member for Berwick, that is out of order.

**Brad Battin:** On a point of order, Speaker, interjections are obviously inappropriate in the Parliament, but if you are talking about closing stations, the Labor Party have closed 43 stations across Victoria. You goose! Forty-three stations are shut.

**The SPEAKER:** Order! That is not a point of order, member for Berwick.

**Brad Battin** interjected.

**The SPEAKER:** No, it was not a point of order. You are warned.

**Anthony CARBINES** (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (14:23): The Crime Statistics Agency is independent, and I will take its statistics over those from the opposition any day of the week.

**Brad Battin:** On a point of order, Speaker, in relation to relevance, the crime statistics we are quoting are directly from the Crime Statistics Agency here in Victoria.

*Members interjecting.*

**The SPEAKER:** Member for Berwick! Member for Polwarth!

**Anthony CARBINES:** Our government will continue to provide Victoria Police with every resource it needs to keep the peace and to keep crime down in this state. We will continue to invest our \$4.5 billion in Victoria Police, and we will continue to fund 3600 additional police positions here in Victoria. And I know that for those opposite the only facts that remains are that they cut the budget by \$100 million and they did not fund one additional police officer.

*Members interjecting.*

**The SPEAKER:** Member for Berwick, this is your second warning.

**James Newbury:** On a point of order, Speaker, the minister is again debating the question.

**The SPEAKER:** The minister has concluded his answer.

#### **Ministers statements: Victorian energy upgrades program**

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:24): I have some great news to share with the house about how the Allan Labor government is continuing to help Victorian families to slash their energy bills. Our Victorian energy upgrades program is rolling out discount energy efficiency upgrades left, right and centre. Since we introduced new electrification discounts for space heaters and hot-water systems in the VEU program last year in May, 48,300 systems have been installed, saving Victorian families hundreds of dollars off their energy bills each and every year. In fact, demand for our hot-water rebate has gone up by –

**James Newbury:** On a point of order, Speaker, if I may seek your guidance, ministers statements are not required to be factual in the same way as questions are, are they?

**The SPEAKER:** It is not for me to determine whether the minister is being factual.

**Lily D'AMBROSIO:** More good news: in fact demand for our hot-water rebates has gone up by a massive 600 per cent. And why is this? Because Victorians know that getting off gas and going electric saves them hundreds of dollars each and every year off their energy bills.

Just this past weekend I was pleased to accept an invitation from the good people of Hawthorn to speak at the Electrify Boroondara expo, joining the very excellent member for Ashwood. I am delighted to say that Solar Victoria and the SEC were there to provide practical advice on how to electrify and save money on household energy bills. I do want to thank the expo organisers, in particular Sophie Torney, for putting on a great event. Inspiring community leaders to help people with practical advice to save money on their household bills through electrification is really important. In fact I heard lots of people say that Sophie Torney would make a great member of Parliament for Hawthorn one day. I do acknowledge that the current member for Hawthorn was present, but he was gagged from speaking at the event by his own party. We are getting on and saving people money –  
(Time expired)

*Members interjecting.*

**The SPEAKER:** Minister! The minister is warned. I hope that I do not see that kind of behaviour again. I will have to remove you from the chamber.

Before we go on with today's proceedings, can I acknowledge in the gallery the Ambassador of Türkiye Mr Gezer and also the consul general of Türkiye Mr Doğan Işık. Welcome.

### Energy policy

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:27): My question is to the Premier. The Premier has said this week that you can 'keep cooking with gas'. Why can't Victorians living in established suburbs who are planning a knockdown rebuild install a gas cooktop?

**Jacinta ALLAN** (Bendigo East – Premier) (14:28): As we have just heard from our outstanding minister for energy, climate action and the SEC –

*Members interjecting.*

**Jacinta ALLAN:** I am just waiting for the member for Brighton to take a point of order on all this unpleasant male shouting that is going on. All this unpleasant male shouting deserves a point of order, doesn't it?

As we just heard from our outstanding minister for energy, resources, climate action and the SEC – and I will repeat for the benefit of the member for Brighton – we are supporting Victorian households and those businesses to go all electric.

**James Newbury:** On a point of order, Speaker, on relevance – without repeating the question – it was a very specific question, and I would ask you to bring the Premier back to it.

**The SPEAKER:** The Premier had only just commenced her answer. I will give her an opportunity to come back to the question.

**Jacinta ALLAN:** We are supporting those households and businesses to go all electric for two key reasons. We are doing it because, as we have just heard from the minister for energy, it is a cheaper source of energy, particularly because of the work that we have done. Victoria has amongst the lowest wholesale energy prices in the national market. The second reason, though, too, while we are undertaking these important changes with the support as the minister has outlined, is because, while gas makes up an important part of our energy transition, we know from the chief scientist that it is a diminishing resource. This is the advice from the chief scientist.

**Peter Walsh:** On a point of order, Speaker, on the issue of relevance and bringing the Premier back to the question as to why someone who is already using gas and pulls their house down and builds a new one cannot have a gas cooktop, I would ask you to bring the Premier back to the question.

**The SPEAKER:** I ask members not to repeat the question in their points of order. It was a very direct question. I will give the Premier an opportunity to come back to answering the question.

**Jacinta ALLAN:** The reason why this context is important is because it goes to why we are undertaking consultation on how we support those households and businesses who can go all electric to do so. But in understanding that gas is a diminishing resource, as advised by the chief scientist –

**James Newbury:** On a point of order, Speaker, the Premier is required to be factual, and the Premier just referred to houses that ‘can’ go, rather than the question, which was about a ban applied to all of those people.

**The SPEAKER:** It is not for me to determine if the Premier is being factual or not. The Premier was being relevant to the question. I will give her an opportunity to answer the question.

**Jacinta ALLAN:** We are undertaking work in understanding that gas is a diminishing resource, as advised by the chief scientist. We know that we need to take measures to preserve the gas resource for those households and businesses that continue to need it into the future. This is a commonsense measure where we will support those households and businesses that need to continue to use gas but encourage those households and businesses to make the transition. This is common sense. The anti-evidence brigade opposite are the ones who banned the exploration of conventional gas in this state.

**James Newbury:** On a point of order, Speaker, the Premier is debating the question.

**The SPEAKER:** The Premier to come back to the question.

**Jacinta ALLAN:** We have been clear this week that as part of the consultation phase we are embarking on Victorians in those households can continue to cook with gas, but we need to support others to make the transition.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:32): The Premier has said that ‘Victorians who are currently cooking with gas can keep on cooking with gas’. In light of the comments and answer from the Premier just then, can the Premier advise the house whether every comment she made to the *Herald Sun* this week is a comment she stands by fully and completely?

**Jacinta ALLAN** (Bendigo East – Premier) (14:33): The answer is yes, and the reason why I say this very clearly is because we will always take an evidence-based approach to supporting the Victorian community through transition issues and challenges.

**James Newbury:** On a point of order, Speaker, the Premier is required to be factual, and clearly that is not the case.

**The SPEAKER:** I cannot determine whether the Premier is being factual or not.

**Jacinta ALLAN:** You cannot say one thing about nuclear in the shadow cabinet room and another thing outside. You cannot say one thing about treaty and another thing outside.

**James Newbury:** On a point of order, Speaker, the Premier is debating the question – just that one point.

**The SPEAKER:** The Premier will come back to the question.

**Jacinta ALLAN:** We are working through an energy transition and seeing gas play a role in this transition and being absolutely factual and evidence-based. The evidence when we came to government was that we had to lift the ban on conventional gas exploration because those opposite put a ban on conventional gas exploration. This is part of the task ahead of us: to support gas as part of our energy transition but absolutely to focus on driving more renewable energy because it is cheaper, more secure and provides a better outcome for households and businesses.

*Members interjecting.*

**The SPEAKER:** Order! The member for Evelyn is warned.

**Ministers statements: major events**

**Steve DIMOPOULOS** (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:35): Spring in the sporting and events capital of the country – where else would you rather be? Just last week over 97,000 fans at the G saw the Hawks beat the Doggies. That is more than the Swans will get in both their finals in the northern state. We have got the MotoGP in the electorate of the member for Bass, which highlights the beauty and diversity of Victoria’s natural environment on the international sporting stage. We have Coldplay flying out from the UK specifically to attend Marvel Stadium, only a short walk from the Federal Court. And who could forget the Spring Racing Carnival. As the Minister for Racing will remind me, over 560,000 people attended the carnival last year. That is more than 10 Queensland State of Origin matches right here in Melbourne each and every year.

But we do not just have this type of packed calendar for spring or summer; we do not just have it for this year or next. We have the best calendar all year round for years to come. We have the AFL Grand Final until 2059, the Australian Open until 2046 – and the Australian Open has 39 courts – and the Formula One Grand Prix until 2037, and much to the dismay of the interstate cheerleaders opposite, we have locked in the Boxing Day test until 2031.

Here in Victoria we do not just put on a major event, we give people a ringside or courtside experience they will not forget. Just yesterday I was in front of Margaret Court Arena announcing the new route for the AFL Grand Final parade. Last week I opened the new St Andrews Beach Brewery at Melbourne Park, giving fans the opportunity to walk straight from the courts to the premier food and drink venues of Melbourne Park while avoiding any legal tangles. While the Australian Open is not here until January, there will be someone on centre court very shortly that Victorians are very keen to have a look at.

*Members interjecting.*

**The SPEAKER:** Member for Frankston, you can leave the chamber for half an hour.

**Member for Frankston withdrew from chamber.**

**Energy policy**

**James NEWBURY** (Brighton) (14:37): My question is to the minister for energy. The minister has claimed that gas stoves increase the ‘risk of childhood asthma and respiratory illness’. Is it government policy that gas stoves pose a health risk, especially to children?

**Lily D’AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:38): I thank the member for his question. It would be great to actually understand exactly where he is commenting from, because we know –

*Members interjecting.*

**Lily D’AMBROSIO:** Just relax, mate. Just relax. Just take a chill pill.

**The SPEAKER:** Order! Through the Chair.

**Lily D’AMBROSIO:** My apologies, Speaker. There is commentary from medical experts around this very question. But can I just say what is really critical here is that we have a clear program and agenda for helping Victorians to save money on their energy bills. That is what is really critical here.

**James Newbury:** On a point of order, Speaker, on relevance – without repeating the question – the minister has not addressed the substance of the specific question.

**The SPEAKER:** I will give the minister an opportunity to answer the question. She has only just commenced her answer.

**Lily D'AMBROSIO:** I have been very clear that there has been much commentary about the health impacts of gas appliances in homes where there is insufficient ventilation, and there are a whole range of reasons that contribute to that. The fact of the matter is this, and this is why we have been very clear: we have had a very clear agenda to help Victorians save on their energy bills. We know that one important way for them to do that in an environment where we are running low on gas –

**James Newbury:** On a further point of order, Speaker, on relevance, the question related to the minister's tweet on 11 December 2023, and I ask you to bring the minister to the actual question.

**The SPEAKER:** I think the minister has already answered the question, but I will give her an opportunity to come back to further answering the question.

**Lily D'AMBROSIO:** I have been very clear on this. Our government is very committed to ensuring that we support families in the transition towards renewable energy. What that means is that, in an environment where gas is depleting in terms of the source of supply for Victorians, it is vital that governments do not –

**James Newbury:** On a point of order, Speaker, on relevance, the question asked whether it is government policy that gas stoves pose a health risk, especially to children.

**The SPEAKER:** I am aware of the question, Manager of Opposition Business. The minister to come back to the question.

**Lily D'AMBROSIO:** Can I also say that our agenda is very clear. We have worked every single day to grow an electricity supply that is renewable, that is clean, that is safe, that supports 59,000 jobs between now and 2035, that supports a smooth transition to decarbonising our energy system –

**James Newbury:** On a point of order, Speaker, the minister is debating the question and is not in any way being relevant to the substance of the question. I ask you to bring her back to the question.

**The SPEAKER:** I ask the minister to come back to the question that was asked.

**Lily D'AMBROSIO:** There has been much debate and conversation and much information from many, many medical practitioners about how to have a safer home. That goes to many, many questions, and gas is one of those. That is absolutely the case. I have been very clear on this, and I stand by my tweets absolutely. But what I say to everyone here in this house is that we have to have a program that transitions people to renewable electricity because we know it is the safest way to create new energy supply, that we are running out of gas and that we need to of course give people the means to be able to transition to electric appliances, because we know that it is cheaper for them to run their homes on cheaper renewable electricity. And it is absolutely the –

**Peter Walsh:** On a further point of order, Speaker, I would ask you to bring the minister back to actually answering the question about her comments and whether they are government policy, rather than a lecture on her inability to manage the energy system.

**The SPEAKER:** The minister will come back to answering the question.

**Lily D'AMBROSIO:** Our policies are there for everyone to see. We announce our policies as is appropriate and as we deem them. I can certainly give the member advice about what our policy is on growing renewable electricity, because we know that it is the best form and the cheapest form of new energy supply that you can have.

**James NEWBURY (Brighton) (14:43):** The minister, despite admitting that she does not have a medical degree, publicly asserted that –

*Members interjecting.*

**The SPEAKER:** Order! The Premier will come to order. The Manager of Opposition Business will state his supplementary question without assistance.

**James NEWBURY:** Can I restate the question, Speaker?

**The SPEAKER:** You can state the question.

**James NEWBURY:** The minister, despite admitting that she does not have a medical degree, publicly asserted that ‘gas combustion in the home is not good for your health’. Is this still the minister’s position?

*Members interjecting.*

**The SPEAKER:** Order! Based on the substantive question, I approve the question.

**Lily D’AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:44): I thank the member for the supplementary question. What is really important is that we are evidence based in the comments that we make, rather than the ideology that those opposite profess every single day.

**James Newbury:** On a point of order, Speaker, the minister is debating the question.

**Mary-Anne Thomas:** On the point of order, Speaker, there is no point of order. The minister is being entirely relevant to the question that was put to her, and it is very difficult to hear the minister because of the endless shouting over women that we see from those on the other side of the house.

**The SPEAKER:** I reminded members yesterday – and I will do it again today – that disrespectful behaviour in this chamber is becoming out of control. The minister to be relevant to the question that was asked and also to not debate the question.

**Peter Walsh:** Further to the point of order, Speaker, it was not an issue of relevance, it was an issue of the minister debating the question.

**The SPEAKER:** I am aware of that, and I asked the minister to come back to the question.

**Lily D’AMBROSIO:** I would be very pleased to deal with the question, absolutely. There are medical opinions that all of us rely on from time to time to support policy positions within this government. I make no apologies for that. Medical advice is absolutely critical to informing good policy decisions and good outcomes. That is absolutely important. My comments are there for everyone to see. They are backed by the medical evidence and advice, and, you know what, I am absolutely delighted to be backed by the science. I back the science every single day. That is my answer: I back the science every single day.

**Ministers statements: health services**

**Mary-Anne THOMAS** (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:46): I rise to update the house on the Allan Labor government’s support for Victorians to access the primary health care that they need across Melbourne’s east and south-east. I know that I sound like a broken record on this issue in this place, but it is because of the record of the former federal Liberal government that primary care is broken, and the Allan Labor government has to step up and do something about it. I spoke last week about this government’s investment in urgent care centres, including in the members for Glen Waverley and Oakleigh’s electorates. We are also committed to UCCs run by community health, including in Richmond and Parkville – the same community health sector that faced deep cuts under the previous Liberal government.

In contrast, the Allan Labor government has delivered even more primary care options for the people of Melbourne’s east and south-east. Thanks to our community pharmacy pilot, more than 18,000 services have been delivered to Victorians. That is thousands of Victorians who have accessed treatment for minor skin conditions, reissues of the oral contraceptive pill and medication for uncomplicated UTIs, all from their local pharmacy. This includes pharmacies in Bentleigh, Clarinda, Mordialloc, Oakleigh, Mulgrave, Carrum, Box Hill and of course Hawthorn. I know that the people

of Hawthorn are very grateful for this trial, and I hope that the member for Hawthorn is also supportive of this very important trial. Of course our trial is not the only trial in town, but I am sure that the member for Hawthorn is feeling much more upbeat about the community pharmacy trial than he is about his own appearance next week. Our government will always stand for primary health care.

**James Newbury:** On a point of order, Speaker, ministers statements are not an opportunity to attack the opposition.

**The SPEAKER:** The minister to come back to her statement. The minister has concluded her statement.

### Energy policy

**James NEWBURY** (Brighton) (14:49): My question –

*Members interjecting.*

**The SPEAKER:** Without assistance! Members will be removed from the chamber.

**James NEWBURY:** The excitement of the crowd. My question is to the minister for energy. The minister has said:

Very few places are both dealing with such deeply entrenched fossil gas usage, and are tackling it head on as we are.

Does the minister stand by this statement?

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:49): Yes, I do stand by my statements. I say that quite proudly because the reality is this: we are seeing the impacts of climate change each and every day. We have farmers who are facing drought. We have almost every six months now the most violent of storms and high winds that are so destructive to local communities because of climate change. Anyone who pretends that this is not real is absolutely abrogating their responsibilities as elected members of this place. What our government is also committed to is ensuring that when we tackle climate change we take communities with us, we grow the jobs of the future, we provide skills to our young people and those transitioning from one industry to another and we help people with their cost of living so that everyone can enjoy the benefits of a new economy, one that has to be decarbonised. Anything else is absolutely abrogating responsibility as elected members of this house.

I am absolutely committed to the science of climate change. This side of the house is committed to the science of climate change. And, guess what, what we do for climate is absolutely great for communities when we take them with us. The renewable energy transition is reducing our emissions but also, importantly, gives Victoria consistently the lowest wholesale electricity prices in the country. That does not happen by accident. That happens when we have a plan to decarbonise our electricity system, creating 59,000 jobs between now and 2035 and bringing back the SEC to accelerate the renewable energy build. This is how you get it done. It is for families, it is for cost of living, it is for jobs, it is for skills and it is for protecting our environment for future generations, and I am absolutely proud of that.

**James NEWBURY** (Brighton) (14:52): The minister has spoken about 'phasing out our reliance on fossil gas in this state'. When was the minister advised that the Premier was intervening in her portfolio to allow fossil gas connections to continue?

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:52): I will take this question seriously not because it deserves to be taken seriously but because I can tell you absolutely that this government is absolutely determined to have a transition that is manageable –

**James Newbury:** On a point of order, Speaker, the minister is debating the question. The question was very specific: when was the minister advised?

**The SPEAKER:** Manager of Opposition Business, I ask you not to repeat the question. The minister has only just started her answer; give her an opportunity to answer the question.

**Lily D'AMBROSIO:** The assertion that somehow something has changed is laughable and it is absolutely ridiculous. What we have said in the *Gas Substitution Roadmap* –

**James Newbury:** On a point of order, Speaker, the minister is required to be factual, and the answer just contradicted the Premier's answer to an earlier question.

**The SPEAKER:** It is not for me to determine if the minister is being factual. The minister to answer the question that was asked.

**Lily D'AMBROSIO:** We have said all along in the *Gas Substitution Roadmap Update*, which we released in November last year, that we would consult on options for what to do with gas appliances when they reach their end of life. We have been absolutely consistent. There are many ways to deal with these matters – through regulation, through incentives, through rebates – and what we said is that part of that would be consultation to consider what changes we might make and how quickly – (*Time expired*)

#### **Ministers statements: education**

**Ben CARROLL** (Niddrie – Minister for Education, Minister for Medical Research) (14:54): Education is the most important public investment we can make in our future – lifelong learning, beginning in early childhood, right through a person's career. All the statistics show that every year of education post year 12 adds 6 to 12 per cent on your income. That is why we are the Education State, with our world-leading Best Start, Best Life initiative focusing on the first 2000 days of a child's life, all the way through primary, all the way through secondary; our vocational reform; our free TAFE; and our tertiary studies. On this side of the chamber we are the Education State. We have the best attendance rates in the country, the best student-to-teacher ratios in the country and the best NAPLAN results in the country. We have built more schools in our state than any other state. Fifty per cent of schools built around Australia were built right here in Victoria.

We know our young people are our most important investment. That is why the Premier's announcement with the Prime Minister yesterday on social media is critically important. Our young people are our most important future resource. Whether it is tackling climate change or whether it is combating and curing cancer, our young people are what matters most. That is why we are putting important reforms inside the classroom next year with 25 minutes of mandatory synthetic phonics teaching, making sure everyone knows how to read, because we know that if you want a good lawyer you want a good lawyer that knows how to read. We also know that every child that learns by the phonics method is two years ahead. So you say 'court-room' or 'de-mean' – no, not Deeming, 'de-mean-ing'.

#### ***Rulings from the Chair***

#### **Constituency questions**

**Bridget Vallence:** On a point of order, Speaker –

**The SPEAKER** (14:57): I advised members this morning that points of order around constituency questions and questions on notice are to be done at the end of constituency questions. I ask the member for Evelyn to hold off on doing that until the end of constituency questions.

I would like to advise the house that the following ministers are yet to answer questions within the required timeframe: the minister representing the Minister for Housing, 51; the minister representing the Minister for Corrections, 27; the Minister for Health, 17; the minister representing the Minister for



## CONSTITUENCY QUESTIONS

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Skills and TAFE, 14; the Minister for Public and Active Transport, 10; the Minister for Transport Infrastructure, nine; the minister representing the Minister for Children, nine; the Minister for Education, seven; the Minister for Roads and Road Safety, six; the minister representing the Minister for Regional Development, six; the Minister for Consumer Affairs, six; the minister representing the Attorney-General, six; the Treasurer, six; the Minister for Planning, five; the minister representing the Minister for Multicultural Affairs, five; the Minister for Police, four; the Minister for Health Infrastructure, four; the Minister for Ambulance Services, three; the Minister for Environment, three; the minister representing the Minister for Emergency Services, three; the Minister for Prevention of Family Violence, three; the minister representing the Minister for Mental Health, two; the Premier, two; the Minister for Economic Growth, two; the Minister for Casino, Gaming and Liquor Regulation, two; the minister representing the Minister for Water, two; the Minister for Energy and Resources, one; the Minister for Treaty and First Peoples, one; the Minister for Outdoor Recreation, one; the Minister for WorkSafe and the TAC, one; the Minister for Agriculture, one; and the Minister for Jobs and Industry, one. I ask those ministers to provide answers before the house resumes after the September break.

### *Constituency questions*

#### **Caulfield electorate**

**David SOUTHWICK** (Caulfield) (14:58): (810) My question today is to the Attorney-General in the other place, and I ask: when will the Attorney introduce long overdue laws to crack down on hate speech? Labor promised reforms to the Racial and Religious Tolerance Act 2001 in 2021. There was an inquiry into the hate laws, and in September 2021 the government accepted 34 of the 36 recommendations. I was proud to be part of that, along with the member for Brighton, to lobby for these changes to the hate laws. The Jewish community and multicultural communities have been calling for these laws for years – three years on, still no laws. While antisemitism is at an all-time high, especially since the terrorist attack of 7 October, the government is sitting on their hands. Three incidents in the last week alone show a rise in antisemitism. We need these laws. When will these hate laws finally be introduced into the Parliament?

#### **Broadmeadows electorate**

**Kathleen MATTHEWS-WARD** (Broadmeadows) (14:59): (811) My question is for the Minister for Environment. How many containers have been recycled through the container deposit scheme in the electorate of Broadmeadows? Ten cents for every can, plastic or glass bottle and even juice and flavoured milk cartons has meant a lot less litter in our streets, in our creeks and in our parks, some extra cash in our pockets and more than 600 jobs statewide. In addition to the reverse vending machines at Campbellfield Plaza, Roxburgh Village and Domain Street, Hadfield, we have four new local machines: Dallas Shopping Centre, Kennards in Coolaroo, Oak Park pool and one at ATC Cook Reserve in Glenroy. We also have the drive-through depot operated by social enterprise Green Collect at 13 Fordson Road, Campbellfield, where you can pour your containers directly onto the conveyor belt for a quick return, and over-the-counter collection points at IGA Xpress at Major Road, Fawkner, the Friendly Grocers in North Street, Hadfield, Olsen Place lotto and the Glenroy Newsagency. I also love that you can support your favourite local club or charity through the scheme, and I encourage all local schools and organisations to sign up.

#### **Lowan electorate**

**Emma KEALY** (Lowan) (15:00): (812) My question is to the Minister for Energy and Resources on behalf of my constituents that are impacted by VNI West but also those who are impacted by the skyrocketing cost-of-living crisis under the Allan Labor government. The information I seek is: what is the current estimated total cost of VNI West, including infrastructure, construction, land acquisition and compensation and other project implementation and management costs? We know that the majority of this project will be passed on to consumers as poles and wires charges on their power bills, whether they are domestic users or whether they are commercial businesses. Already we have seen a

25 per cent increase in electricity costs in Victoria since 2011. We have also seen a 27 per cent increase in gas prices over this period of time. The last thing people need is another hit through a massive slug on the poles and wires charges. I ask the minister to provide further information – *(Time expired)*

**Monbulk electorate**

**Daniela DE MARTINO** (Monbulk) (15:01): (813) My constituency question is for the Minister for Health. The Allan Labor government's landmark inquiry into women's pain has revealed the significant impact pain conditions like endometriosis, pelvic pain and migraines are having on the lives of Victorian women and girls. What do the results of this indicate about the experiences of women's pain across the district of Monbulk? More than 13,000 women and girls across the state have shared their personal experiences of pain and its management to help shape the way we as a government deliver treatment, care and support for women in Victoria, and I would like to thank each and every woman and girl who made their voice heard, including those who attended the Dandenong Ranges women's health forum last month. I would like to thank the wonderful Parliamentary Secretary for Women's Health the member for Northcote and the fabulous Minister for Equality in the other place Minister Shing for attending these events and listening to women in my electorate. I look forward to hearing the response from the minister.

**Polwarth electorate**

**Richard RIORDAN** (Polwarth) (15:02): (814) My question today is for the Minister for Environment, and my question is: when will the minister respond to requests presented by Mr Quentin Young of Allenvale near Lorne to meet with regard to the redefining of his property boundaries? Mr and Mrs Young are nearing retirement. Their property in Lorne in 2017 had its boundaries changed, unbeknownst to them, excluding their family home and another property from titles; they no longer have title over their properties. Those boundaries had been in place for well over a hundred years, and this has left great uncertainty for both their retirement and their mental health and wellbeing. The minister's department has been written to and I have written to the minister on behalf of Mr and Mrs Young. They have been unable to secure a meeting or any correspondence back from your office. When will you be able to respond to that correspondence and arrange a meeting?

**Point Cook electorate**

**Mathew HILAKARI** (Point Cook) (15:03): (815) The matter that I raise is for the Assistant Treasurer in his capacity as the Minister for Transport Infrastructure. The question that I have is: how will the intersection upgrade at Point Cook Road and Central Avenue decrease congestion in the community that I represent? Of course the infrastructure work that we are doing in Point Cook, and on Point Cook Road in particular, is incredibly important for the community that I represent. Everybody knows that Point Cook Road is the pinch point; it has been for decades. I see the member for Kororoit, who knows the area so well and the need for that improvement. If we get that intersection right, it will make a big difference to the many people who live in the community that I represent. Even better, the work on the Point Cook Road and Sneydes Road intersection is already massively underway, and I cannot wait for those improvements.

**Richmond electorate**

**Gabrielle DE VIETRI** (Richmond) (15:04): (816) My question is for the Minister for Creative Industries. Imagine what our state would be like without artists: no music, no TV, no dancing, no circus, no street art, no games, no fun, no culture, no beauty – what a sad place that would be. Even successful artists in my electorate have told me that they are unable to make ends meet from their creative work alone, and they have been speaking out against the instability that comes from insecure contracts, from poor rights and from the promise of exposure in lieu of a pay cheque. The problem is exposure will not pay the rent. A Fitzroy artist told me at a recent exhibition that the organisation was paid, the security guards and cleaning staff were paid – as they should be – and the artists got nothing.

Minister, will you follow the lead of countries like France and Ireland and pay Victorian artists a living wage?

**Kororoit electorate**

**Luba GRIGOROVITCH** (Kororoit) (15:05): (817) My question is for the Minister for Education. Building off the success of the Dharra School in my electorate, what are the plans to continue to support students and families in my electorate with regard to their education? The Labor government has invested more than any other state in building and upgrading our schools, because we value education. We have increased capacity across the state for an additional 9000 students, particularly in growth areas such as Kororoit. We have invested more than \$1.8 billion in inclusive education to give those young people and their parents the best start that we can. This includes the new specialist school in my electorate, Dharra School. This school is for students with mild to profound intellectual disability, and can I say it has fantastic modern learning areas that accommodate the specialised education programs that are delivered to its students. I am so proud that we built this new specialist school in Kororoit, and I was honoured to join the minister to officially open it at the start of this year. I cannot wait to see more students able to access the education which they deserve.

**Rowville electorate**

**Kim WELLS** (Rowville) (15:06): (818) My question is to the Minister for Police. Can the minister please tell the constituents of Rowville when he intends to implement what is demanded in their petition that calls for more resources for Knox police? It has now been 134 days since the petition was presented to the house, and the residents have seen no additional support given to our hardworking Knox police. Locals are in the grip of a youth crime crisis in Knox. Residents were so scared that they came together to petition this government to make their community safer. Far too many times have constituents called my office in fear after a break-in or a robbery has occurred for them or their neighbours. These same constituents were horrified to see that these same youth offenders were going to be given immunity under the law by the Labor government. But after being pressured by the Liberal–Nationals coalition and the public backlash, they listened to common sense and did not raise the age of criminal responsibility – *(Time expired)*

**Pascoe Vale electorate**

**Anthony CIANFLONE** (Pascoe Vale) (15:07): (819) My constituency question is for the Minister for Education. How will the new \$17.8 million technology hub at Coburg High School provide ongoing educational and learning benefits for local people for years to come? On 4 September I was very happy to visit Coburg High to announce the appointment of a builder to deliver the school's landmark new \$17.8 million tech hub. Forget *The Block*, move over Scotty Cam; the new technology room reveals will be delivered by Monaco Hickey builders. It was great to celebrate the news recently with Rob Vujnovic from Monaco Hickey builders, Richard Bryant from Bryant Alsop Architects, principal Brent Houghton, students Bernardo and Adlai of the year 7 robotics club and also Lucy and Maggie from the year 7 student voice leadership. With the builder appointed, physical works have now commenced this week and will provide stage 1 of the school's master plan: a new double-storey tech building; modern learning spaces, including a food tech space, media, visual and audio technologies and a podcasting space; a woodwork room; arts and creative industries spaces, including textiles and fashion; and other spaces for amenities for staff and students, including a new iconic Melbourne laneway through the middle of the building.

**Tim Read:** On a point of order, Speaker, I have two questions on notice that are now overdue. The questions are 1462 to the Minister for Health for the Minister for Mental Health and 1463 to the Minister for WorkSafe and the TAC, and I ask that responses be given.

*Bills***Short Stay Levy Bill 2024***Second reading***Debate resumed.**

**Tim BULL** (Gippsland East) (15:09): Just before the luncheon break I was about to talk on the impacts of this tax on the disability sector. I started to say that I received an email last week, and then earlier this week I had the opportunity to meet with Ashlee Morton, who is a wheelchair user. She is also general manager of Accessible Accommodation, which provides accommodation support and advice for the disabled community. She is very concerned about the impact that this new tax will have on travellers with disabilities, including her, of course. That is something that I am sure this government, when they were implementing this tax, never even considered – the potential impacts on the disability sector. Ashlee said to me earlier this week when we had a chat that short-term rental properties are essential for ensuring that people with disabilities can travel comfortably, because often they are set up far better than other accommodation houses. Therefore they are often sought after by people in the disability sector. She went on to say that to have this additional tax put on them will then result in people in the disability sector paying much higher fees to access the accommodation that they know better suits them when they go on holidays.

There are very few hotels, she told me, that cater for higher physical needs, and she also said that these short-stay accommodation options allow generally for a slightly cheaper holiday because they often have self-contained cooking facilities, which suits the disability sector. She said this tax poses a serious threat to the availability and affordability of this style of accommodation, which is well sought after, and again expressed concern that these rental costs will be passed by the owners of these properties on to the clientele.

I would urge the government, if they do not adopt the reasoned amendment put forward by the member for Sandringham, to give some consideration between houses to putting some exemptions in place to better support the disability sector. This should have been well and truly thought of and considered well before this bill reached this stage arriving in Parliament. But as has been pointed out by a number from the disability sector, they did not know this was coming and they were not consulted in relation to it. It is a change that will have the net result of them paying more to access their preferred disability accommodation options. I would certainly encourage the government to genuinely consider this plea from the disability sector. We are going to have at least a couple of weeks between houses, and I think that some reasonable amendments at the very minimum could be made to far, far better support this sector and make it fairer on them so that they are not disadvantaged when they choose the accommodation option that they prefer to stay in.

**Michaela SETTLE** (Eureka) (15:12): I am really pleased to rise to speak on this bill, the Short Stay Levy Bill 2024, and the reason that I am so pleased is because I think this bill speaks to so much more than just the levy itself. What it speaks to are the values of those of us on this side of the house. What this bill is about is making life easier for working people and families. It is not about protecting people who can afford a second home, who probably negative-gear it and who are getting 300 bucks a night to rent it out on Airbnb. They can certainly afford to cover that levy, and we should be here in this place protecting working people and families.

It is an incredibly important bill to me as someone who lives in the regions. As has been pointed out, 50 per cent of these accommodations are situated in the region, and it really highlights an issue that is very close to my heart. My mother actually lives in Anglesea, and it has been extraordinary to watch what has happened to that lovely little town of Anglesea through Airbnbs. A quick google will let you know that there are about 300 to 500 Airbnb properties available in Anglesea, and that constitutes 10 per cent of the entire housing stock. The average price per night in Anglesea is \$300. This is creating real issues for local people. It is the healthcare workers that work in Geelong, it is the hospo workers

that work at the wonderful surf club there, the Love House. It is those people that are being disadvantaged. Those on the other side would seek to protect the profits of people who own two houses rather than looking out for working people, our essential workers and our families. This bill is not just about policy; it is about our values as a community. It is about ensuring that our local families, our teachers and our essential workers have access to stable housing.

We understand that it is about striking a balance between welcoming visitors and ensuring our residents are not priced out of their own neighbourhoods. I listened to some of the contributions from the other side, and it is extraordinary what short memories those on the other side have. Airbnb and these house-sharing apps have been in existence for about 10 years. Well, guess what, we were all able to go on holidays before that. Indeed, I can remember in the 1970s my mother renting a house in Warrnambool, and we all went and stayed in that house in Warrnambool. What I would point out is that we probably would not have been able to afford that house in Warrnambool if it was on the Airbnb platform at \$300 a night. We were certainly able to take holidays before Airbnb came along, and we certainly had thriving tourism industries all along our beautiful natural coastline.

I also really want to point out here that we are talking about houses with an average cost of \$300 a night. The other side talk about this notion that we are taking away average people's family holidays. No, we are not, because average working people cannot afford \$300 a night. In fact it is the wealthy friends of those opposite who want their little getaway from Melbourne that are hiring those places. When I went on holidays with my kids, we went camping. There are these extraordinary natural resources that we have across this state. You can go online to VicParks and you can book yourself a spot. Look, they charge. It is about \$30 for the entire family to stay, but it is a pretty good option to be out there in the great outdoors. So to the notion that this is in some way taxing the family holiday, I would suggest that those on the other side think of the many, many people who avail themselves of the wonderful caravan parks across our state. It does make me wonder if perhaps it is beneath those on the other side to camp or to stay in a caravan park. They are so quick to cut those things out as options for people to have holidays. Rather, they want to protect an industry where people are charged \$300 a night.

I will go back to Anglesea, because I stayed in Anglesea just recently with my mother. I stayed in a street, and every house in that street was empty and dark. People across the road from my mother's are building mansions solely to put them into this market. They are huge. They are not a good idea on so many levels – for our environment and all of the energy costs that they invoke – but people are investing. Let us not forget, these are people from Melbourne investing into those places so that they can make money through these platforms. I think it is really important that we remember that what we are talking about here is trying to get houses back onto the long-term rental market so that our essential workers, our teachers and our nurses can all have somewhere to live.

Ten years ago the Mornington Peninsula enjoyed a rental vacancy rate of 3 per cent. Today that has plunged to 0.7 per cent. You know, it is easy to talk statistics in this place, but behind every statistic are people and families. The ABC did an interview in 2022 with a young woman called Michelle. She was a local teacher. She taught in Mornington Peninsula and she was unable to find affordable, stable housing. It was a huge issue for her. Those on the other side would prefer to protect the profits of people that can afford to let out their houses. I can only imagine their second houses are negatively geared – undoubtedly. They want to protect the profits of those people over the families in the Mornington Peninsula who can no longer find affordable rental stock.

This government is absolutely committed to addressing the housing crisis in our state, and so much work has been done. I am delighted that part of this levy – 25 per cent of it – will go to housing in the regions. We do need those houses in the regions, because 50 per cent of the Airbnbs are in the regions. They are our houses that are being palmed out so that someone else can make profit. So I am really glad that 25 per cent of that money is going to go into social and affordable housing in my region, along the Surf Coast and in the Mornington Peninsula. This is about housing people who need support, not about protecting your mates' profits.

So much has been done by this government to look at making a fairer rental market. We have introduced lots of supports for renters, including some really basic ones. I did have someone ring me once and complain about our new rental requirements. He said he could not afford to comply with the windows legislation, so I went and had a look. What we were requiring for windows was that they shut and lock. It did not seem like too much to ask a landlord to work towards. This government is committed to supporting renters. We have shown that through our rental policies, and this is another way that we can show that we are here to support working families, we are here to support people who need and deserve a safe roof over their head. We are not here to protect the profits of people that own at least two houses and that seek to put them on the market for \$300 a night.

We had holidays, very joyous holidays, back in the 1970s, and I would ask those on the other side to reflect on their childhoods and where they went for holidays. I do not think that the family holiday is in any way at risk from this policy, because families do not go to places that have \$300 a night tickets on their heads. Families are going to places that they can afford. We need to get more of this housing back into the long-term rental market. We need to think that this policy is about protecting people, and while those on the other side can heckle as they like, I would ask them to consider what stands behind this policy. It is working people. It is giving working people a house and a roof over their head rather than protecting their mates' profits at \$300 a night that are negatively geared.

**Bridget VALLENCE** (Evelyn) (15:22): You know things have gotten drastically bad under this Labor government when they introduce a holiday and tourism tax, because that is precisely what this Short Stay Levy Bill 2024 will do. This tired Labor government – a decade old, 10 years in office, with record debt soaring to nearly \$200 billion, a cost-of-living crisis and having already whacked Victorian people and businesses with 54 new taxes – is so devoid of ideas that they decide that their next big move is to tax Victorians more, with this holiday and tourism tax being their 55th new or increased tax, and this is in a time when Victoria already has the highest taxes in the nation.

This is just a bad tax grab that will hurt all Victorians, and it will particularly hurt my region in the Yarra Valley and the Dandenong Ranges. That is precisely why we oppose this bad tax. This proposed new tax really exposes the Allan Labor government for their poor population and housing strategies, their dismal ability to tackle the housing crisis that really, let us be honest, has emerged under this government, under their watch, and they have shifted this problem onto Victoria's tourism industry and the short-stay accommodation sector. What a disgrace to tax an industry that has worked hard to recover after COVID, after the pandemic, after the lockdowns of this government and then to survive a cost-of-living crisis. The tourism industry can least afford another economic blow to its sustainability.

This Labor government likes to claim it is nation leading and world leading – fake headlines, as we know, most of the time – but why on earth would they want to lead Australia into a tourism tax when people will just choose to holiday somewhere else? They will choose to holiday over in South Australia, over in New South Wales.

It is actually going to be damaging for our Victorian tourism industry, because people will choose to holiday somewhere else where this tax does not apply. It will be a disincentive to people looking for a domestic holiday right here in Victoria. Further, why would this Labor government want to be world-leading and have a tourism tax that is the highest rate in the world – of course world-leading when it comes to tax rates. Is it any wonder this Labor government is on the nose now. It just goes to show the parlous state of the state's finances and the financial incompetence and the financial mismanagement of this Labor government. They just cannot manage money, which is why they have to resort to these ridiculous taxes with such a debt-ridden budget that they are facing.

This tourism tax seeks to take from the tourism industry and give to the construction and housing industry. The government is pulling the wool over Victorians' eyes by trying to claim the revenue from this holiday tax will go to supporting more social and affordable houses. It will not – it absolutely will not. There is absolutely no guarantee in this bill that it will support improved housing outcomes

for Victoria or for our Yarra Ranges region. We know this is the case. We know that it will not support any more housing, because Labor's Department of Treasury and Finance, despite repeated questions on this issue, could not articulate how many current short-stay accommodations would be withdrawn from the short-stay market for long-term rental, could not articulate how many new homes would be built with the revenue from this tax and could not articulate even how many more new homes would incrementally be added to the housing supply in this state. They just could not answer. We asked multiple times: how many more homes will be built with this tax revenue? They completely failed to answer that very basic question. They have got a headline in the media release that says this tax revenue will be for new houses, but they could not say how many more houses would be built.

Interestingly, in the department briefing they did say that it would go to maintenance, and we all know the current public housing stock is in disrepair. We think that if this tax grab is not going to consolidated revenue, it will probably just go into patching the holes and the mould in all of the current public housing stock under this Labor government. That is because it is a really bad idea – this tax is a really, really bad idea. It is just a lame tax grab that will shore up preferences really from the Greens political party.

The Labor government has poorly consulted industry about this new tax on how it will apply and how it will be collected, dare I say it, calling into question whether it is even constitutional. There is also a complete lack of clarity on how this new short-stay rental tax will address GST. According to the current structure, GST will be paid on the total cost of the short-stay rental and that is then subject to the 7.5 per cent short-stay levy, which according to the bill will also attract additional GST. Under federal requirements, as I understand them, you cannot charge GST on top of GST. That is not clear within this bill, which is why we have sought from the Treasurer and the department legal advice about whether this bill and whether this tax is actually constitutional, because we would argue that perhaps it may not be.

Unbelievably, this bill will allow local governments to also have the ability to create their own rules and their own requirements and levies on short-stay accommodation, which is an absurd outcome of red tape and over-regulation and will only make it more expensive for people wanting to visit my region in the Yarra Ranges for a short-stay holiday. I thank the Yarra Ranges Tourism board for their input on this bill, outlining their concerns for the visitor economy that is so vital for the Yarra Valley and Dandenong Ranges and the damaging consequences this will have for tourism operators – not just the Airbnb hosts but the whole industry: the cleaners, the laundry operators and the garden and property maintenance who rely on these short-stay accommodation providers who employ them.

Often these are women too, so it is going to be damaging for women. It is going to have a disproportionate impact on women in this industry. In a region like the Yarra Valley and Dandenong Ranges, promoting greater patronage of overnight accommodation is crucial to the long-term sustainability of the tourism industry locally. We are there to support businesses and jobs in our region and our local towns, yet this tax will do everything but support the visitor economy in the Yarra Valley.

This new tax will impinge on the Labor government's own Experience Victoria 2033 strategy, which is all about increasing the length of stay of visitors. Currently two of the biggest deterrents to the Yarra Valley and Dandenong Ranges seeing more overnight stays are the proximity to Melbourne and the supply levels of a diverse range of visitor accommodation, because we have no major commercial hotels and rely on the short-stay rentals. The Yarra Ranges Tourism 2033 destination management plan identified that we have a shortage of some 1400 beds at the current time, and as the region struggles for new infrastructure to meet the demand caused by the growing Melbourne population, which is our primary source for visitors, the reason so many homes have been turned to the short-stay rental market in the Yarra Ranges is because there is a dearth of places for people to stay when they want a holiday in our beautiful region.

A more sophisticated approach to tackling the housing crisis would be to review the current strict planning controls that inhibit the development of larger hotel accommodation projects, because these

larger developments, as we know, would have a far greater impact on removing short-stay accommodation stock from the housing supply market than a tax. As I mentioned before, this new tax will tax the tourism industry but provide no benefit back to the tourism sector, particularly in my region in the Yarra Ranges. We have long been concerned that there has been a lack of investment in tourism and infrastructure within the Yarra Ranges. Simply, this new short-stay accommodation tax is not a solution to the housing crisis that has emerged under the watch of this Labor government.

Not only will this tax not deliver more homes to fix Labor's housing shortage crisis but this new tax will disproportionately impact women. Around 65 per cent of the short-stay accommodation hosts are female, and the short-stay accommodation market provides a revenue source and flexible form of work for these women. It is absolutely astonishing that this Labor government, who talks a big game on women, is putting in a tax on an industry that is dominated by female workers. It is a very bad tax. It is a shameful tax, and we oppose it.

**Dylan WIGHT** (Tarneit) (15:32): This afternoon I rise to speak in favour of the Short Stay Levy Bill 2024. Housing is an interconnected ecosystem, and every change within that ecosystem reverberates right across the entire system. The rise of the short-stay sector has significantly disrupted this balance, and as representatives we cannot overlook its negative impact anymore.

Luxury and upscale accommodation generated \$992.4 million in revenue in 2022–23. Upscale and mid-scale accommodation generated \$1.4 billion in the same period, and mid-scale and economy accommodation generated \$662 million across that period. We clearly have an incredibly strong accommodation industry here in Victoria. Properties with 10 or more rooms, such as hotels, motels, caravan parks and the like, are clearly capable of servicing Victoria's fantastic tourism industry. When you stay at a hotel you can usually expect to be greeted by a receptionist. You often receive breakfast prepared by hotel kitchen staff. At a caravan park your site will have been maintained by gardeners. Wherever you stay, you can expect that your room has been cleaned by cleaners before you stay and of course will be cleaned afterwards.

Tourist accommodation creates jobs. It creates solid jobs for workers in Victoria's tourism industry. It creates economic growth in tourist destinations, supporting local families and regional communities. Outside of that traditional hotel–motel model we see that in Victoria there are around 63,000 short-stay accommodation places; almost 50,000 of these places are entire homes. While there are many hosts who provide fantastic services, the reality is that you do not receive the same experience as you would in a traditional accommodation setting.

Guests are often encouraged to clean up after themselves, restrictions are placed on what you can and cannot do in your accommodation and all communication is done through an app. In previous contributions we have heard those opposite say that this piece of legislation is bad for jobs. Let us be clear: short-stay accommodation effectively eliminates the kinds of jobs that normally come with traditional tourist accommodation. Airbnb is replacing workers with landlords, decimating local jobs and eliminating key workforces in Victorian communities. However, perhaps even more critically, it is also depriving local communities of long-term housing.

To put this into context, Housing Victoria currently manage 64,256 properties around the state. Public housing properties are a key component of the overall housing ecosystem. They reduce homelessness, they have an impact on rental affordability by linking the rent paid to the income received by the household and they provide an opportunity for low-income households to live close to employment opportunities and to access educational and health services. Compare that with the short-stay sector. We have 63,000 houses that are not available for long-term rental. This has a severe and detrimental impact on housing affordability because the entire business model is based on peak pricing. In the short-stay sector every day is a holiday, so housing, that most basic of human needs, is priced as if we are all on holiday 365 days a year. In some cases a landlord can gain over double the income from an Airbnb that they can from a regular, long-term tenant. Ordinary Victorians cannot afford to live that



way, and they cannot afford for such a significant proportion of the housing ecosystem to be utilised in such a fashion.

It is my strong view that the proposed levy is a proportionate and reasonable response to the public policy issues raised by the advent of the short-stay sector. As part of the housing statement last year we announced that we would be introducing a levy on short-stay accommodation. The short-stay levy will be set at 7.5 per cent of revenue from the stay. The revenue collected will go to Homes Victoria to support the provision of public and affordable housing right across our state. Again, because housing is an ecosystem, the decision to hypothecate the levy is a significant one. The levy will remain in the housing system to aid the fight against homelessness and to provide affordable housing options for Victorians in need. That is around \$60 million per year to support the building and maintenance of public and affordable housing. I cannot wait to talk to Homes Victoria about investing a fair share of that money in Tarneit to combat the current levels of housing stress we are seeing right across my electorate.

One clear area of need is public housing for large families. I would like to see some of this levy invested into the spot purchasing of houses in Tarneit close to transport and close to schools. Spot purchasing properties for public housing is a great way to get immediate results and to surgically respond to an identified need.

Another area where future investment would be welcome is in improving energy efficiency in public housing. We have done a lot of work in this area, but there is always more to be done. This is an installation where we can certainly put this money to good use. In the same vein, if there is still a roof of a public housing unit in Tarneit that does not have solar panels, then this is also a great opportunity to get that fixed.

Let me talk about apartment buildings for just a moment. What I am hearing is that the residents are unhappy. They think they have moved into a residential development only to find that other people think that it is a hotel. I have heard from constituents who cannot sleep on weekends because neighbouring properties tenanted on Airbnb are used regularly as party houses by kids.

One of the main concerns that the long-term residents have is that they will be left with a financial time bomb once the gloss is off that property. That pool that looks so inviting on the Airbnb listing will one day need an overhaul, and long-term residents are worried that they will be stuck with the bill. And we have all heard of the complaints about the loss of amenity that comes with inappropriate and unplanned mixing of residential use and short-stays. Residents are entitled to the quiet enjoyment of their properties, but at the moment many tell me that they would settle for quiet and just hope that the enjoyment looks after itself.

I started this contribution by saying that housing is an ecosystem. I then discussed how housing is a basic human need. I also believe that housing is a basic human right, and in this place, where we often have to balance competing wants and needs and indeed even rights, I think that this bill does a good job in striking a fair balance.

Throughout contributions today we have heard that this is a tax on tourism, which could not be further from the truth. Victoria has a substantial and strong tourism industry and, as the stats in terms of revenue that I reeled off and spoke about at the start of the contribution suggest, a tourism industry that can be sufficiently serviced by your traditional accommodation types. We have also heard throughout many contributions that this legislation will negatively affect jobs in that sector. We heard the member for Nepean come in here and speak in his contribution about the fact that those people maintaining Airbnb properties – cleaning pools and mowing lawns I think are the two examples that he used – would lose their jobs as a result of this legislation. What the member for Nepean fails to recognise is, because of this lever in our housing ecosystem, those people mowing those lawns and cleaning those pools have no capacity to actually live in a property anywhere near where they are

doing it, and Airbnbs and short-stay accommodations play a negative role in that. This is fantastic legislation, and I commend it to the house.

**Gabrielle DE VIETRI** (Richmond) (15:42): In the middle of a housing crisis it is just not right that there are 48,000 homes, entire homes, on Airbnb alone. This locks out renters from having a home, it keeps first home buyers out of the property market and it drives up the price of property for everyone. Short-stay accommodation distorts the housing market, and while Victorians face soaring prices and near zero rental vacancy rates and while people are sleeping in cars and in tents, property investors are hoarding homes to make exorbitant profits on platforms like Airbnb.

This government talk a lot about supply being the issue in the housing crisis, yet it was only when they were pressed by the Greens and the community that they acknowledged the enormous quantity of homes locked up on the short-stays market. In my electorate in Fitzroy, in Collingwood, in Abbotsford, Clifton Hill, in Richmond, Cremorne and Burnley thousands of homes are listed on Airbnb while most renters absolutely struggle to find a single home in their price range. Constituents tell me about how they spend weeks and days trying to find a rental apartment, trying to find somewhere to live, only to be rejected repeatedly as the market shrinks and the prices soar. Many of my constituents have been forced to move repeatedly as their rental apartments are being turned into Airbnbs, and a Carlton renter shared with me about how three out of five apartments in their building are short-stays. Imagine the kind of noise and turnover and instability that you would feel in a situation like that, where your home is not a community but a hotel.

We know that regional and rural communities are particularly hard hit, with essential workers unable to find housing. Think about communities like those on the Surf Coast or in the Alpine or Hepburn shires, where 10 per cent of homes are in fact caught up on Airbnb, and places like Blairgowrie, where 32 per cent of all homes are listed on Airbnb.

Regulating this industry has been one of the Greens' top demands for rental and housing reform, so when Labor responded by announcing a 7.5 per cent levy we made it very clear, backed up by independent research, that a levy alone would not be enough to force property investors to give up their Airbnbs so that people could actually live in a home. We pushed for reforms that would actually shift homes off Airbnb and either back onto the market, where property investors sell up to first home buyers, or back to being made available for long-term renters. I am really pleased that after months of negotiations we have secured these reforms. What we are getting is this property investor tax combined with owners corporation and council powers to limit or prohibit short-stays for their communities.

When Airbnb was first launched it was part of the share economy. You know, you might have a spare room or you might go away for a short holiday and want to make a bit of extra cash by putting your home on a short-stay platform and giving visitors a local experience instead of staying in a hotel. But that is not at all what it has become. Most short-stays today are run by commercial-style mega hosts – property investors who buy up multiple properties just to cash in on Airbnb. That is why we have negotiated for hosted residences, where somebody is living or where you just go away for a short time but it is your principal place of residence – homes in those kinds of scenarios will be exempt from the levy and from the owners corporation regulations. Instead it focuses on entire-home short-stay accommodation that is owned by property investors, because these are the short-stays that are forcing up the price of housing and taking homes away from renters and owner-occupiers.

On top of the levy, we have secured the right for owners corporations to ban short-stays in their complexes, because people should be able to choose whether or not they live in a hotel or a community. The Greens have also secured a commitment from the Labor government to explicitly give councils new powers to regulate short-stays in their communities, and that means they can be flexible on how they adapt rules to their community, whether it is the number of nights a property can be on a short-stay platform, imposing amenity or fire safety standards or even banning short-stays altogether in high-pressure zones.

Short-stay platforms and providers will have to register their properties with the State Revenue Office, and that information must be passed on to councils on request so that they can actually enforce those new rules, because for too long there has been a lack of official data to assess short-stay activity and its impact on communities. That is why when we have tried to impose regulations in the past we have been met with this kind of void of information. In fact major providers like Airbnb and Stayz go out of their way to obscure and hinder access to this data. So this will put an end to that and allow governments to regulate it properly with access to that data.

These changes secured by the Greens are further proof that pressure works and that people can demand more from their governments on housing. We have seen it before in the success of our efforts to put the renting crisis on the political agenda, getting a tax on empty homes and securing an inquiry into the rental crisis. In this housing crisis we have to take every opportunity to rebalance our devastatingly inequitable housing system, to change the laws to make housing genuinely affordable and secure and to push property investors to sell up and make their properties available for people to actually live in.

With the changes yet to come we are really pleased that the Treasurer and the Minister for Planning have recognised the need for clarity and agreed to do this in a way that is simple and flexible and does not place a significant administrative or legal burden on councils. I look forward to working further with the government and the Treasurer as this legislation shapes up to be implemented by early 2025.

I would like to acknowledge the Treasurer and his office for negotiating with us in good faith on these reforms. Working together with the Greens means that this legislation will make a real difference. This new package will free up homes for renters, but it is really important that we do not stop here. There is still so much more work to be done.

The rapid growth of short-stays and the negative effect that has had on our communities has not happened in a vacuum. It is a symptom of a deeply embedded backwards culture that has prioritised the commodification of housing and the rights of those seeking to profit over those seeking shelter. Housing is viewed as an asset to collect rather than a basic human right, and that is why the Greens are fighting to save public housing from Labor's demolition and privatisation – to stop people from being forced out of their homes. We want to protect communities, to maintain existing public housing and to build even more in our communities. That is why the Greens are calling for a rent freeze – to stop unlimited rent rises so every Victorian can afford to have a place that they call home.

Property investments, dodgy developers: your time of unchecked profiteering is coming to an end. Victorians are demanding more from the government on housing, and by working with the Greens in Parliament their demands are being met. We will keep using our power in Parliament to fight for what is right. We will continue to push for reforms that put people before profit, and we will not rest until every Victorian has access to a safe, secure and affordable house.

**Luba GRIGOROVITCH** (Kororoit) (15:51): As part of last year's inaugural housing statement for Victoria the government pledged to introduce a levy on short-stay accommodation. This is something that our Allan Labor government came up with, and we are very proud of it. This legislation delivers on Labor's promise. This is a good Labor policy – a Labor policy, that is correct – that will help put more affordable and decent housing within the reach of more Victorians.

Those opposite are concerned that some renters will put up their rates and that for anyone going on a holiday or booking on Airbnb it will just no longer be feasible for them. But that is simply not the truth. It is obvious to anybody that when you book a holiday, you look at the expenses and the levies that are included.

Just three weeks ago my family and I actually rented a beautiful Airbnb in Launceston – and on that note I should acknowledge the sad passing of my beautiful mother-in-law Judy Gray. Aside from being married to a former Premier of Tasmania, my beloved father-in-law Robin Gray, Judy was a nurse in her working life with a passion and love for people, and that absolutely radiated from her in her twilight years. I am sorry for the relatively short time that I got to know her, but I will always

treasure the memories of her. I should also note that the service that we got from the funeral home was absolutely incredible, and also the care that the Launceston General Hospital took of her and her husband Robin was absolutely amazing. As we all know, hospitals are not nice places, but again, another shout-out to our health workers.

Anyway, I do digress, so back to the Short Stay Levy Bill 2024. In Victoria there are around 63,000 short-stay accommodation places, with almost half of these in regional Victoria, and almost 50,000 of those places are entire homes. These are places that are not available for long-term rental. That needs to change and change urgently for the thousands of people and families who have no certainty of a roof over their heads in either the short term or the long term. The policy that the government has landed on will mean that more of these properties are available for long-term rental and will help fund the growth of Victoria's social and affordable housing stock.

From 1 January next year this levy will apply to all residential properties that are rented out for a short stay or for less than 28 days. The short-stay levy will be set at 7.5 per cent of revenue for the stay. All revenue raised from the levy will go directly to Homes Victoria to support the building and maintenance of social and affordable housing across the state, with 25 per cent of funds to be invested in regional Victoria. The levy will not apply to a home owner or renter leasing out all or part of their principal place of residence for a short stay – for example, when a home owner goes on holiday and puts their place up for someone else to stay in temporarily. It also will not apply to commercial accommodation such as hotels and motels or to a range of other non-commercial accommodation types, such as rooming houses, supported residential services and temporary crisis accommodation. This is because the government considers it appropriate to exempt someone renting out their principal place of residence, such as when they go on a holiday for a few weeks, as applying the levy in these instances would be unlikely to increase the availability of a long-term rental.

What this bill will do, and what this side of the chamber makes no apologies for, is help to open up more social and affordable housing for more people across the state. It will get more supply into the long-term rental market. We are all talking about a levy which is expected to raise around \$60 million each year going to making more housing available to Victorians. It will bring much-needed relief to all Victorians.

For short-stay bookings made through platforms such as Airbnb or Booking.com, the platform will be responsible for paying the levy. They will be obliged to register with the State Revenue Office, and normal state tax related penalties will apply. The SRO will have the same compliance and investigation powers as it has in relation to the other levies and taxes, and the same penalties will apply to those not meeting their obligations. This includes extensive data-matching using information from state and federal agencies to detect noncompliance. Where a property owner takes bookings directly, they will be responsible for paying the levy. This is to ensure that property owners cannot avoid the levy by taking direct bookings. It will be up to the platforms if they want to try and push the levy through to property owners or to those booking short-stays and whether they will itemise it. But there is a competitive market operating here, and holiday-makers have plenty of other options. If a property owner or platform is charging more than they are willing to pay, then as the member for Eureka said, there are many other options. Whether it be camping or caravanning, there are many alternatives here in Victoria.

The government has consulted with a number of stakeholders over the past 12 months, including local councils, the short-stay industry and of course the tourism sector. The final policy parameters that we are announcing today stem from those consultations and get the balance right for communities across Victoria. Short-stay rentals are concentrated in certain pockets of the state, and this approach is about striking the right balance for communities across the entire state. It has become clear through the government's consultation with councils and others that this is an area where it is desirable to leave some space for different regulations in different municipalities depending on the local circumstances. This is why the government is separately making non-legislative changes to the planning system to give local councils additional powers to regulate short-stay accommodation, such as the ability to

require a permit for a property to be used for short-stay and attach conditions to that permit subject to the approval of planning scheme amendments. This would be on an opt-in basis for councils. These changes to the planning system will hopefully come in by early 2025. No changes will be made in relation to councils' ability to raise fees for short-stays.

The government has also heard through its consultation that in a small number of apartment buildings the proliferation of short-stay rentals may lead to a loss of amenity or sense of community. This is why the bill also gives owners corporations the ability to prohibit short-stays in their development, aligning with similar provisions which they have in New South Wales. I know a good friend of mine was living in an apartment building in Footscray, and every weekend without fail there was an absolute party. So these changes will absolutely be accepted and wanted by many. It will, however, require a special resolution, meaning that 75 per cent of owners vote in favour of the prohibition.

Finally, the short-stay levy will allow the State Revenue Office to share data that it collects from administering the levy with local councils for them to use in regulating short-stays if they so choose to.

I may have only been in this place for a short time, but I can already hear the attack lines from those opposite, as we heard earlier. They are crying out against this reform. They will say that it is just a great big new tax and that it is another impost from a big government on the little people. They need a reality check. The Labor government has cut or abolished taxes and fees 64 times since coming into government. That includes increasing the payroll tax free threshold four times since coming to government so that fewer small to medium-sized businesses pay any payroll tax. And in the last state budget we committed to increasing it twice more, lifting it to \$1 million so that 6000 businesses – that is, about 15 per cent of payroll-taxing businesses – will no longer pay a cent in payroll tax. We all know where their priorities opposite lie –

**The SPEAKER:** Order! The time has come for me to interrupt business for the matter of public importance. The member will have the call when the matter is next before the Chair.

**Business interrupted under sessional orders.**

### *Matters of public importance*

#### **Diversity**

**The SPEAKER (16:01):** I have accepted a statement from the member for Mordialloc proposing the following matter of public importance for discussion:

That this house recognises Victoria as a place of diversity where community is strong and equality and inclusion are not negotiable.

**Tim RICHARDSON (Mordialloc) (16:01):** Thank you, Speaker, for the opportunity to rise on this important matter of public importance, because equality and diversity are indeed not negotiable in Victoria. That does not mean that it is just a given. It is not something that just happens. It requires effort each and every day and a commitment from our community and all of its facets to make sure that those that are from diverse backgrounds and communities are supported in every single facet. I am going to take the house through a few examples of how that can be threatened and impacts that we have seen in this place across time.

I think it is fitting to reflect at the moment on what is taking place just a little while down the road. We see an impact on our inclusion and our diversity right now down at the exhibition centre. It is always the right of people to peacefully gather and protest. As the party of the union movement, we absolutely subscribe to that, but I think it is worth calling out that the divisions and the impacts on social cohesion that we have seen – that have been stoked by some in this Parliament – are of great concern to the community.

We had a question from the member for Richmond to the Premier only last sitting week that asked, after referencing the Victorian Charter of Human Rights and Responsibilities and the right to protest, if there would be an impact from Victoria Police on those that peacefully gather, practice civil disobedience and have peaceful direct action as keystones. This was the question that was put forward about whether Victoria Police would escalate the situation in their presence. What we have seen reported today, about what should have been a peaceful gathering if you are protesting, are allegations of acid being thrown at members of Victoria Police, along with excrement from horses, and the burning of various items. No-one comes to a peaceful protest loaded up with acid. The absolute escalation in tensions and impacts have a direct hit on diversity and social cohesion. It is a time for people to be really careful and cautious here, because we do not want to see the images that we see writ large internationally and the divisions that happen – that have at their cornerstone a political element of benefit to those that drive those divisions – stoked any further.

Everyone is in despair about the conflict in the Middle East. Everyone wants to see a peaceful resolution and solution as soon as possible. No human life should be lost – no additional human life. It is an absolute devastation that we see. But the notion that people front up to a protest with acid to throw at our members of Victoria Police and the notion that Victoria Police have some sort of accountability there is extraordinary.

I want to put on record that when we talk about diversity and inclusion we all have a responsibility. We can passionately advocate for issues that our communities and our constituents care about. That is absolutely the hallmark of this place. But we also have a responsibility in our words and our actions to always be inclusive, respectful and supportive. Because we are in the oldest civilisation in the world. First Nations people have been here for more than 60,000 years and 2000 generations. It is a source of the greatest pride for Australians that we have such an unbroken connection and respect for our First Nations peoples and their multitude of languages. We acknowledge on country, on Wurundjeri land, their continuous and unceded connection.

It is a great hallmark of our diversity that we welcome so many nationalities – 300 ancestries, nearly 300 different languages spoken and 200 different faiths. It is a beautiful patchwork of inclusion and diversity that Melbourne and Victoria celebrate, love and cherish. It needs constant work and it needs constant effort to make sure those divisions and issues that come up from time to time, which I will address, are called out in the strongest possible terms, no less so than with the collective disappointment I think Victorians feel given their endorsement of the position that we find ourselves in with First Nations Victorians and the pathway to treaty. I give a shout-out to the member for Kew, who I do not think will be tuning in back home at the moment. I congratulate the member for Kew on little Patrick James arriving. The member for Kew came out in support of treaty early on. She looked within her values and said this is something we should do. That is leadership. That is bringing together thought and consideration around leadership. When the member for Berwick decided to have a discussion around raising the age and the impact on vulnerable youth and community and went outside of where their position is, that is leadership; that is coming forward with an idea or plan. When the member for Brighton, against a tide of opposition from those within his party, talked about the importance of LGBTIQ+ communities – and thankfully we are at that position – that is against a background of it not always being popular and not always being seen to be the centrist thing to do. When it is needed most, the Andrews government and the Allan government have always been on the side of equality, diversity and inclusion. That is something in which there is great pride, both in Australia as a flagship of diversity and also internationally. It is one of the safest, most inclusive places in the world.

It was only a few years ago that they fronted up in this Parliament for two years solid saying that 54 countries with 1.5 billion people in the world were representative of gangs in our community. Remember the African gang commentary that went on consistently and the damage that that did to social cohesion for an extended period of time? It has been editorialised and it has been backgrounded by the regret that those opposite have, but we have never heard one particular word, particularly from

the Leader of the Opposition, the member for Hawthorn. He was Shadow Attorney-General when law reform bill after law reform bill was coming in here, when in the language and narrative about our communities from the 54 countries of the African continent they were said to be African gangs, and not once since has there been an apology. Not once has someone said sorry for the generalisation and the impact on those communities and on social cohesion. You will see the member for Hawthorn, uninvited, come through citizenship ceremony after citizenship ceremony. I was surprised one day when he stumbled into the City of Kingston.

**James Newbury:** On a point of order, Speaker, the member can make any accusation he likes by substantive motion. On a motion that relates to inclusion, the member is, for a start, being contradictory, and I would ask you to bring the member back to the matter before the house.

**The SPEAKER:** The member for Mordialloc is reminded that impugning other members is disrespectful. I would ask you to be very careful about how you speak about members of the opposition.

**Tim RICHARDSON:** I will place on record the *Age* article from 2019 editorialising the regret that the coalition had, so if they are walking back their regret, I would love to know why that is the case and where the leadership was at the time when they were directly targeting 54 nations in a continent of 1.5 billion people, generalising. I will go one step further – there was an impact on social cohesion.

This is the non-negotiable call-out that we need to do. We had a Leader of the Opposition who was the alternative Prime Minister saying that it was not safe to go out in our communities at night – not safe to go out. Not once was that ever called out by those opposite – not once. They represent communities across which there is a diverse diaspora of African communities, and not once was it called out for what it was and the damage that it did. I am glad now that there has been a realisation, but when there was political capital, when Tony Nutt from the Liberal campaign wrote it into their law-and-order crime strategy at the time, we saw it for what it was, and thankfully Victorians saw it as well, because we all have a responsibility to call out that behaviour when it impacts on inclusion and diversity.

Remember: 200 faiths, 300 ancestries and 290 languages spoken. Generalisations about race, culture and community are so damaging, and we are seeing that playing out again at a federal level in the same predictable circumstances, which has a huge impact on communities and will undermine communities into the future. And it is not only that. It comes at a time when we launch Victoria's strategy on suicide prevention. We know that communities from diverse and culturally and linguistically diverse backgrounds experience a disproportionate impact when it comes to mental health and wellbeing. That is why this strategy, launched this week on World Suicide Prevention Day, is so very important.

We know it is a really hard journey as a newly arrived migrant or refugee to settle into the community and find your way. There is nothing more passionate, exciting and energising as a member of Parliament than when you front up to an Australian citizenship ceremony and you hear people who are so passionately appreciative of becoming an Australian. They might have been here for decades and then become Australian citizens or they might have been here for a few years, but the pride and passion and the lived experiences of their stories are absolutely incredible. It is already a hard enough journey, and the resilience that it takes to establish yourself is so substantial. When those narratives and that language are put forward, they impact on mental health and wellbeing. In Victoria we celebrate our multiculturalism. We say that you can speak your language, you can celebrate your culture; it is all part of the rich fabric and patchwork quilt of an Australia that has more than 7.5 million people born overseas. It is something that is a great source of pride. Where we see division play out around the world and even in the United States at the moment, Victoria continues to be a beacon and example of a wonderful, inclusive and harmonious society.

We also see some of the mental health impacts in LGBTIQ+ communities, and we have seen this play out in debate after debate. I wanted to share with the house some of the impacts that that has on communities. Equality is non-negotiable. You can be who you want to be and love who you want to love in our state – and now in our nation. I think it is really important to reflect on some of the damaging rhetoric around diversity that we have seen. When trans people were being attacked our former Premier put up the flag and said, ‘I’m an ally. I’m with you each and every day.’ That is what leadership looks like. In a pile-on of media, in an avalanche, as a beacon of hope we established those inclusive principles. That is what leadership takes. It has always hit me, as the Parliamentary Secretary for Mental Health and Suicide Prevention – when Dan Andrews was asked a range of questions on these issues, his simple answer was, ‘Why would you want to pile on any more to a community that cops so much discrimination now and impact?’ Research suggests that 73 per cent of LGBTIQ+ people have considered suicide, compared to 13.2 per cent of the general Australian population. The over-representation of discrimination hugely impacts on communities. Let us be abundantly clear: being trans and gender diverse is not an inherent vulnerability or risk to mental health. It is the repeated experiences of violence, discrimination and stigma that contribute to the tragedies. Sitting on the ministerial advisory committee on mental health and wellbeing, I hear that each and every day – the lived and living experiences, the fear when people divide communities, when people impact on LGBTIQ+ communities by making some of the most horrific statements.

We know the member for Brighton might be getting up on this very soon, but let us reflect on when some of those divisive comments were made out on the steps, which is going to be a feature in a few days time on another matter. The member for Brighton at the time said, ‘You can’t sue your leader and get away with it.’ It was not about the comments at the time. It was about the fact that there was disunity within the Liberal Party and why Moira Deeming is no longer a member in this place. It should have been about calling out and literally doorstopping with the Premier. The opposition leader should have come together and doorstopped on the divisive language and impacts –

**James Newbury:** On a point of order, Speaker, it is improper for the member to be impugning me on matters that I have been publicly outspoken about for my career.

**The SPEAKER:** I think the member for Mordialloc was referring to another member of Parliament in his contribution. He did refer to you, but this is a matter of debate.

**Tim RICHARDSON:** It is a quote that was publicly reported at the time. Did the Leader of the Opposition doorstep with the Premier and denounce those comments? No, he did not denounce them. Did the Leader of the Opposition come out and denounce those comments on the day?

**James Newbury** interjected.

**Tim RICHARDSON:** It is not about you. You are not the Leader of the Opposition yet. I know it has been a big day and there have been about 45 points of order, but the member for Brighton is not the Leader of the Opposition. The Leader of the Opposition acted based on political interests and disunity, not based on the divisive, harmful, hateful comments that we see impacting on communities.

That is the challenge in our place. There is a chance to go the high road and be inclusive and supportive of others and those from LGBTIQ+ communities, or there is the opportunity to deride, belittle and impact because it is in your political interest. That is the challenge for the Greens political party with the violence we saw down the road today. No-one rocks up to a peaceful protest with acid and rocks, impacting on the people that serve in our community. You have got an obligation to step up. The Greens political party has an obligation. It goes all the way through to comments around African gangs that they regret down the track – that the Liberal Party is on the record as regretting down the track – or then the impacts on LGBTIQ+ people. Thankfully, the Labor government steps up and supports diversity and inclusion in every single facet.

**James NEWBURY** (Brighton) (16:16): I rise to speak on the matter of public importance from the member for Mordialloc. At its core this matter of public importance speaks to a community being



strong, which at its centre is about social cohesion and the importance of social cohesion in this state. The substance of that topic is timely, never more so than today. Today we should be debating the community being strong and the social cohesion of this state. Today we have seen 24 police officers who were doing their work hurt while protecting the community – 24 police officers – while 1200 scum are on the streets attacking good, hardworking people of this state.

But what is worse is that at the core of our community, the centre of our community, should be the Parliament of Victoria, where we stand for what is good and right in terms of social cohesion. We have seen a member of this place again disrespect this place and in doing so undermine the social fabric of our community. In fact this morning that member tweeted and called for disruption. That is incitement. The core of what that member did this morning is inciting and disrupting the community, which has seen 24 police hurt. And it is not just police; we have seen journalists attacked, we have seen law-abiding citizens as they walked around the city attacked, we have seen cars and trucks damaged and we have seen fires set by these scum, these absolute scum. And at the centre of this behaviour is a member of this place.

Enough is enough when it comes to the member for Richmond. I do not use the words that I use lightly, but this Parliament has had enough of that scum. We have a member in this place who is discrediting the good standing of people in our community, who is undermining social cohesion – the basic fundamental principle of why we are here and what we uphold as per the Members of Parliament (Standards) Act 1978. The statement of value, which I am sure the Speaker would know so well, includes that we as members should carry out our duties to serve the public interest and to uphold democracy, integrity, accountability, respect for diversity of views and backgrounds within the Victorian community, diligence and leadership, and yet we have a member of this place protesting with the 1200 people on the street hurting other Victorians. How long can that stand?

We in the coalition have said repeatedly that it is not okay for someone in this place to be part of shutdowns of this building. It is not okay to bring people in here to protest. We cannot stand for it, and on every single occasion the coalition has stood up and offered our hand to the government and said, 'We will work with you to deal with this behaviour.' *Hansard* will show it; on every occasion I spoke about these matters through the chamber so that they would be put on record. I have said it to the Premier across the table multiple times. The Leader of the Opposition has called for the same. How long can we have a member of this Parliament breaching the fundamental principles of what we stand for and what we should be upholding as a Parliament?

To know that there are 24 officers who have been hurt today and that a member of this place was part of a protest that caused that hurt is deeply distressing, I would hope, for every other member of this place and, I would hope, for every Labor member of this place. We cannot keep standing idly by. We have a matter of public importance that is about ensuring we have a strong community and about social cohesion, yet have the government said they will do something about this behaviour? The member for Caulfield moved a number of motions this morning and sought leave to deal with this behaviour.

**David Southwick** interjected.

**James NEWBURY:** Nothing. The government declined to grant leave that was being sought to debate and deal with the matter.

I have said in a very bipartisan way to the government, publicly and privately, on every occasion: it must stop. We have a member of this place who is a rogue. We have a member of this place who is inciting dangerous violence. The tweet this morning disturbed, I am sure and I hope, every member of this place. I saw the tweet calling for disruption, which then resulted in acts of violence. My view is there are questions about whether the law was breached, because when you call for disruption and you see people hurt, when you see property damaged, you must take responsibility for it.

We as members of Parliament can no longer stand idly by and say this member for Richmond is welcome in this place. I believe every member should have an almost – almost – unquestionable right

to represent their community to raise issues. Whether I agree with them or not, I am sure we all as very strong supporters of freedom of speech on this side of the chamber believe in every member's right to do so. But do we extend that right in this place to inciting violence? Do we let that stand?

With this matter of public importance today I say again to the government: why will the government not work with us to set in place a framework to say that members of Parliament cannot shut down the building, that members of Parliament cannot incite violence? I am sure that every member on this side of the chamber supports members going out into the community, meeting constituents and attending protests or rallies to be aware of what community concerns people have. Of course we do, and in no way are we suggesting that that should not happen. But we have seen today police and Victorians hurt. We have seen property damaged. We have seen fires. We have seen the most disgraceful behaviour from the scum of the earth, and the member for Richmond is one of them – and I do not use those words lightly.

But when and what will it take before the government will say to us, 'Yes, we will work with you on ensuring that behaviour is appropriate'? The tweet this morning, in my view, raises questions of law. Incitement is a very serious thing, and what we have seen over time is in my view straight antisemitism coming from that member – straight antisemitism, obviously dressed up to hide the fact. But what that has done is undermine social cohesion in the community, and today we have seen that type of behaviour play out and violence occur on the streets.

Who is saying to the members of the families of the police that were hurt today, 'We are here on your side and we will not tolerate the leaders of this community inciting the behaviour that occurred to those members'? No-one from the government. There are only so many times that the coalition can call on the government to work with us to act in a bipartisan way before you can come to the view that the government does not want to act. I mean it quite genuinely. On every occasion we have attempted to work with the government to seek action, because we cannot have a dangerous activist sitting in this chamber using the title of this office to incite the community. It is dangerous. The member for Richmond is not fit to sit in this chamber. When you look at the Members of Parliament (Standards) Act, when you look at the values, the member does not uphold those standards, and social cohesion is important.

I am not saying that there are not other occasions. We saw it today in relation to a former Labor leader in New South Wales and a defamation outcome following an absolutely disgusting tweet of a former Labor member, now an independent, in the New South Wales Parliament, who tweeted the most disgusting thing about an independent member in that place and who was rightly found to have defamed that member today. Given the hurt that has been caused to the rainbow community because of that absolutely disgusting tweet, he deserved to have been found to have done so. I think that in that place they have a question in relation to that feral member.

But the member for Richmond today has not just tweeted and incited violence. The member for Richmond has today walked on the streets with a group of people who have hurt Victorians – that is what has happened. She walked on the streets with a group who have hurt Victorians, who have attacked police, who have attacked fellow Victorians, who have burnt property, who have attacked vehicles, who have attacked animals, who have attacked horses, thrown rocks at horses, thrown acid at police – the most disgraceful behaviour – and it appals and disgusts us on this side of the chamber to know that that person is a member of this chamber, because they do not uphold the values of this place.

We have tried to impress upon the Greens our views over time. We have tried. We have tried to call on the government to act. We have tried multiple times, but what will it take? With two years left in this term I am deeply concerned about what the member for Richmond will do over that time, because the escalation of her behaviour is clear. What started as a shutdown of this chamber has resulted in people being hurt today. The escalation is clear, and that is undermining the social cohesion of our community. It cannot stand.

The government must finally act, and again I call on the government to act. We cannot have a member behave in this way. No good Victorian would accept the behaviour of that member, and enough is enough. On behalf of the people who were hurt, on behalf of the good, hardworking Victorian police, we are calling for action now.

**Michaela SETTLE** (Eureka) (16:31): I am very pleased to rise to speak on this matter of public importance raised by the wonderful member for Mordialloc, but before I do go any further with that I do feel the need to address the previous contribution from the member for Brighton. While I certainly share many of his opinions about some of the action and certainly the destruction that is caused by the member for Richmond, I understand that the process of this house is that the Speaker is in charge of this house and of the members. I felt personally that there was disrespect shown to the Speaker, who has taken actions where the standing orders allow each and every time. To suggest that this is an issue for government –

**James Newbury**: On a point of order, Speaker, I would ask you to ask the member not to impugn me. On every occasion I have professionally worked with the Speaker, but on this occasion I have attempted to work with the government, who have declined to do so.

**The SPEAKER**: These are matters for the house.

**Michaela SETTLE**: As I said, I have every respect for the endeavours that the Speaker has made to maintain an orderly house. I thank you for that work.

I would like to address this matter of public importance that has been raised by the member for Mordialloc:

That this house recognises Victoria as a place of diversity where community is strong and equality and inclusion are not negotiable.

I thank him also for his contribution, which was a very detailed look at social cohesion and the support that many of our more vulnerable communities have had from both this side of the house and, perhaps less so, from the other. I did, as always, enjoy his contribution.

When we talk about diversity, of course the word itself is very diverse. When we talk about diversity we can be acknowledging and celebrating the full spectrum of human experience, whether that is multiculturalism, gender, sexuality, identity or ability. It is about ensuring that everyone, regardless of where they come from or who they love, has the right to live their life with dignity, respect and opportunity. These values are strongly held by people on this side of the house, and this government has shown again and again our support for many of the more vulnerable in our communities across the entire spectrum, whether it be diversity of sexuality, gender or ethnicity.

We have always been a really proud home in fostering multiculturalism, and I know I and the member for Wendouree are very proud that Ballarat, through the goldfields, was really where multiculturalism in this country was born. We continue to acknowledge the contribution of those many cultures from that period during the gold rush with things like the Chinese monument celebrating our Chinese workers.

We are very rich for the diversity of languages, cultures and traditions that shape our communities, but we also equally champion the rights of people to love and express themselves freely regardless of gender or sexuality.

Just recently I had the absolute privilege of attending, again with my colleague and friend the member for Wendouree, the 2024 Ganesh festival. It was really a beautiful, beautiful celebration. I have to give a nod to my colleague the member for Wendouree, whose support of multiculturalism goes a little further than mine in her ability to carry off a sari. I do not think I could do it, but the member for Wendouree did it and did it very well. It was a truly lovely event, and I do of course at this point want to acknowledge that the wonderful member for Ripon was unable to attend that event but was with us in heart and spirit. She has worked so hard for the BHTCC, the Ballarat Hindu Temple and Cultural

Centre. She has worked very hard to get a temple for them, and this government invested \$900,000 to assist with that.

I also had the privilege of attending the Nepalese Teej festival in Ballarat. The Teej festival is a particularly lovely festival because it is really about celebrating and empowering women in the Nepalese community. It is one of the most wonderful events. If I am completely honest, it is chaos, but it is absolutely joyous chaos as families and children celebrate the women in their culture.

It is important to understand that communities in my area are changing at a very rapid rate. I know, for example, in Ballarat we have a very, very fast-growing Indian community. It is beholden on us as local members to make sure that those communities are incredibly welcome in Ballarat, and we do that as best we can by supporting things like those festivals.

Of course Bacchus Marsh, which I also represent, has had extraordinary growth in its multicultural communities in the past five years, with an 80 per cent increase. There is a very newly formed organisation there called UNITE Foundation Inc. They are just doing extraordinary work in trying to create language schools and so forth in Bacchus Marsh, and I was really pleased and proud to be able to support them in their endeavour to have a language school at the West Maddingley community hub. I would also like to give a shout-out to the Ballarat Regional Multicultural Council, which is a wonderful organisation in our area that does amazing work in terms of engaging new communities as they move to Ballarat.

But of course, as I said, diversity is not just about where we come from, it is also about advocating for equality, and I want to take a moment to speak about the importance of gender and sexual equality in Victoria. Before I entered this Parliament I had the incredible opportunity in the 1980s to work for the Sydney Gay and Lesbian Mardi Gras, which is a festival that stands as a powerful symbol of LGBTIQ+ pride and resilience. It was that experience that really shaped my understanding of the importance of standing up for the rights of all individuals. I did say in my inaugural speech, and I stand by it in many ways, that that experience was what drove me to seek a life in politics, because I wanted to stand up for people. There was really only one party that I could see that would represent that value, and I have been a very proud member of the Labor Party for a good 20 years.

The government of course has done some extraordinary work, and we are very proud of our two openly out ministers, of course our wonderful Minister Dimopoulos in this place and Minister Shing in the other. We are very proud of them. We are not just proud that they are out, we are proud of the extraordinary work that they have done to support the LGBTIQ community in this state. Minister Shing's leadership and advocacy have been absolutely crucial, and like the member for Mordialloc, I salute our previous Premier. He made it so clear that he would stand by the transgender people in our community, and of course our current Premier continues that great work with the support that we do.

The matter of public importance is about a recognition of the diversity of this wonderful state. This government has done so much in this space. I am incredibly proud of the record in LGBTIQ+ rights but also in our absolute support for our multicultural communities. I think the Premier's extraordinary multicultural event in Geelong speaks to that commitment and support, but for me it also speaks to the Premier's understanding and this government's understanding of regional communities. I know that the member for Geelong was incredibly proud to have that event in her electorate and have the Premier there to support the multicultural people in the regions. It was just a fantastic event.

This matter of public importance is celebrating this government's work to support diversity, inclusion and equality in communities. There is only one side of the house that has worked so tirelessly. I think our record stands for itself.

**David SOUTHWICK** (Caulfield) (16:41): I rise to speak on the matter of public importance (MPI) that Victoria is a place of diversity where the community is strong and equality and inclusion are not negotiable. I say at the outset that as a proud Jew I think that this is something that I and just about every member of the Jewish community have stood for. Whenever there is somebody that has not

been accepted, whenever somebody has been targeted, it has been our community that has stood up and called it out. Absolutely that is what we do. We stand up and call it out. I am very, very proud to call that out –

**Michaela Settle:** African gangs.

**David SOUTHWICK:** I am very proud to call that out, member for Eureka, and I find that offensive, all right. You have had your turn. On this particular occasion the government are hypocrites. It is appalling that they again should try to be divisive through this MPI that we have today, because this government does not walk the talk. I can tell you that the very community that I am proud to represent in this house has been abandoned by the government.

The events of 7 October have seen antisemitism absolutely spiralling out of control. There has been an almost 700 per cent increase since 7 October, and what have we seen from the government since 7 October? Nothing, absolutely nothing. On 10 November we had people very similar to what we have today hunting Jews in Caulfield; that is what we had on 10 November. We then had a statement from the Islamic Council of Victoria that was put out to say that the Jews burnt down the Burgertory store. Where did that go? Was that called out? Was the Islamic council counselled for that? No. The Islamic council still gets funding from the government, the member that is on the multicultural commission, appointed from the government, has continued to fuel all of this and the government has done nothing. They are hypocrites.

The people today who have been marching, 1200 of these people – if you can call them that; ‘scum’ as the member for Brighton said – who have been out and attacked 24 police officers today are the same people that have been marching each and every week in the city, which the government have allowed. Each and every week these same people have marched down the streets with zero consequences. So is it any wonder that we have this rabble turn up and assault police officers today? Is it any wonder? And on a day when these people are assaulted, these imbecile members of Parliament, the Labor Party, stand up here and say, ‘We are the inclusive lot, we are the ones that support social cohesion.’ You all should be ashamed of yourselves.

**Tim Richardson** interjected.

**David SOUTHWICK:** Member for Mordialloc, you should be ashamed of yourself. Where have you stood up and called out antisemitism and hate? Where have you called it out? Nothing. You are a disgrace. You are all a disgrace.

**Tim Richardson:** On a point of order, Speaker, I can see that the member for Caulfield is wound up, but I literally have the federal Attorney-General in my electorate. What a disgraceful comment and reflection.

**The SPEAKER:** There is no point of order.

**Tim Richardson:** I take offence at being called the language that the member for Caulfield just said. I ask him to withdraw such offensive language. This MPI is about inclusion. It is unparliamentary, the notion that we are stoking antisemitism. Is that what he said?

**The SPEAKER:** Member for Caulfield, did you impugn the member for Mordialloc?

**David SOUTHWICK:** No, I did not impugn the member. I am happy to repeat and ask when the member for Mordialloc has called out the antisemitism that we have had, and if he has called it out, I am more than happy to hear it.

*Members interjecting.*

**The SPEAKER:** Order! I ask you both to calm down. You are correct, member for Mordialloc. This is meant to be an MPI on inclusion and equality, and I ask you to be respectful of each other’s opinions.

*Members interjecting.*

**The SPEAKER:** Member for Caulfield, I ask you to make your contribution through the Chair. And cease interjecting, member for Mordialloc.

**David SOUTHWICK:** I will say again that since the events of 7 October, despite numerous calls from the Jewish Community Council of Victoria, from Zionism Victoria and from a number of peak bodies calling for action, calling for consequences, calling for laws, we have seen zero from this government. We had the racial and religious tolerance laws that were promised by this government back in 2020. In 2021, 34 of 36 recommendations were approved by this government. Included was a change to recommendation 1, which was not just about hate; it was about race, it was about gender, it was about sexual orientation – a whole range of things were a part of these recommendations. We are still waiting for any of those laws to protect those that are vulnerable. We have not seen them. They are sitting on the Attorney-General's desk. It is little wonder, again, that we are three years late for a strengthening of our hate laws.

I am worked up because my community and I feel unsafe in Victoria. It is all very well to go and pat yourself on the back –

**Steve McGhie** interjected.

**David SOUTHWICK:** Rubbish? When the member for Melton says it is 'complete rubbish' that the Jewish community does not feel safe, I think it is something that all members of the public and my community – and I will be repeating that for my members of the community because –

*Members interjecting.*

**The SPEAKER:** Member for Melton! Order! Members who are not in their place will not interject.

**David SOUTHWICK:** This is appalling. The member for Melton is absolutely appalling. When you have had on 10 November a vehicle with five occupants stop outside Yeshivah College in St Kilda East – the vehicle appeared to intentionally have come to St Kilda East to target Jews – and an occupant of the vehicle proceed to yell to an identifiably Jewish child, 'Free Palestine. Eff the Jews. Eff your country. Everybody hates Jews. We have tonnes of gas,' before the car sped off, do you think, member for Melton, Jews feel safe? Do you think so? You are a disgrace, member for Melton. The member for Melton is a disgrace. The member for Melton's comments are a disgrace, because I can tell you that is one of hundreds of situations where the community have been targeted, with zero consequences. There was a boy only last week at Caulfield station. Eight young people went and targeted this boy because he was visibly Jewish and punched him in the face – a teenager of 15 – last weekend. There was another incident on a football ground for AJAX juniors. Again the kinds of words that I will not describe here were said – again, very similar to what I just read out. There was an incident on a website about a Jewish day school – I will not mention the Jewish day school – from Free Palestine Printing. You can look that up. There were a whole range of things about that school educating 'baby-killers', and that was followed with a comment saying 'Bomb the school'.

So if we are talking about incitement and hate, we cannot be having a government that put a matter of public importance up here, trying to pat themselves on the back and say they are a good and the opposition are bad, because that is why we have division. That is why we have what we have – because the Victorian government, the Allan Labor government, has done nothing to fix this.

**Steve McGhie** interjected.

**David SOUTHWICK:** The member for Melton can say that is untrue, but that is what my community is saying.

**Iwan Walters** interjected.

**David SOUTHWICK:** The member for Greenvale is saying it is untrue, again, that the Jewish community do not feel safe. I would love to have the member for Greenvale and the member for Melton come and visit the Holocaust centre, come and meet a number of the Jewish community and see how they are feeling at the moment, because there is no social cohesion here in this state of Victoria. There have been no consequences for the behaviour we have seen, and I again feel very sorry for the members of Victoria Police that are doing an upstanding job in a horrible situation to deal with these thugs that we have seen today. But this did not happen today; this has been brewing for 12 months. We are just about to approach the 7 October 12-month anniversary, and what we see here today is the result of inaction.

**Iwan WALTERS (Greenvale) (16:51):** If I can be very clear at the outset, my interjection during the member for Caulfield's speech was not in relation to any suggestion around his experience or the experience of the Jewish community; it was in regard to his suggestion that the Victorian government has done nothing to ensure and promote social cohesion and social inclusion across our state at the moment. I want to talk about those dimensions, because they are critically important. We are a subnational jurisdiction, in which our community is a multicultural community, a multiethnic community and a multifaith community. People in my electorate as well as in the member for Caulfield's electorate are hurting acutely, and I completely understand –

**David Southwick** interjected.

**Iwan WALTERS:** Member for Caulfield, I understand the emotion that informs this debate, but I also think that you throwing around terms like 'vermin', like 'scum' and like 'disgrace', which we have heard, and suggesting that those on this side of the house are promoting antisemitism is an unreasonable assertion. Any instance of antisemitism is abhorrent. The behaviour that we have seen across too many parts of Melbourne is abhorrent. The trauma that is experienced by disparate parts of our community is deeply concerning to all of us. I think when we use terms like 'scum' and like 'disgrace', whether it is in relation to the member for Richmond or to anybody else – and I think it is worth remembering the member for Richmond was elected to be in this place by the electors of Richmond and was put here solely and exclusively by the preferences of those opposite –

*Members interjecting.*

**The SPEAKER:** Order! Member for Brighton! Member for Eureka! Member for Narre Warren North! The member for Greenvale, without assistance from the house. I ask members to be respectful of the member on their feet.

**Iwan WALTERS:** I was hoping to say it was a pleasure to rise to speak on the matter of public importance (MPI), because at its core it is not a tool of division, it is not a tool of disharmony. As the member for Eureka said, it is a very simple concept, that we are all humans with inalienable rights. We all deserve to live in happiness and to thrive irrespective of our gender, our sex, our sexuality, our ethnicity or our faith. I represent a community with a profound array of faiths, of ethnic backgrounds and of cultural traditions – people who have come to Australia in many instances because they were not able to freely practise those in their homelands, people who have experienced the kinds of oppression, the kinds of tyranny and indeed the targeted killings that other communities have as well.

What makes our country special and has done, I think particularly in the years since the war, is the capacity of communities to live in harmony side by side, often indeed communities who in their original homelands experienced internecine conflict and intercommunal violence, which has not been a characteristic of our community.

It is important that we work together, as a subnational jurisdiction without the direct capacity to inform and influence conflicts abroad, to sustain cohesion. I do not use these terms lightly. It is a really complex, challenging, difficult scenario that we exist in, and instances of violence and aggression targeting any group, including the Jewish community, are abhorrent. I think we all share that perspective. Certainly those of us in the chamber at the moment share that perspective. I think we need

to recall the need to focus on the common humanity that we have. I think that the values of diversity, equality and inclusion, which are encapsulated in the MPI, are and should be the cornerstone of any liberal democracy, but I think they especially should be so in one with such extraordinary multicultural, multifaith, multiethnic and multilingual diversity as Victoria. But it does not happen by accident. Liberal democracies are in a sense by their very nature vulnerable. The freedoms that we espouse and that we believe in are themselves vulnerable to exploitation by those who do not play by the rules, by those who seek to divide and by those who seek to weaponise conflicts abroad and to use that to fuel hatred in our state and in our city.

**James Newbury** interjected.

**Iwan WALTERS:** Member for Brighton, please. I listened to your contribution; this is my time to contribute. Those who import and seek to stoke hatred on our streets I find unconscionable. We have seen too much of it across the state recently. Indeed, whether it is neo-Nazis marching out the front of this place – and I am not going to make any comment on what is happening next week – there are those dimensions of society which we have seen, which is why the government has legislated against that, legislated against the Hakenkreuz. It is to ensure that those signals of hatred – and I know the criminal legislative amendment that is up tomorrow will do something similar – and to ensure that those signs of intimidation and fear which can be used to silence people are not legitimate tools of expression. But it is a constant tension in a liberal democracy to ensure that we are preserving freedoms of people to associate, to gather and to express themselves while simultaneously protecting community freedoms. It is a really tough balance. Other countries have had liberal democracies; the Weimar Republic was a liberal democracy, if flawed, and it was exploited and weaponised, and we know the history. The member for Caulfield knows well the history, and the member for Box Hill knows well the history. So it is so important that we do not seek to weaponise historical disputes and enmities, and that goes for those across the house, but particularly perhaps those Greens members.

But as I say, that kind of harmony and inclusion matters, and it matters particularly in my community, where the vast majority of people were either born overseas or have parents who were born overseas and where more than 80 per cent of people express a faith – and very different faiths. It is a profoundly diverse, multifaith community in which people live in harmony side by side in a way that they do not take for granted, because they have seen what can happen in other parts of the world where that does not occur. That is why it matters that our government supports those communities. It is why it matters that the government has taken steps to ensure that diversity and that inclusion, whether it is through \$102 million into initiatives that have supported our multicultural communities in the most recent budget or \$9 million for community language schools or, sadly but necessarily, \$6 million for security upgrades at faith-based schools. I have seen firsthand the impact that the \$6.2 million for multicultural story time has had, bringing people and families from the Assyrian, Chaldean and Arabic-speaking communities together in the same room, where they see their children learning to read and play together. These things are deliberate steps that help to build harmony and intercultural, interfaith dialogue.

In my contribution today what I actually wanted to focus on was a slightly different thread of diversity and inclusion. It was in the context of my role as Parliamentary Secretary for Disability that I had the privilege of meeting with Victorians with disability across our state, with their families, with their loved ones and with advocacy groups who consistently expressed the importance of our government's initiatives to support genuine inclusion of Victorians with a disability to ensure that they can lead fulfilling lives that enable them to thrive in the way that they do. Glib interjections from those opposite that belittle families and those with a disability, I think, are unbecoming.

**A member** interjected.

**Iwan WALTERS:** You may well take offence, but it is the truth of what you just said.



**James Newbury:** On a point of order, Deputy Speaker, the member is impugning the members of the opposition untruthfully, and I would ask you to bring the member back to the matter before the house.

**The DEPUTY SPEAKER:** Member for Brighton, the statement was made to a collection. As the member for Brighton knows, that is not impugning. It is a matter for debate.

**Iwan WALTERS:** In returning to that theme of ensuring that people with a disability are supported to live fulfilling lives, that is what matters, and it is what makes a difference in communities. It is a core responsibility of state governments, perhaps increasingly so in the context of NDIS reforms, to ensure that irrespective of whether a Victorian is a participant in the NDIS or not they are supported to live fulfilling and full lives that are focused on the ability and not the disability. I saw that when I was a teacher in our schools, where I saw the importance of ensuring that a young person, irrespective of their sexuality or their gender, is supported to be the person they are and is cherished and loved and has a life that matters to them.

**Jade BENHAM (Mildura) (17:01):** You will be happy to know that I have taken a different perspective on this matter of public importance. I thank the member for Mordialloc for raising that this house recognises Victoria as a place of diversity where community is strong and equality and inclusion are not negotiable. It gives me a chance to explore the 37,500 square kilometres of the Mildura electorate and exactly how diverse it is, how much it contributes to the state's economy and how little we are included in the budget every year.

Let us perhaps start in the south. I did bring the map in, but, you know, no props. The Buloke shire includes places like Sea Lake, Birchip, Donald and Charlton. The population of that entire local government area is just over 6000 people according to the last census. Their economic output yearly is \$950 million.

**Tim McCurdy:** How much?

**Jade BENHAM:** \$950 million – not bad, just shy of a bill. Donald is the home of Kooka's Country Cookies. You might be familiar with Kooka's cookies.

**A member** interjected.

**Jade BENHAM:** Yes, they are delicious. Because they are such big pulse producers – peas, the home of Peaco – they are also the home of Australian Eatwell, which produce the veggie burgers for Hungry Jack's, for Nando's and for many others. They have expanded their industrial estate for places like Australian Eatwell, but what they have not got is investment into their industrial estate and the infrastructure, particularly the water and waste management. They would love to be included in infrastructure planning in Donald. There are other places like Charlton of course; it is a very vast area.

Birchip is the home of Ray Neville, the youngest ever jockey to win a Melbourne Cup. They would love to put a portrait of Ray Neville on their silo. Everyone around them has got painted silos, but Birchip goes without, although they are the home of, in my opinion, Australia's best vanilla slice – snot block – and certainly the best bee stings. If you are ever there, and I suggest you go, they have the best bee stings. But they are also the home of the Birchip Cropping Group, who have contributed an enormous amount not only in terms of this state's economy but to how the practice of broadacre farming has progressed over the last 10 to 20 years. Farmers can now sow on a calendar date; they do not have to wait for rain events and things like that – all sorts of things. They are forever running trials. I had the pleasure of introducing some of the board members to the Minister for Agriculture a few weeks ago. All they want is \$6 million to help BCG expand with their Nexus project or their agritourism platform. They have had this shovel-ready project ready to go for years. It is only \$6 million. That is only 6 hours of interest repayments.

That is what we need. Some equity in Birchip would be fantastic, and the painted silo of Ray Neville would be just a bonus. Sea Lake was the home of the Mallee Rally and the home of Lake Tyrrell of

course, which disappeared a little while ago. Honestly, it would be great to have the Mallee Rally back, but we would just like to have some answers on why there has been no progress over the last five years. That is all we want there. No money in that – just some clarity would be terrific. Hopetoun – their netball club needs new lights. Patchewollock needs the wild dog program back, because at the moment, with the non-protection orders lifted, they are losing sheep in critical numbers – and it is getting worse because these packs of dogs know now that no-one is going to stop them. Who is going to pay for that? They want a bit of equity and to be included in the wild dog program, because it is needed. Let us talk about –

*Members interjecting.*

**Jade BENHAM:** Sea Lake always gets a mention, because you know I love Sea Lake, member for Preston. I want to bring the Mallee Rally back.

Let us talk about Robinvale, heading north. Robinvale is my home town, and it is also the most diverse community. It is a very small community. If you believe the census, then the population is about 3500; if you believe the council that did a population study in 2019, it is closer to 8000. However, in that town of 3500 there are around 40 languages spoken and there are 61 ancestries. 7.9 per cent of the population of Robinvale identifies as Aboriginal or Torres Strait Islander. That is a huge percentage. The languages spoken, in this order, are English, Tongan, Vietnamese, Malay, Mandarin, Italian – because Nonno is not teaching us to speak our mother tongue anymore, unfortunately, but they are teaching us to make a very good salami – Thai, Greek and Fijian.

The lantern festival – this is how inclusive and diverse Robinvale is; there are cultural festivals on all the time. This Friday night is the lantern festival, which is a culmination of what might be held in South-East Asian countries as the harvest festival. Rather than having different ones for each culture, they have put it all together. It is a beautiful melting pot of cultures put all together in one lantern festival in September on Friday, and the food is amazing.

Let us talk about the Mildura LGA, which has a population of around about 57,500 and an economic output of \$8.157 billion per year – and it is going up. We are the largest contributor to this country's economy but have no passenger rail. We are the only regional city in the country with no passenger rail. We want to be included in the public transport strategies that this state comes up with. That would be great, because there is not even any public transport to and from Mildura Airport and a lot of the time flying is the only way to get to and from Melbourne, particularly if you have to travel for medical and health reasons. There is no train, and no-one wants to sit on a bus, regardless of how cheap it is, for 14½ hours. So what we would like to be included in is talk around the future of rail, both passenger and freight, because that Murray Basin rail and the Maryborough freight corridor certainly have not been a success, have they?

We also need a new hospital. The Mildura Base Public Hospital was built 20 years ago. The capacity remains that of 20 years ago. We would like to be included in health planning. We need 30 new ED beds as a matter of urgency to help relieve the ambulance ramping that occurs there on a weekly basis. The CEO came out during the week in the paper saying that capacity is where it was 20 years ago, and he is absolutely right. We need a new hospital. We need to be included in these conversations.

You can see by the few examples that I have given of the diverse communities around just my part of the state, which is a little less than 20 per cent – so the member for Lowan tells me – that it is incredibly inclusive. On any given night of the week I can go and have a haircut from a lady from the UK, I can have a massage with someone from Thailand or China, I can have a gyros from a Greek family or fish and chips and I can buy a bottle of scotch from a Scottish bloke, and that is not even a joke. I can buy spuds from the Irish bloke next door; that is not a joke either. I can have a salami that Italian families like us have hand-made.

When we talk about inclusion, there is a quarter of Victoria's population living in rural and regional Victoria. When we talk about inclusion, let us talk about including the regions. Let us not talk about

including the regions when we talk about Bendigo, Ballarat and Geelong, because those of us that are out beyond the freeways think that is a joke. That is outer suburbia; it is not regional and rural Victoria. We want to be included. It is as simple as that. I have given you the figures that contribute to not only this state's economy but contribute to your plate, to my plate. We want our fair share. We want 25 per cent of infrastructure spend. We want to be part of future planning, because again – and I say this often – without us in the great north-west of this state we would all be naked, hungry and sober. If we want to talk about strong, inclusive communities, let us talk about regional Victoria and let us include them at the table.

**Paul EDBROOKE** (Frankston) (17:11): It is indeed a great opportunity to get up today and speak about equality and diversity in this great state of Victoria, which of course I think everyone, even across the chamber, even though we might have a little bark at each other occasionally –

*Members interjecting.*

**Paul EDBROOKE**: that is a good bark face, that one – agrees is not negotiable. Part of the huge strength of this state and this country is our multiculturalism and the way we embrace diversity and the way we respect each other.

I think it is fair to say it is a pretty difficult time in politics. It is a really fragile time for politics in Australia. If you look at the polling, I think most people who read it correctly will see that people are identifying less with mainstream political parties; instead they are identifying with fringe elements that offer them other things. Both parties are losing votes to people because they do not like what they see. They do not feel like they are part of democracy. They do not feel like their issues are being talked about. They do not feel like they are part of the conversation, and they do not identify with the institutions of democracy. There will be more and more focus groups and polling that come out to reflect that.

We talk about inclusivity, but I would say this shift is not so much about inclusivity as it is about excluding people. What I have just witnessed in this house is part of that. We witnessed some people make some fairly disgraceful statements alluding to members of this house from major parties inciting hate and stoking division. I must admit I sat here just shaking my head at how quickly those comments came out and how little thought was behind those comments to other people in this house basically telling people that they are racists. Let us not stuff around: some of the language that was used was pretty close to that. I sat here shaking my head. This is the reason that people turn away from major parties, because that trigger throws respect out the window, and any kind of reasoning as to why we are here goes out the window so quickly. It becomes toe for toe, red versus blue. That is forcing people to look at the guy in the yellow T-shirt from the UAP or someone else that says, 'Hey, I will stand up for you. I will talk about the issues that you want me to talk about. I won't just be in politics to have a crack at the other side.'

I would really love to see in this house more politicians, even across Australia, take on the principle of 'Do no harm', so do no harm in this house. We see that in the medical field. We see it in the environmental field. We see the United Nations have a mandate for that as well. All it would take would be for people to have a good, hard think about what they are going to say, and it might save some people from looking like absolute idiots as well, I would suggest. Just have a good, hard think about what you are going to say and the repercussions of that statement in this house and how it echoes in your community as well.

We have heard from the member of Mordialloc, who was very factual in his statement I believe about the African gangs saga. That was something that really touched a blossoming multicultural community in Frankston. We do not have the multicultural community that some other communities here have – Tarneit, Dandenong et cetera – but we do have a small community of people that are making Frankston their home, and they are doing very well. They are blossoming indeed. To have people come into my office with their kids in tow in tears and say, 'We have been here in Australia five years, and now I'm

not sure whether my child should walk to school alone, because if they walk to school alone they're a target, but if they walk with their brother and sister they're an African gang.' And those words had meaning that came directly from this house.

If people before they spoke those words had a bit of a think about that no-harm principle, we might be in a different place now. People in those communities and indeed other communities might be more engaged with our political process and feel like they are part of democracy instead of just being spoken about. And this is not new. John Stuart Mill articulated the principle in the 1859 essay *On Liberty*, where he argued that:

The only purpose for which power can be rightly exercised over any member of a civilized community, against his will, is to prevent harm to others.

We saw it in France's *Declaration of the Rights of Man and of the Citizen* in 1789, and I think it found some expression earlier in Thomas Jefferson's 1785 *Notes on the State of Virginia*, query 17, 'Religion', in which he writes:

The legitimate powers of government extend to such acts only as are injurious to others.

Of course he is talking about government. Government consists of leaders. This house consists of leaders, and I would like to think that everyone in their own right in this house can be a leader if they are not already. And leadership means that, especially if you are the leader of a party, you must stand up to certain elements in your party that are threatening what we all love about our community.

Although you will never really hear me speak about the former opposition leader Mr Guy, the member for Bulleen, in glowing terms, because he is the opposition, I do respect that in the 2022 campaign, when it was reported that someone in his party was in opposition to gay and trans reproductive rights – and that included support for illegal conversion therapy, I might say – the member for Bulleen, the opposition leader at the time, said:

I'm not in any way going to have the Liberal party in any way going to be supportive or tacitly supporting any type of practices that should [be] and are illegal in this state.

And he kicked that member out of that party room. Contrast that with the leadership we are seeing today, and I think the leadership has deteriorated rapidly. We have a member that was in that party room that used her inaugural speech to slam left-wing school curriculums and the decriminalisation of sex work, take aim at the state government's approach to gender-diverse young people and criticise recent changes to the Victorian law to outlaw gay conversion therapy and allow gender transition in children. And this is real leadership – the opposition leader said, 'I can't babysit every MP.' Is that the leadership that people in our community are looking for? Is there any reason to suggest that we would offer something to people that are looking for something else, to pull them back from those UAP people?

We have heard a member talk about the treaty process, and I have spoken to many First Nations people and many Aboriginal people in my electorate who are just dumbfounded that those opposite have walked back on their support of treaty. Again, it is something that I think lends itself to what I have been speaking about. They do not think a major party can actually be the party that represents them anymore. But I also wonder, sitting here: with that kind of leadership, if there was a chance for that opposition leader to be Premier, what would they walk back next?

Would it be voluntary assisted dying? Would it be women's health service exclusion zones? Would it be banning conversion therapy and making it illegal? Would it be women's health rights, the Safe Schools program, climate change documents? I am not here to have a discussion about human rights. But to me all those policies and all those laws are human rights, and we are supporting those human rights with our laws here in Victoria.

I lead it back to the principle of 'Do no harm'. There are things that are said in this house at times. There are things that I think are said in the heat of the moment that might make sense in the moment,

and it might be, ‘Yes, I’ve thrown a great hand grenade over there for them to deal with. I’ve thrown a great spear, I’m a political operator.’ Great. But what people outside this chamber see is language that stokes fear and stokes division, and people having a go at each other. I am sure even people in the gallery at times see us. They think they are coming in to see a high-level policy discussion to make their community better, and instead they see people like the poor member for Mordialloc, who was basically just put in a position that none of us want to be in, being accused of things that are just unsightly and have no basis in evidence at all. He was right to ask for that withdrawal, and I would be offended if I were him too. Really I think we should have a look at that principle of ‘Do no harm’, because this is a state where equality is not negotiable.

**Cindy McLEISH** (Eildon) (17:21): I rise to make a contribution to the matter of public importance today. It is interesting listening to the big game that is often talked up by the Labor Party and the lack of substance that actually follows. There are a number of examples that one can continue to bring where they fail in these areas. Of course I am a big believer in strong communities. I am a huge believer in equality and inclusion and diversity. These have many arms; they are not very narrow, as the Labor Party likes to try and typecast, for example.

We heard the member for Mildura talk about what happens in regional Victoria and equality, and the distribution of funding that goes to regional Victoria is very unequal. People in the country consistently feel forgotten about and left behind. This is part of equality – having the opportunities that are available to those in the city. It might not be a train on every doorstep. Of course it is not going to be like that, and of course when people live in the country there are certain things that they expect. But they would like good standards of education. They would like quality classrooms and school buildings that are not neglected. They would like CFA stations that are fit for purpose now. We see all of this money that has been directed to city-based integrated stations and city-based fire services, and all the time those in the country get left. And whereabouts are the risks? The big risks of fires, bushfires and a lot of the weather events that have happened are in the country, and if we do not have equipment that is fit for purpose, similar to what they have in Melbourne, well, that is not equal at all. I have so many emergency services who wish they had the same sorts of services, the training and the support that those in the city have.

I want to talk a little bit about diversity, because we think of diversity sometimes in quite narrow terms. We think of it as maybe the multiculturalism of our society. Sometimes if we are looking at the make-up of various committees, we might think, ‘Well, we need diversity on that. Let’s make sure we have an equal number of males and females.’ Fine, that might be equality. We might be looking at backgrounds and where they came from, culture and country of birth. We might be looking at that. But I think what we often forget is that there is diversity of thought and diversity of opinion. Too often I think this is lacking with government appointments – much too often. I look at the number of the ex-MPs that have found themselves in very lucrative board positions for who they are, not for their diversity of thought. Their thought is that they have to have the same view as the government.

As the chair of a board, that is not diverse. They should be having their own opinions and bringing their own backgrounds and experiences, not those of an ex-MP. Equally, the number of Labor Party members that are appointed to boards and to senior spots in the public sector – again, that is not diversity.

I draw your attention to one of the most recent appointments to the board of Tourism North East, and I see the former member for Keysborough Martin Pakula has been appointed to Tourism North East. You have got to ask about somebody living and working in the city all of those years – he might have just bought a little property now in the country; I hope he does not think he is going to put it out for short-stays, because he will be slugged land tax and he will be slugged another tax as well – and bringing in someone like that. I am trying to think: what is the diversity he offers to Tourism North East? Is it the fact that he can bring a city perspective and then see all of the things that are missing in the country? I do not think that is diversity at all. I think the government fail in this because they

consistently make appointments of like-minded people like themselves, and that is certainly not diversity.

I want to talk about inclusion. One of the best examples of inclusion is the town of Mansfield. I have often said that if you have a disability, you should live in Mansfield, because they are the most inclusive society and the most inclusive community that you could have. There are those in the town that have disabilities, and everybody else knows who they are. They let them get on with their business, but they have all got eyes in the backs of their heads watching to make sure that they are safe and watching to make sure that everything is going really well for those people – and it is. It is so safe for those people with disabilities to be out and about walking around and getting on with their business but knowing that there are always people there that have got their back.

Not only that, they have the musical and dramatic society, and they include adults and children. They have the most wonderful productions. They will have kids who are homeschooled, they might have kids from the Steiner school or from the local primary or secondary schools and they will have people with disabilities involved in there, and they work to make sure that everybody feels comfortable. There was an incident with *Lyfe of Bryan*, which was put to music by a local doctor. Will Twycross wrote that, and it was marvellous. One of the statues that they used – I think it was of Jesus actually – had a big red flashing light. Somebody was a little bit offended by that, and they thought, ‘We still need this statue,’ so they changed it to green so it was less offensive and less confronting to this person, because they wanted to make sure that everyone is included.

I look to the people of Mansfield time and time again and just admire them so much because of how they bring everybody on board. We have also got the Rural Australians for Refugees, and we have an Afghani family who is there. Halima is the most wonderful person. She has been embraced by the community, and she has equally embraced the community, because they are such a sensitive, caring and inclusive community.

One of the other big games that the Labor Party talk up is about women and equality of women. But really there is lot of hypocrisy here, because it is real lip-service, and it extends to women, women’s health and their future. This government is one of neglect and broken promises. Let us have a look at the 2024 Department of Health review, which reveals that half of all Victorian mothers miss vital screenings for postnatal depression. That is a big concern. One in two women are left vulnerable during the most critical times of their lives simply because Labor has neglected to ensure that these services are available to all mothers. That is not good enough. Mental health struggles – we hear a lot about that. It is one of the most common complications during pregnancy and after birth, yet under Labor these screenings are inconsistent at best, leaving women and their families to suffer in silence. They talk a big game; they are letting the women down. Despite guidelines recommending that women should be screened for postnatal depression, both during pregnancy and postpartum, the review found that services are patchy, under-resourced and lacking the training and capacity to provide this care.

The failures do not stop there. In their recent budget Labor slashed funding to key programs that support women: \$79 million cut from early childhood sector supports, \$141 million from child protection and \$42 million from much-hyped public IVF services. This is at a time when the health system is in crisis. Women’s safety and wellbeing should be paramount, but the government have turned their back on them. As I said, they like to talk the big game, but when you look at the detail, people are being let down. This is not inclusion; this is failing women and their very real struggles. Their cuts directly affect women’s health and reveal their hypocrisy.

A recent KPMG report showed that in the years approaching retirement age the superannuation gender gap can be anywhere between 22 and 35 per cent. The median superannuation balance for men aged 60 to 64 is \$204,000, whereas for women in the same age group it is \$146,900. This is a gap of 28 per cent. There is a lot of work to do in these areas. For the preretirement age of 55 to 59, the gender gap is 33 per cent, and in the peak earning years of 45 to 49 the gender gap is 35 per cent. There are a number of sole traders, and when things get really tough, like they are at the moment, sole traders who

are women decide that they do not contribute to their own superannuation. When things get tough, the women, more so than the men, stop contributing to their own superannuation.

We know we have a cost-of-living crisis here, and a lot of the government's policies are failing women. It is not the equality that the government like to talk about. There is still a lot of work to bring women up onto the same platform as men.

**Nina TAYLOR** (Albert Park) (17:31): This has been a wideranging debate for sure. I do want to assert, and it is a point that has been made rightly, that equality is not negotiable in Victoria. As a government we have a proud history of standing with our diverse LGBTQIA+ communities. I have a couple of key points, and then I am going to dive into this concept that is being bandied about as a result of some comments just made on the issue of equality.

We were the first state to establish an equality portfolio in 2014, recognising the importance of having a ministry that oversees this portfolio – and I will unpack that – followed by the appointment of the first commissioner for LGBTQIA+ communities in 2015. There is a lot more to be discussed in this space on that matter, but I did feel we were having a bit of a flat-earth moment when there were attempts to conflate comparisons between electorates in the city and regional areas and the portfolio of equality and what that means for LGBTQIA+ communities. I think that is a very dangerous trajectory to run, and the reason is it risks diminishing the significance of the incredible reforms that have been fought for by the LGBTQIA+ community over multiple generations to get to the point where, for instance, they are no longer in prison simply because of being in an LGBTQIA+ relationship. To diminish the significance of that by saying in the regions we do not get as much as the city and that is not equality, I think is insulting to the premise which underpins the ministry that was established back in 2014 and suggests almost blind ignorance to the value of this particular ministry.

We can all unpack and look at semantics and try to, in very clever and otherwise ways, interpret what equality could or otherwise mean, but I think we all are very much aware, particularly in the context of Parliament, what equality actually means. When we say equality is not negotiable, we are referring to the way in which we treat all people in our community but specifically to not discriminate against the LGBTQIA+ community. That is why I was almost offended by that. I was thinking, 'What are you doing? You've taken us back to the 1950s and you are repudiating all the hard work that has been done to get to the point where we are now.' In spite of that, we know that LGBTQIA+ people are more likely to encounter violence, discrimination and stigma related to their identities.

This is why it is so important that we actually honour the premise and the ambit, so to speak, and the frame, I should say, which underpins this portfolio. The compounding impact of these experiences over a lifetime often results in – and this is why it is so important that we honour this frame – poorer health and wellbeing outcomes, which have a follow-on impact across whole-of-life outcomes. I am sorry to get on my high horse on this matter, but I was particularly disturbed, because I think – and this was a matter actually referred to by the member for Frankston – that we do have to be prudent in the way we communicate in the chamber because there are vulnerable people in our community who can be detrimentally impacted when we take liberties for the sake of a lofty little debate or tangent in a debate when in fact there are people who can be seriously impacted by the words that we use in this chamber. We know that.

Further to the point that I am seeking to make here, homophobia, biphobia, transphobia and intersex phobia are a public health issue. This will affect people, whether they are in city areas or whether they are in regional and rural areas. It is across our state. Using people's identities and lived experiences as a political football causes real harm, and that is why the narratives are so important, because we are talking about real Victorians who deserve to be respected.

I am going to just go to a particular report. Just last month Coroner Giles handed down her recommendations following the coronial inquest into the trans and gender diverse suicide cluster here in Victoria in 2020–21 when five young trans Victorians tragically passed away. We send our deepest

condolences to their families and friends. Let me be clear, and I want to be really, really crystal clear on this point: being trans and gender-diverse is not an inherent vulnerability or risk factor for suicidality; rather, repeated experiences of violence, discrimination and stigma contribute to tragedies such as these. Hence it is even more important for us to be very respectful in this space and not to conflate other concepts that really are not contextually relevant when we as adults in this chamber are discussing the issue of equality. The Victorian government, just as a follow-on, will review the findings and recommendations of the coronial inquest closely and continue working across government, alongside service providers, peak bodies and community organisations, to improve outcomes for trans and gender-diverse communities.

Further to that point, I think on the one hand, just hoping – and no-one is suggesting that that is what we would do; it is quite the opposite – that things will change and that equality will just happen will never actually result in the fair and reasonable outcome that we want to see. Hence our government has taken many specific strategic steps forward – there are many, many steps, which I will get to – in order to facilitate or to drive the best possible outcomes in terms of health, mental health and just being able to be accepted as who you are and just being your authentic self in this great state of Victoria.

While we have made great strides in recent years – I want to also lean to the good outcomes that have resulted from the good efforts of so many across Victoria and in our community towards LGBTIQ+ equality – we do know that stigma and discrimination continue to contribute to LGBTIQ+ Victorians being more likely than others to experience suicidal thoughts and poor mental health. It is absolutely devastating to think about that. I think as an MP the responsibility that I bear and that we bear collectively in this chamber to do anything that we can to actually turn those statistics around and actually shape a much kinder Victoria that is accepting and supportive and nurtures people to be their authentic selves has got to be a fundamental premise from where we start.

Research from La Trobe University in 2020 revealed 73.2 per cent of LGBTIQ+ people have considered suicide, compared to 13.2 per cent of the general Australian population. That is why it is so very important that we actually have targeted strategies that make a difference in this space. It is better for all Victorians, because we are all better off when everyone is treated fairly.

I was very fortunate to be able to attend the launch of the trans and gender-diverse awareness campaign The Unsaid Says A Lot in June 2024, and it coincided with international Pride Month. Watching the imagery that had been put together in order to seek to surmount stigma and discrimination, there was not a dry eye in that room, because immediately what it enabled was for each individual – and I can only speak for my own interpretation – to actually be in that position. I was thinking I want every Victorian to feel like they can be themselves wherever they are in this great state and know that we will always love them and always support them, because that is what they deserve. That is the decent thing to do, and I would like to think as Victorians that is what we expect of each other.

Now, on a final point, I was just going to – I have 30 seconds. Some positives, thinking about where we have got to today: we have banned the cruel and bigoted practice of conversion therapy, achieved adoption equality, delivered inclusive birth certificate reform for trans and gender-diverse Victorians and given a historic apology for gay criminal convictions in the Victorian Parliament. We have come a long way but acknowledge there is still a long way to go, and the only way to do that is together.

**Martin CAMERON** (Morwell) (17:41): I rise today for the first time to talk on a matter of public importance. I note it was raised by the member for Mordialloc that this house recognises Victoria as a place of diversity where community is strong and equality and inclusion are not negotiable. Well, I can say for the people of the Latrobe Valley, our community is very, very strong. Down in the valley we certainly have not been treated as equals or even included in decisions that this Allan Labor government has made that have forevermore shaped our community. But I am here to tell you, with no uncertainty in my mind, that my community is strong and unrelenting, and we will pivot and change as needed to ensure our way of life that we deserve will continue even as this current Allan Labor government continually tries to knock us down and destroy it.



I say that in the terms of the Allan Labor government shutting the timber industry. When this government pulled the rug out from under our timber towns and our timber industry by banning native harvesting, some 900 direct jobs and countless other indirect jobs were lost to these communities in the Latrobe Valley and also further east up into East Gippsland. There are timber towns that had the rug pulled out from underneath them. There were local providers, contractors in Morwell and Traralgon in the Latrobe Valley, that were driving trucks into these coupes to continue their way of life. They had been, I think in the end, coerced by the government through mistruths about how and when the timber industry would shut. They needed to ramp up and buy machinery, which was worth a lot of money, because they needed to hit targets that the government wanted and also, with WorkSafe practices, to actually spend the money to have this machinery that would go forward and supply jobs for families and generational families to continue that way of life. And then all of a sudden the timber industry was shut down. In East Gippsland, where these timber towns are, they really feel the effect. Not only is it just stopping the logging and shutting down that industry, it sort of flows on to the community with mechanics that service the trucks, people that provide fuel at the petrol stations and supermarkets that are there providing the food for that community.

What did the timber industry get? They were offered the opportunity to go to free TAFE and re-educate themselves. People in these areas do not want to travel down to Sale and Morwell, to where the TAFE services are, and re-educate themselves; they want to stay in the community. It was really disappointing, but the strong communities that we are, we rally around each other.

Another byproduct of that was shutting the white paper industry at Opal, after former Premier Andrews stood up and promised jobs at the Maryvale paper mill would be safe until at least 2050 –

**Jade Benham:** Until when?

**Martin CAMERON:** 2050, member for Mildura. He promised that these jobs were safe, that the community was being included in the announcement. Once again, we have lost nearly 300 jobs there in the last two years. In those 900 jobs in the timber industry and 300 jobs in the white paper industry we can sort of see the picture that we are not included and we do not seem to be on an equal footing with our colleagues in inner-city Melbourne where they have this Big Build and they are able to go and work in these jobs. The people in our outer regions, in country and regional Victoria, down in my patch, are feeling the pinch. But as I said, we will pivot, and we will make sure that our strong community will continue.

Then we move on to the forced closure of our power industry. Labor, back in 2017, without much notice at all, decided that they would shut the Hazelwood power station, and nearly 1000 jobs there were lost. Those thousand jobs, where people were transitioning to other areas in the power sector, going to work at other power stations, have been lost in the ensuing years because Yallourn power station is earmarked to close in three years time.

At the 2022 election, where I stood to become a member of this place, Labor's election promise was the return of the SEC. We even saw the Minister for the State Electricity Commission standing up today banging on once again about how bringing back the SEC is going to bring back 59,000 jobs. At this stage we have one job in Morwell at the GovHub, and that job is not a full-time job – it is a part-time job where they hot-desk. I have been to the GovHub, walked in through the doors, and asked to speak to the person that works for the SEC. Every time I have gone in they are not there. The people, who are great people, that sit on the front desk at the GovHub, relay that very often that person that works for the SEC – one of these 59,000 jobs that the minister for the SEC keeps telling us about – is just not there. Two years after the announcement, that part-time worker, we really find it hard to find them.

Our community have lost 1000 jobs in the power industry, 300 jobs in white paper and 900 jobs in the timber industry, then on the eve of the election it was let go that, 'Hey, we're going to be hosting the Commonwealth Games, and it's going to go to regional Victoria.' I am not sure whether they did the

numbers down in the Latrobe Valley, but the seat of Morwell – I am not sure if it was to give them a bit more of an extra push in there before the election – was going to be one of the hubs for the Commonwealth Games. We were going to have an athletes village that was going to be built, and then after it was used they were going to repurpose that for community housing, which was a great idea, but it was another one of these broken promises that ended up with local motels and sporting clubs being promised so much.

One of the local motels in Morwell had gone out and engaged with the British team and the Irish team to come and actually stay, and the day that the Premier pulled the rug from underneath the Commonwealth Games, which is a common thread in my speech, they were just about to sign on the dotted line and get these teams to come out. So it was very disappointing that that happened, and at the end of everything we as a collective in Victoria have now paid \$600 million as a get-out payment. It just seems so unfair that we are losing jobs down in the Latrobe Valley. But as I keep saying, it is great that my community is so strong and we can work through all of this. I am not sure you would want to be a Labor or a Green candidate in the election coming up in 2026, with everything that has gone on, devastating the power industry and waiting – where are these projects for renewables to come up? They have taken away so much and promised so much, but nothing is there on the ground. So I am not sure how the Labor and Greens candidates will be received down there in the 2026 election.

We in the Latrobe Valley are definitely a place of diversity where community is strong and equality and inclusion are not negotiable. We can see through the mistruths, and we can see the damage that this Allan Labor government has caused. The cost of living, health and housing are at the forefront. Our strong message from the valley will be to vote you out come 2026.

**Daniela DE MARTINO** (Monbulk) (17:51): It is a pleasure to rise today and speak on today's matter of public importance:

That this house recognises Victoria as a place of diversity where community is strong and equality and inclusion are not negotiable.

I speak with pride about our government's record in working to ensure our state is a safe and welcoming place for all, a place where equality and inclusion are most definitely non-negotiable, where people can be who they are without feeling fear or shame and instead feel loved, valued and seen. In the words of Minister Shing from the other place, equality is not a privilege; it is a fundamental right. It is about ensuring that everyone, regardless of their gender, their race, their sexuality or disability, has the same opportunities and is treated with the same respect and dignity.

My mother remembers a time when job adverts were placed in the newspaper in this city of Melbourne that said 'Catholics need not apply'. Her family and my father's family also remember being called wogs or dagos, and it was not said with affection – after the good old guys created *Wogs out of Work*, the sting came out of that word – it was said with hate and it was said with malice. I remember being insulted with that word when I was a child in primary school. I was told to go back to where I came from, which was a little bit confusing, because I was born at the Royal Women's Hospital. It made me feel small. It made me feel less. It made 11-year-old Daniela cry. It made me feel embarrassed to be who I was.

I do not know how it feels to be a member of the LGBTQIA+ community. I do not know how it feels to be Indigenous and have my health concerns dismissed because of prejudice. I do not know how it feels to have political leaders castigate me and my fellow community members as violent gang members because my skin is black or I come from the African continent. I do not know how it feels to have a visible disability and be judged on my mental or physical capability. I do not know and I do not pretend to know, but I do know that discrimination, be it overt or be it insidious, creates profound harm. It hurts. Sometimes it profoundly damages people. Sometimes they take their own lives. It always, always rips at our social cohesion and our fabric as a society.

Fundamentally, our government believes in kindness. It is a simple concept, but it means a lot. When that underpins and informs the decisions, the policies we develop and the legislation that we introduce here, when we believe in equality, diversity and inclusion and when that is wrapped around in kindness, then I can only state how fundamentally proud I am to be a part of this government. When we speak, we consider our words carefully. I have said it many times in here. I will continue to say it until it breaks through: words have power and potency. They matter. What we say, how we say it, the intention behind it – it can make all the difference. They can tell people one way or another that they are valued or they can tell people one way or another that they are not. I reflected on the member for Frankston's contribution – I have been reflecting on many contributions today – and he stated quite simply 'Do no harm'. It is the fundamental principle for those in the medical profession, to first do no harm. I believe that is the principle that we carry into this chamber, and I sincerely hope it is the principle that everyone who has the privilege to have a seat in this chamber or the other place also holds. Yes, there are times when words are slung across this chamber and it gets pretty unedifying, but I do hope that fundamentally we choose to do no harm in all that we do.

We are a government who have enacted the laws that ensure fair treatment in the workplace, we have improved access to services for marginalised communities and we have supported so many initiatives to close the disability gap. In terms of disability, we have provided \$24 million in this budget to continue to deliver a number of programs, including the Victorian disability advocacy program, supporting Victorians with disability who are ineligible for NDIS and autism assessment grants. Neurodivergence is something that I live with myself, as do some people close to me. It has been quite a journey actually, learning about my ADHD. It answered a lot of questions for my parents too, when they reflected on me as a child who would not sit still or shut up, so there you go. But there are superpowers that come with it too, along with the challenges, and I am very proudly a person in the neurodivergent community. This is the first time I have openly spoken about that. I was not expecting to. This place is amazing sometimes.

There are some amazing other programs and funding that we have created when it comes to disability as well. There is \$630 million in services for people with disability outside the NDIS that we invested in 2021–22 and recently \$1.56 billion for disability inclusion reforms in schools. I have the most amazing school, Eastern Ranges School. I had the privilege of having the Premier there a few weeks ago to see the transformation the school is undergoing in the building works and the pride that the students and staff feel there and the pride that the families and community feel. We said, 'You deserve this. You actually deserve to have beautiful facilities where you can learn and thrive and grow.' It really warms my heart.

There is so much else that we have done here too. I always worry at 10 minutes. Now I am looking at the clock and there are only 3 to go, and I have got probably 30 minutes worth of talking I could continue with. Can I have an extension of time?

When it comes to multicultural affairs, we are a really proud state. We know nearly half of all Victorians were born overseas themselves or have a parent who was, and clearly I have been on the record here that I am part of that category. Our budget this year invested over \$102 million into initiatives that directly support our multicultural communities. It includes an additional \$17.2 million into the *Victorian African Communities Action Plan*, supporting programs to help people into work and to get the assistance they need as well for alcohol and other drug issues. We have also invested over \$8 million in health, legal and social supports for recently arrived migrants and refugees and over \$9 million for community language schools. The work we have done here I could keep listing, but if I do I will not get the chance to acquit myself of all the long, long list.

In terms of equality for LGBTIQ+ communities, we were the first state in this nation to establish an equality portfolio in 2014, followed by the appointment of the first commissioner for LGBTIQ+ communities in 2015. We have walked the walk. We do not just talk the talk, no matter what some may say.

Being trans and gender diverse – it is really important to make this distinction – is not an inherent vulnerability or risk factor for suicidality. It is the repeated experiences of discrimination and stigma and violence directed to people in these communities that lead to those tragic outcomes – which means we can change them. We can change them with everything we do. With the kindness behind every decision we make and with the policies we support we can make profound and lasting impacts on them.

There is a beautiful quote that I want to share with everyone here today, and it is by a leader in inclusion and equality. Vernā – and her surname escapes me at the moment – says:

Diversity is being invited to the party; inclusion is being asked to dance.

This government asks everyone to join in the dance. We do not say ‘Stand on the sideline and just watch the rest of us have fun’; we hold our hand out and we say ‘Join us’.

### *Bills*

#### **Short Stay Levy Bill 2024**

##### *Second reading*

#### **Debate resumed.**

**Roma BRITNELL** (South-West Coast) (18:01): I rise to make a contribution on the short-stay tax bill 2024. Actually, this is officially called the Short Stay Levy Bill 2024, but the correct term is ‘tax’ because that is exactly what it is. It is the 55th tax that we have seen imposed upon Victorians in the last decade. I will take you back to the commitment by the previous Premier, who said that under a government led by Labor we will not see new taxes. Well, 55 new taxes are what the state Labor government have imposed on Victorians. Now, when we have incredibly difficult, challenging times, when we are seeing people really struggling under the cost of living, here is another tax – a tax that will very much harm regional Victorians particularly. I understand that the government claimed that this was to put houses back onto the rental market. I am not going to deny that there is a housing crisis. There is absolutely no question that under Labor we are in a housing crisis. It would make sense to try and solve that problem. However, this tax does not do that.

Before I explain how it does not do that, I would just like to comment on the degree of crisis that exists in this state, caused by Labor. In 2020 the Victorian Labor government promised \$5.6 billion to deliver 12,000 new homes. These are not additional homes, yet the Victorian Auditor-General report revealed that in March 2024, four years later, despite having spent \$2.9 billion the number of families waiting for a home since 2018 had grown by 16,000 people – an increase of 35.32 per cent. But what was discovered today, and what my friend at the table the member for Polwarth, who is the Shadow Minister for Housing, has identified and highlighted, is that to avoid scrutiny over the soaring numbers, the Allan Labor government has now removed almost 10,000 Victorian families from the Victorian Housing Register, reclassifying them deep in Homes Victoria spreadsheets. That is disgraceful.

The problem is real. Labor is trying to pretend it has gotten better. It has gotten disgracefully worse. Most of my colleagues can also attest, as I can, that in our offices we get people coming in constantly – people who are homeless, sleeping in their cars, women fleeing family violence – and the answer from this government has just been to set targets like 800,000 homes to be built in the next 10 years, miss targets, say that they will build 80,000, not even get anywhere near close, shift the blame and get the local government to take responsibility but not give them the power. So yes, there is a rental situation in this Victorian state because of the makings of the state Labor government. But will this new tax do anything to assist in the homelessness crisis? It will not. And that has been demonstrated by all the evidence already presented by the Shadow Treasurer, who put document after document forward to demonstrate that the industries who are associated with this bill and the effects of it cannot find any evidence to support the government’s comments that it will get properties onto the rental market.

The government themselves cannot provide any evidence to demonstrate how this tax will actually affect the rental crisis in a positive manner. In fact they will not even demonstrate how they have come up with any modelling to show that. I understand the intent was to spin a story, a narrative where many people concede, 'That might work,' but the reality is there is no evidence, and the government cannot even support it with any modelling.

What I suspect is really happening here is Homes Victoria, which was set up by the government to try and assist in providing more homes for the social housing or the affordable housing market, have got themselves into a \$180 million debt. This tax, according to the government's figures, will raise about \$60 million per annum, but \$30 million of that is going to come from regional Victoria, yet in the Treasurer's own words, he will only be putting about 25 per cent of that back into investing in homes in regional Victoria. I have already told you the extent of the numbers. Twenty-five per cent of \$30 million is not going to build many homes. One of my colleagues in the bill briefing asked about the maintenance aspect of the money going towards social housing. The answers could not be given to us about the figures of how many homes this will build or how much maintenance this will go towards. There is no evidence. It is just spin. Who will it hurt the most? It will hurt regional Victorians.

When I looked at the government's idea – they say it will turn properties back to the rental market – one of the questions I asked during the bill briefing was: I have a constituent in my electorate who has done up a dairy, an old dairy on a farmstay. This dairy is done up nicely, but it does not have a laundry and it does not have kitchen facilities because it is a short-stay accommodation. It will be subject to the 7.5 per cent tax. How will that property help return properties to the rental market? It is not suitable for the long-term rental market, and many of the properties that this government has caught up in this poorly thought through bill are properties that are not going into the rental market because they are just not suitable.

Then you have got the situation where many women have set up their businesses around homes where they have got little short-stay properties, and they might have children, or their work means that they need to be working at home, so they will be doing the gardening and they will be doing the cleaning and the laundry. So this actually affects many women in the state who have set up these businesses and are just trying to make ends meet with some extra income.

The government have done very little consultation. They have not been able to explain how the bill will actually assist the goal that they have set to try and achieve, but what it will do is it will harm regional Victorians, because the cost of going into the regions and staying in a short-stay property will actually be greater. Places like south-west Victoria, where we have got South Australia right next to us, will struggle even more because this is a tax that is not in any other state. Victoria is the state with the greatest debt. We have \$187 billion in debt – greater than Queensland, New South Wales and Tasmania's debt put together. We are the state that is struggling the most because of the mismanagement of the state Labor government with that enormous debt.

People in south-west Victoria, they will holiday across the border at Mount Gambier and places across from Nelson. It will not be on the Victorian side of the river. It will be on the South Australian side of the river where properties will be used for accommodation. Instead of increasing throughput through tourism and assisting the regions to recover from the lockdowns that really affected the tourism industry in regional Victoria, we are seeing a government who completely misses the mark.

There is good reason for regulation to be introduced into the short-stay market – nobody I think is disputing that – to get a fairer playing field between the commercial accommodation places, but that is not the situation here. This is not going to add more regulation; this is simply adding a tax, a money-grabbing tax that will prevent Victorian families from being able to take a holiday, to generate income into the community. It will affect the pubs, it will affect the restaurants and it will affect the cafes, the coffee shops, the retail businesses and the hospitality businesses that are doing it so tough in Victoria. In fact with South Australia next door and the South Australian Premier ringing many businesses, what we are seeing is an exodus from Victoria. South Australia is saying, 'Come on in. We're

welcoming you. We will facilitate your business, not hamstring your business.’ This is just another example.

But the most interesting part for me is that the government have not even done their due diligence on whether this is able to stack up constitutionally. The legal challenges are pending. Just like with the electric vehicle tax, which was unconstitutional, it is highly likely that we will see from this disorganised, chaotic government, who keep randomly rushing things through without doing their homework, that this may not even be constitutionally able to stand up in a court of law when it is challenged. Time will tell on that one, but the track record of this government – the electric vehicle tax demonstrated that they had not done their homework there – so we will probably – *(Time expired)*

**Nina TAYLOR** (Albert Park) (18:11): What is paramount when we are talking to the purpose that underpins a bill? What are the key purposes when we are talking about the Short Stay Levy Bill 2024? Taking action to deliver more social and affordable housing – and I will demonstrate that loop, because I feel there has been a rather linear argument and I am seeking to demonstrate the circularity and the connection that this bill is seeking to drive – and secondly, to make more properties available for longer term rental, which would certainly be advantageous for regional areas. I am not saying regional areas exclusively – it is the whole of Victoria – but in terms of particularly workers being able to have somewhere to reside I remember we did a parliamentary visit, when I was in the upper house, to Bright, and part of the problem was they did not have anywhere to house people. So certainly having –

**Anthony Cianflone** interjected.

**Nina TAYLOR**: Yes, the workers, that is right. We have got to think about the workers going to regional areas, and that was so the hospitality staff had somewhere to stay. Hence encouraging those who own rentals to have longer term rentals as opposed to short-stay will be a win-win for those communities if they can then in turn staff the local pubs and cafes et cetera.

In Victoria there are – this has been stated already, but just for clarity – around 63,000 short-stay accommodation places, with almost half of these in regional Victoria. We have regional Victoria very much at the forefront and in mind here because of the incredible impact that short-stay accommodation, as opposed to having sufficient longer term rentals, can have on regional areas. Almost 50,000 of these places are entire homes. We know the value in that of course, because then you can have more people, and it may be families et cetera – it may be even that they relocate for work or otherwise to support those regional areas.

I do not want to dominate my discussion with regional areas, but I have heard a lot about, ‘Oh, what about the regions, what about the regions?’ Actually the concerns of the regions are very important when we are discussing this bill, because we have got to make sure as a minimum that workers have somewhere to stay so they can help to support the businesses that are running in those areas. Fundamentally what the policy is seeking to do is to drive longer term rentals. I am reiterating that point.

I should say: I live in the big smoke. I am in a high-rise. I actually bought an Airbnb and converted it to my permanent home. It is not that interesting, but just to say that it was an Airbnb. It is now a permanent home, and I do not rent it out or anything else. I like living there, but just to say that now has become a permanent residence. Having said that – what might be a little bit more interesting – I had many years in the rental market, and I know, one, the difficulty that there was a few years ago anyway. We know now there is even more incentive to create longer term rentals and to increase the availability of longer term rentals for people, because we know the value.

I am not actually criticising Airbnbs per se. I know when I went to Amsterdam I did stay in an Airbnb, but it was an owner-occupier property. I am not sure where the owner went for the week, but they went somewhere else and I used that property. But I must say I did not have loud music and I did not annoy the neighbours and I actually was respectful because I thought it was actually a lot more fun, rather than creating a party and destroying the lives of the poor neighbours, to actually go out and use

the pubs and cafes to meet up with people – there is a novel idea – particularly when you are in close proximity.

I know that particularly in areas like Docklands – Yarra’s Edge is in my electorate; Docklands has obviously got both sides of the Yarra there – and Southbank itself literally there are huge numbers of Airbnbs in my electorate. In St Kilda as well – you only have to google it and you are like, ‘Oh, my goodness.’ What that means is there is so much potential for so many more people to be able to have longer term rentals in a pretty built-up area. Southbank itself has circa 22,000 people. It is like a mini city itself. When you think there are thousands of Airbnbs, look at the potential there. That goes more to some of the controls as well that are incorporated into this bill as a good start when we are looking at giving owner-occupiers more control over who their neighbours are and the activity. What I mean by that is in terms of having the ability to have amenity in your building. That is what I mean, not the individual selection of people, so to speak.

Coming to the circularity, which was a point that I made from the outset but that I think is important to emphasise, all revenue raised from the levy will go to Homes Victoria to support the building and maintenance of social and affordable housing across the state. I did hear a point made by the opposition: ‘Oh, my goodness, homelessness is a serious issue.’ Absolutely it is. You only have to look at our housing statement to note the prioritisation of building and increasing supply in our state, and that is well underway – we already have thousands of homes that are in planning, built, under construction or delivered – because it is so important. But having yet another mechanism to be able to support more social and affordable housing is actually helping to drive down homelessness as well, hence coming back to the purpose of this legislation.

I do want to get to the issue of consultation. I think that is a fair question to be raised in the chamber. There has been extensive consultation on the design of the levy involving a range of stakeholders, including community, business, booking platforms, councils and tourism bodies, to maximise benefits for tourism and local jobs. The levy is payable for each short stay of less than 28 days in Victorian premises. Longer term stays of 28 days or more are not subject to the levy, just to get to the precision of the bill itself. I should emphasise – and when I was talking about that short stay it was about a week in Amsterdam, but they will have their own rules there of course – the levy will not apply to premises that are the principal place of residence of the owner or renter. For example, if you own or rent your home and rent a bedroom out for short-stay accommodation, the levy does not apply, just to be clear.

When we are talking about tourism, a very important thread that should be discussed – I think it makes good sense to discuss it in this context – is that the levy will not apply to hotels, motels and other commercial forms of accommodation that meet the Commonwealth GST definition of ‘commercial residential purposes’. Commercial accommodation cannot generally be used for long-term residential occupation and is often subject to strict regulatory arrangements. The levy will not apply to residential student accommodation, rooming houses, retirement villages, residential care facilities, supported residential services and temporary crisis accommodation, simply because they are not suitable for long-term rental or for sale on the housing market. So we can see that there has been a very considered approach in terms of constructing the ambit of this bill and the impact that it is supposed to have but also making sure that there are important elements that are not included – that is, the exclusions that I have just mentioned – for practical and realistic purposes.

Coming back to that issue of workers, the levy will not apply to short-term accommodation provided by a facility to its employees, contractors or clients – for example, accommodation for seasonal workers or travelling medical staff. These are very, very important nuances when it comes to looking at the impact of this bill.

The bill also amends the Owners Corporations Act 2006 to authorise an owners corporation to make rules to prohibit the use of lots in a strata development for short-stay accommodation. This will enable individual owners corporations to manage local amenity issues caused by short-stays. I have to say, people in my electorate have certainly been advocating on this issue, and you can understand why. I

have spoken to the numerous Airbnbs that are at Southbank, Yarra's Edge, Docklands just over the Yarra there as well and then of course St Kilda, and even other parts of Albert Park as well. I was googling there – lots, so therefore a lot of potential as well. They have also raised issues – and I can affirmatively say this has been raised for my attention many times – of the nuisance behaviour as well, which is certainly very selfish on the part of those who do behave in that way. They have to remember there are people trying to live their lives, so I just do want to make that point as well. But anyway, that is good, and these controls correspond to those controls in New South Wales when it comes to the owners corporations. These are important strides forward in this space.

**Richard RIORDAN** (Polwarth) (18:21): I rise tonight to make a contribution on what I think is possibly the worst piece of legislation to come to the Parliament in the eight years since I was elected. There have been some shockers – absolute shockers – brought to this Parliament, but this one is the worst. In fact it is so bad I am actually going to download the member for Albert Park's contribution, because that alone will ensure my victory at the next election from the tourism operators along the Great Ocean Road. Tonight they saw the heart of this government's intention on this. It is not about supporting regional tourism. It is not about helping accommodation in regional areas. It is purely a cheap tactic to win the support of the Greens. And how do we know that? We know that because the Greens appear to be the only people in the state happy with this legislation.

Despite what the member for Albert Park said about extensive consultation, I can tell you now I have been receiving texts during the member's contribution from all sorts of serious tourism operators right around the state, all laughing. I am not going to name them because they are still going in to bat, because, guess what, the State Revenue Office, which is an absolutely central plank of this piece of legislation, has not yet figured out how it is going to bill and receive the income from these businesses. The member for Albert Park talked about extensive consultation. I can tell you one thing, member for Albert Park, as someone who has worked in the tourism economy for the best part of 20 years. I can absolutely assure you that no person consulted in tourism would have for one second thought 1 January was a good time to start a new tax on their industry. A new tax will have new paperwork, new computer systems, new software and new billing arrangements – all sorts of complexities. No administration in their right mind would think that 1 January, in the middle of the Victorian tourism season, was a good time to implement that tax. I mean, if you have to bring in the most appalling, unfair, discriminatory tax that will do all it can to destroy tourism in regional Victoria, bring it in on 1 January, because that is where it will maximise its damage! It is all the evidence the community needs that this government has not been serious in its consultation, has not spoken to the industry and has not worked through the effects.

But let us talk, more importantly, about what this government says this ridiculous new tax is supposed to do. They are bringing in this new tax, they tell us, because they are doing Victorians a favour – they are going to help with social and affordable housing. As the shadow minister for social and affordable housing, can I just say that this government has failed abysmally. They have spent nearly \$3 billion. There are 456 fewer social homes in Victoria today than there were last year. They have got less houses, they have spent more money and, even worse, there are 3500 fewer bedrooms in social housing in Victoria today this year than there were before they spent the \$3 billion. No Victorian can trust this government to put this money to good use and make a better life for Victoria's most desperate and most needy and those without a home. This government has no track record of it. They cannot demonstrate any capacity whatsoever to do that with this tax.

What is worse about this tax is this tax is not hitting wealthy landlords, this tax is not hitting multinational internet companies that do not pay tax in Australia that operate offshore. No, none of those people are affected by this tax. This tax hits Victorian families – every single family who wants to go on a holiday and use short-term accommodation, whether it is through their local real estate agent, whether it is through a stay-at-home mum that is operating a business on the side to make ends meet or whether it is an online platform. It does not matter what the method is. This is a tax on the people wanting to use that service.



And what do we know about short-term accommodation? We know, for example, that in the Great Ocean Road region – one of the most visited regional areas in Australia, if not the most visited – apart from one development in Torquay there has not been a new commercial accommodation built in that region since the mid-1980s. Tourism in regional Victoria has grown off the back of short-stay accommodation. And why does that work? Because some of our most popular visited spots are popular places for people to have holiday homes, whether it is at the snow, whether it is at Daylesford, whether it is at the Great Ocean Road, whether it is down in Gippsland or whether it is up on the Murray. And what do we know about holiday homes? They are never going to be available for full-time rental. They are homes that people have acquired through hard work and enterprise. They have sought to find that property themselves, and they use short-term rental accommodation as a way to help cover the costs of that property that their family and their loved ones enjoy at special times. These are not property moguls. These are not people profiteering out of it. It is a big part of the leisure lifestyle that so many Victorians enjoy. And this government is taxing it and making it less affordable and less appropriate.

It is a laugh to think that 50 per cent of the homes that this tax will affect are in regional Victoria. Regional Victoria, we know, has not got the commercial accommodation for visitors to go to elsewhere, so the government, by its very logic, says it is going to take the tourist pool of accommodation out of the system and put workers in it. Who is going to want the workers if there are no visitors coming to the community to start with? What if this government got its way and 50 per cent or 80 per cent of the short-term accommodation was taken from my electorate, from the Great Ocean Road region? We would not need the extra workers because there would be so many fewer people coming to stay. It is logical. And the fact that this government have not even been able to comprehend that shows how little they understand about the important visitor economy in regional Victoria.

The other side of it is 40 per cent of short-term accommodation is not families going for a holiday but families and people needing it for emergency services, health care and essential working. The member for Albert Park also made the comment that there was not going to be the tax on family violence accommodation services or worker accommodation. That is only for specialty accommodation in those areas. Guess what, member for Albert Park, you might have specialty emergency service accommodation in your electorate, but in regional Victoria we have none. We have zero special accommodation facilities and services in regional Victoria – none. This government has funded none of it. It does not exist. So if you are a single parent with children escaping domestic violence and you have to go somewhere, you can take a short-term rental accommodation and you will be paying more. This government is going to charge you 7.5 per cent more every night you are seeking refuge in that accommodation. That is just a tax on desperation. It is a desperate tax attacking Victoria's most vulnerable, and it is not good enough.

It also applies to visiting medical specialists and other visiting professionals who come to regional communities that do not have hotels and motels – they do not exist, by and large. If they are coming to a country town to provide ophthalmology services for the week or for knee and heart check-ups and other special conditions, they are staying in an Airbnb and it is an extra 7.5 per cent on that accommodation. What about the family from regional Victoria that has to spend – as my family did back in the 1980s – nearly a year in Melbourne with a sick child having cancer treatment? They stay in short-term accommodation too. They are staying down here in Melbourne not because they want to, not because they are getting any joy, but in order to help their young child recover from traumatic cancer treatment. Those families will be charged an extra 7.5 per cent every night that they are down here in Melbourne seeking medical treatment. That is simply not fair. It is simply not fair. It adds to the trauma of the experience; it adds to the expense.

Anyone who represents regional Victoria – and my colleague here the member for Ovens Valley will absolutely attest also to it – will know the amount of stress and expense that so many regional families go through to get long-term health care. When it is a critical illness, they come to Melbourne and invariably short-stay accommodation is a solution because the whole family can get together. If you

have to go to a commercial accommodation and rent a hotel room and you have got three or four kids, you might have to have a couple of rooms; it is incredibly expensive. These are things that people live through, and this government has not thought of it; it has not allowed for it. Instead it has put a tax on it in the misguided belief that they are somehow charging multinational companies when they are not. They are charging families, they are charging individuals. It is a tax on services to country communities, and worst of all, in a year when this government has increased the fire services levy by 70 per cent to our farming communities, 50 per cent of this tax is coming from regional communities.

This government is shameless, absolutely shameless, in its tax attack on country Victoria. It is tax, tax, tax, and it is all coming here to Melbourne to pay for overblown tunnels that are over budget, overtime and overdue, and what are country Victorians getting for it? Absolutely nothing. We are having our regional tourist economy, our visitor economy, attacked beyond belief in a harebrained, ill-thought-out tax. We have got fire services levies increasing and land taxes being felt and experienced by regional Victorians for the first time ever with the lowering of the threshold. This government is a tax-attacking government.

**Anthony CIANFLONE** (Pascoe Vale) (18:31): I would like to begin my contribution by calling out some of the absolutely ludicrous claims that the Liberal opposition have been making in relation to this bill, and I say this in the context of the fact that any policy we have ever put up in this chamber, or indeed outside the chamber, when it comes to housing has always been opposed by the Liberals. They have been the first to say no when it comes to any policy or measure we have sought to introduce to try and increase, provide incentives and encourage the construction or supply of housing for families, renters, retirees and people in need. Whether it was the plan for Victoria, they opposed it; whether it is our housing statement, they opposed it; or whether it is our goal and our target, ambitious as it is, over the next 10 years to build 800,000 new homes, they opposed that target. They opposed the construction of more granny flats in people's backyards. What have they got against granny flats? They opposed the \$5 billion Big Housing Build program, they opposed our rollout of 12,000 new social and community homes through the Big Housing Build project and now of course we come to today where they oppose this Short Stay Levy Bill 2024 as one of the means and levers to try and free up and create more housing opportunities. They oppose every measure every step of the way when it comes to building and unlocking that supply for housing. Forget about the three-word slogan 'stop the boats': under this Liberal opposition, frankly, it is 'stop the homes'.

I would like to also take this opportunity to just call out again some of the misleading allegations that have been made in relation to this bill's alleged impact on the tourism sector, particularly from the Shadow Minister for Tourism, Sport and Events, the member for Nepean. God help us if he were to become the minister for tourism. I say this from the context of having been a former tourism adviser for the former minister who I believe was the greatest tourism minister – with no disrespect to the current minister – John Eren. I had the pleasure to serve with John Eren. I knew John Eren. John Eren is a friend. I can tell you, the member for Nepean is no John Eren, because you have got to look at not just what he does not say, because he does not say much, really. I mean, what new events, what new policy measures have the opposition announced when it comes to growing tourism since they have come to opposition again through another occasion post 2022 election? They have not announced anything except for criticising and opposing again everything we have been seeking to do when it comes to tourism. And the stats and the facts, which the opposition do not want to cite, just speak for themselves, because frankly the way the shadow minister the member for Nepean talks about tourism in this state, he should not be the shadow minister; he should be the minister for tourism for New South Wales or Queensland or South Australia, because he talks down the tourism sector in a way that actually encourages the other states to try and poach our events and our tourism sector, because the fact is our tourism sector's year-on-year spend – let us look at the facts – is well over now \$39 billion total in total visitor spend, growing by \$1.5 billion in the last quarter alone. That is a 12 per cent year-on-year increase when it comes to total tourism spend in this state. It is growing substantially.

Total tourism spend now, compared to 2019 pre pandemic, is 31 per cent higher than prior to the pandemic. Total visitors have reached 98 per cent of levels compared to those of 2019. International visitor spending has reached over \$7.8 billion, an 86 per cent increase year on year for the state's economy since then. Total domestic tourism expenditure in Melbourne is now recorded at 27 per cent higher than in 2019.

Let us look at the regions, region by region. A lot of these allegations are being made around how this bill is going to impact those respective regions. Let us look at how those respective regions have been growing on the watch of this government and this great current Minister for Tourism, Sport and Major Events, Minister Dimopoulos. Looking in comparison to pre-2020 levels, in the Grampians, for example, domestic visitor expenditure has grown by 50 per cent. It has grown by 93 per cent in the Geelong and Bellarine region. It has grown by 91 per cent in the Phillip Island region. I acknowledge the member for Hastings, who is here, and the member for Bass as well. In the High Country it has grown by 52 per cent. The Great Ocean Road – we just heard the member earlier from that region, where tourism expenditure domestically has grown by 58 per cent. There is all this talk about tourists being driven away from the Great Ocean Road and the Twelve Apostles. The last time I checked, the Twelve Apostles are not going anywhere. They are still going to be there for tourists to go and see. I see we may have a member from the Murray region coming up shortly. I had the pleasure to spend time in his region in motel and caravan park accommodation recently this year. Tourism expenditure –

**Tim McCurdy:** Where?

**Anthony CIANFLONE:** In Bright. In the Murray region tourism expenditure has grown by 35 per cent, and in the Goldfields, 61 per cent. Mornington Peninsula, where the member for Nepean comes from, has seen 54 per cent growth in domestic tourism expenditure. You do not hear him talk up his local tourism sector at all. Gippsland has seen 53 per cent; the Yarra Valley and Dandenong Ranges, 82 per cent; and Daylesford and Macedon Ranges, 24 per cent growth. In total, regional Victoria's domestic tourism expenditure was recorded at 39 per cent higher than in 2019.

When it comes to tourism we have been proudly continuing to build a calendar of events that is the envy of all the other states and territories across the country. They are doing their utmost to poach many of these events, but they have got no chance because, again, on the watch of previous Minister Pakula and current Minister Dimopoulos we have, for example, secured the Australian Open until 2046 – another 22 years that the Australian Open grand slam is still going to be here. The Australian Grand Prix has been secured until 2037, another 13 years. The AFL Grand Final is staying until 2057, another 34 years. The Boxing Day test, as we heard earlier today in question time, is staying until at least 2030, another six years. We have had the Melbourne Cup and Spring Racing Carnival people in the building just recently this week. We are investing in the Nyaal Banyul Geelong Convention and Event Centre. The Kardinia Park master plan has been virtually completed. We have got the Western Bulldogs in Ballarat going out to Eureka Stadium. We continue to invest across many of our other regions in terms of events. The Regional Events Fund and marketing and promotion are all proudly led by Visit Victoria and the respective good work of the regional tourism bodies and authorities as well.

Of course this policy – just before I turn to the substance of it – is just as important when it comes to the workers of the tourism sector. When I was tourism adviser I remember sitting down with many, many operators over those years and hearing many of their different grievances and concerns in relation to the industry, which we sought to support. But one of those big concerns was the lack of housing for tourism workers in the regions in particular. I just find it absolutely ironic that this bill is one of the measures that will actually try and free up some of those properties that are currently locked out of that rental market and actually give the opportunity to workers to be attracted to those regions to work and to find rental properties, which they currently are locked out of. This bill will to some degree support those outcomes.

Of course this Short Stay Levy Bill will introduce that 7.5 per cent levy on short-stay bookings in the context of, namely, housing, creating more housing consistent with the policies that we have already committed to as a government, whether it is the Plan Victoria statement that we are developing and consulting on at the moment, the housing statement, the 800,000 new homes target, the Big Housing Build or the rental reforms. There are 130 reforms which we have introduced to make renting fairer for people who rent, because really, alongside one's health, nothing is more important than housing and finding a home to live in. Whether it is families, young people, students, workers or retirees or whether it is people experiencing housing stress, rental stress or homelessness, every Victorian does deserve the chance to live in an affordable, accessible and safe place.

But as we know, right now across Australia it is becoming harder than ever before. Housing affordability has been at its lowest in decades, and it is taking that much longer, for example, for first homebuyers to save a deposit than it used to. Vacancy rates for rentals are at record lows, and prospective tenants are finding it harder and harder amongst the dozens and dozens of applications they are competing against to access a property.

Doing nothing is simply not an option; hence I have cited all those different measures we have been undertaking, in the context of which this bill is one of those important levers, which is why we need to progress with this bill as a matter of priority. It is a bill that will help instil – and I refer members to the contribution of the member for Tarneit a bit earlier around better balancing and helping create a fairer housing market, particularly for workers, essential workers, and particularly for those looking to live out in the regions. Indeed even in my own community of Merri-bek, fewer and fewer essential workers – whether they be nurses, emergency services workers – live in my community because of the housing affordability issue and very low vacancy rates, record low vacancy rates. I acknowledge the work of my council, Merri-bek council, in this respect, which has been advocating on this issue, and provision appropriately has been made in this bill for local government to also play a role going forward. I commend the bill.

**Tim McCURDY** (Ovens Valley) (18:41): I would like to say I am delighted to rise and speak on this bill, but sadly it is another tax being pushed onto Victorians, and it is a very, very sad day. This time it is the short-stay tax. The only thing we hope that is short-stay is the Allan Labor government, but anyway –

**Anthony Carbines** interjected.

**Tim McCURDY**: Do you like that one, minister at the table? He agrees. I think he concurs. You know, it is a time when we have got protesters racking up millions of dollars worth of bills and the Minister for Police has to worry about how he is going to pay those bills – \$15 million for taxpayers. The Premier will not even talk to the police. You have got trams rerouted today, the public inconvenience and of course the Premier at war with the very police that she relies on to try and keep Victoria safe. *Herald Sun* headlines today – aggravated burglary is up 100 per cent since Labor came to power. I know those on the other side want to dispute that, but it is a fact. And then the Premier continues to double down on the Suburban Rail Loop while the backbench starts scheming on how they can remove her so they can keep their jobs – because you have only got 100 weeks left, or a bit over 100 weeks left, and not only will you be out of government, you will be out of a job, some of you. You will be out of a job.

**Tim Richardson** interjected.

**Tim McCURDY**: I dispute that. I think in 115 weeks you will be losing government. So, member for Mordialloc, you will get your chance.

On top of all those issues that are going on today, then the Premier says, 'Well, here's a good idea: let's introduce another tax. Nobody's even going to notice.' Well, we are noticing all right. Let us not be fooled: the ghost of Daniel Andrews is alive and well. I mean, it is just a different shade of lipstick.

So after 10 years Victoria has turned from an economic powerhouse to the woke capital of the world, the protest capital of the world, the turn-away-tourists capital of the world. You know, when this Premier along with her predecessor cancelled the Commonwealth Games we sent a clear message, a clear message to the world: 'Don't try to do business in Victoria; you will get shafted.'

This short-stay tax is another example – it is another kick in the guts for mums and dads not just in regional Victoria, all across Victoria. But I know the ones in regional Victoria are going to be hit hard out of this, out of no fault of their own. They are just trying to create an income for themselves. Some are just earning a couple of bucks on the side; some want to enhance tourist offerings in the small communities where we live. And they have now just been told they will become less competitive because of this 7.5 per cent tax. Only Victorian Labor can destroy confidence at such a high rate.

First of all we saw the land tax come in, and most of our offices had people come in and talk about the land tax. We will talk publicly about this, because we know people are hurting. I know that those on the other side of this room did not talk too much about the amount of people that came in and talked about land tax and how much it has increased. Some of them went up three- or four-fold.

This land tax has put a lot of pressure on people who have worked hard and saved hard to end up with a holiday house, and then they are saying, 'How the dickens are we going to pay this land tax? What we may have to do is Airbnb for a few months of the year or a few weeks of the year to try and help offset this unfair tax, this land tax.' No sooner do they do that, all of a sudden they get told, 'No, now you're going to pay another 7.5 per cent tax because you've decided to go into this market to try and help with the cost of living for you and for your family.' Whichever way you look, it is an ugly, ugly tax.

I am someone who is in a border region. I live in Cobram. The electorate has Cobram, Yarrawonga and Bundalong. And then we go all the way up to Bright, where the member for Pascoe Vale stayed recently, and I am sure he enjoyed that. But if you live in, for example, Wodonga and you have got an Airbnb, you have just become less competitive against Albury. If you live in Corowa, then you have got an advantage over somebody who has got an Airbnb in Wahgunyah. Yarrawonga is the same: you have now become less competitive against a house, an Airbnb, a short-stay house in Mulwala. It is the same as Cobram–Barooga and of course Echuca–Moama, and that goes all the way down the Murray. I did hear the member for South-West Coast. She said the same for down in her electorate with Warrnambool and down towards Portland. The same things will happen there. South Australia tourism must be rubbing their hands together saying, 'Bring it on, Victoria, if you're that stupid that you want to bring on another tax'. That makes us less competitive. That just helps New South Wales and South Australia, who I have got nothing against, but it really is crazy that we are putting this tax on. It is going to hurt these businesses.

I want to give you a quote. For Hansard, I will give this to you before I leave so you can see where this has come from. This is Murray Regional Tourism, a body that works so hard to promote tourism in our region, in all of north Victoria. They do an astounding job to make sure that they encourage and promote and get tourism wherever possible. I just want to make a couple of quotes from a letter they wrote to me:

The introduction of a new levy on visitor accommodation is likely to exacerbate this shortage by increasing costs for visitors, thereby reducing overnight visitation, visitor spend and local employment.

Regional Victoria, especially the Murray region, continues to recover from the economic impacts of COVID-19 and recent flooding events. Visitor numbers have not yet returned to pre-COVID levels, and infrastructure repairs are ongoing. This levy threatens to impede this recovery by discouraging visitation at a time when the region is still fragile.

I am sure you do not get that. Those living in Melbourne in their Melbourne electorates just do not understand the impact that took place over the last few years in regional Victoria. We certainly have not recovered, and now we get belted again. It goes on to say:

A critical concern for the Murray region is its position on the border with New South Wales and South Australia. The imposition of a levy exclusive to Victoria could drive visitors to opt for accommodations in bordering states where such a levy does not exist, creating a competitive disadvantage for Victorian businesses.

...

The imposition of a Victorian-only levy will place local investors at a serious disadvantage, increase administrative costs, and contravene the broad intent of GST reforms introduced in 2000, which sought to avoid a complex mix of taxes and levies across Australian states.

Finally, it says:

This levy is likely to lead to a decline in visitation, a shift in overnight stays to neighbouring states, and a negative impact on the already struggling regional economy.

These are not my words, they are the words of the Murray Regional Tourism board. They are seething, and I just do not think this government understand the damage that they do to communities like ours, who rely on, obviously, food and fibre, as we try to produce food and fibre for the world – but coming a very close second is tourism wherever we can get it.

I am not going to say the name of this person. This is an Airbnb operator in my electorate. I have not asked her for permission to use her name, so I am going to just say what she sent to me. She said:

Not every Airbnb operator is a greedy individual with a bursting portfolio of properties, especially not in rural regions.

I myself have a permanent disability, but because of what our farm is worth on paper, I cannot even access a Health Care Card to assist with my numerous medical expenses.

Like many farmers, we have been through many years of little income and we rent out a cottage on our property a maximum of once a week to try and make ends meet. It is a maximum of once a week because I physically cannot do all the washing and cleaning required in less than that space of time.

I beg you to not make it even more expensive for tourists to come and stay in our King Valley & Milawa gourmet regions which have been so severely impacted since 2019.

The difference that the income from bookings makes to us is the ability to buy food and pay our bills.

We cannot possibly drop our prices any lower to absorb the 7.5% levy.

This levy will further decrease our bookings and we won't survive financially.

That is one of many stories. When you look at the electorate of Ovens Valley there are so many communities – Bright, Harrietteville, Whitfield, Cheshunt, Porepunkah – with Airbnbs. They are all going to be in the same boat: Myrtleford, Eurobin, Oxley, Milawa, Wangaratta, Bundalong, and the list goes on.

It is really quite disappointing that those on the other side cannot see the damage that they are doing for supposedly raising \$60 million out of this tax. It is not just the Airbnbs and the accommodation places that are suffering. It is the other businesses in the town. It is the cafe. If you get somebody to come and stay, you get three or four different families come and stay in Bright or Porepunkah or the smaller towns like Harrietteville, they will eat at the restaurant, they will have a coffee at the cafe and they will take whatever activities they can. It is all those other businesses that suffer, not just the accommodation centre.

So I think this bloody-minded approach of just 'Tax at all costs; it doesn't matter who we hurt' really is quite disappointing. It is hurting families. It is hurting mum-and-dad investors. This is not about corporates. This is mostly mums and dads who are trying to balance the books, trying to support their families with the cost of living that they have and just trying to make the books balance up. As I say, it is going to hurt not just the accommodation centres but all the businesses in these small communities.

**Tim RICHARDSON** (Mordialloc) (18:51): It is great to speak on the Short Stay Levy Bill 2024. If you listened to the member for Ovens Valley, you would think it is all doom and gloom, that tourism is not any good and it is all going into the toilet. Well, the stats and figures thankfully do not stack up with the cheerleading to go and take tourism to South Australia and New South Wales. And this is a consistent theme – I have heard a few speakers today championing tourism in other states. The Shadow Minister for Tourism, Sport and Events – I heard his speech and contribution and really reflected on it. It is finals season, as we know, and it is great for inbound tourism. There is going to be short-stay accommodation left, right and centre. We see that as Melbourne’s footy takes a break we have got the Storm, we have got the AFLW – it is all going off.

I have been watching a bit of that, and on no less than three occasions I have seen the shadow minister for tourism spending his tourism dollars in New South Wales and just getting in there with the inserter vibes, with tourism vibes. He is just getting into the rooms and going ‘Look at me’ and giving a high five to Isaac Heeney and spending tourism dollars in New South Wales. I thought, ‘What’s going on here?’ I appreciate some of the comments around the impact on tourism and the cheerleading, but I did not think it was actually ingrained in their souls and their values to go and spend tourism dollars so forcefully in New South Wales and be the ultimate inserters and say, ‘Look at me; I want to be part of the premiership chase for Sydney.’ I know the member for Nepean is a lifelong Swans fan, but you do not have to go and consistently spend your tourist dollars there.

The reality of Victoria is very different to the woe and gloom that we have heard. By 2028, according to the tourism figures, \$53 billion in total spend will be allocated in Victoria, a 32 per cent increase on 2023 estimates. With 112 million total visitors we will be up 18 per cent in just five years time and have nearly 95 million domestic visitor nights, up 14 per cent on 2023 estimates. They are the facts. They are the stats. We are the cultural, economic, visitor and sporting capital and one of the most diverse and inclusive places in the world. And that visitor attraction, the short-stay economy, will continue into the future.

You have got this really big tension point at the moment with the coalition on housing policy. This was a key anchor in the housing statement that was released last year. But you have this real tension point at the moment. You have got the member in the other place from the Northern Metropolitan Region Evan Mulholland saying, ‘We can’t have NIMBYs anymore; we’ve got to build more houses; we’ve got to do more. We’ve got to support people in their future and their security. Housing’s a right.’ Then you have got others like the member for Brighton, who is attacking housing in his community. You have got the member for Sandringham opposing housing in his community along the Suburban Rail Loop. You have got the member for Southern Metropolitan Region David Davis in the other place, who opposes everything, including housing. At least he has been consistently a NIMBY rather than a YIMBY, and I will say he is quite consistent in that. You need to front up with key policies for the future, and this is a key element of our housing policy.

So how many houses are taken off the market that are held in short-stay for a period of two to three months that could otherwise be on the market? That is a big question. We see that through the member for Nepean’s electorate where the housing crisis and the impact on rental unaffordability is having a big impact on communities. There are around about 29,000 full homes that are currently Airbnb listed, so it is a part of that sector and a part of that notion around fairness and affordability going forward for all Victorians.

The levy was talked about, consulted on and brought to the public a year ago, and now it makes its way into the Parliament. The revenue raised from that, on the back of the surging tourism numbers that we still see across Victoria, will have a significant benefit into the future.

In the final minutes of my contribution I want to say that this bill is really important to providing that funding for Homes Victoria, for making that contribution. To those opposite – and I know the member for Bulleen is going to get up and have a bit of a crack in a sec – just be reflecting on this. The Andrews and Allan Labor governments have proudly cut or abolished taxes and charges 64 times. This includes

cutting regional payroll tax three times and lifting the payroll tax threshold on multiple occasions. It was \$550,000 when we came to government. We are becoming the first state in Australia to abolish business insurance duty. It goes on. We are abolishing stamp duty for commercial and industrial properties. When the opposition were last in power they introduced or increased taxes and fees on 24 occasions. We will not see that again. Despite all of the grandstanding on impact, that is what we saw from those opposite. So I am not sure if the member for Bulleen is keen to get up and say a few words or have a go, but I have given him a nice lead-in there if he wants to have a contribution.

But this is part of a wider package of housing statement outcomes as well. It is not talking down the construction industry and housing industry. We need to get more to market, we need to be building more and we need to be ambitious in councils. We need that kind of policy rigour that we saw back when the member for Bulleen was the Minister for Planning. I think he said on the record it was 62,000 households and that we did not need the nimbyism from those in Sandringham or Brighton, even though those areas were closed down a bit, and we are now going back to those housing areas to see what else might happen.

The equal contribution from every LGA – all 31 metro councils and the 79 across Victoria pulling together to create more housing and more diversity in our markets – is the kind of policy energy that we need. The 80,000 target is aspirational. We are seeing some challenges in construction, and as we have seen in the budget, we are needing to gear down some of the major construction builds to let far more investment in housing come onto the market. We have seen that as a stated policy of the Treasurer pushing forward into the future and making sure that there is more space for housing. It is not talking down those housing outcomes. It is not blocking it because it suits you in your particular community to be a populist for 5 minutes, but getting amongst that and ensuring that the next generation has those housing outcomes. The median age for housing ownership is pushing towards the age of 40 now, and that means then that millennials and gen Zs are completely priced out, let alone trying to survive and be able to afford rentals into the future.

So that is the mix in this bill. It is about making sure that in every element in our policy we have a fair taxation system and that tourism growth will continue to surge across Victoria – not cheerleading maybe Premier Malinauskas or Premier Minns. You would think that the Libs would just be a little bit more Victoria centred – just a little bit. But they are just saying that tourism is going here and there, even though the stats show the surge and the millions more visitor hours that are going to be spent on nights in regional and rural communities and in Melbourne and metropolitan areas.

So that is what this bill is about: creating a range of reforms in the housing statement policy, fairness in taxation and ensuring that revenue will go towards supporting more homes and affordable homes for Victorians. That is what we want to build. We want to build for critical skill shortage workers in areas so they are not priced out of their communities, priced out of regional and rural areas and not able to find rentals because there is a stack of properties that sit empty. And we have got the member for Nepean, who has walked in, who has made some comments about tourism. We have just put on the record that tourism is surging in Victoria. The estimates are that by 2028 it will be off the charts, even though he spent a bit of tourism dollars in New South Wales recently hanging out with Isaac Heeney as the ultimate imposter, getting in there with Brian Taylor: ‘Look at me. Give me a bit of an interview while I’m promoting tourism in New South Wales’. We need that policy rigour back from *Postcards*. We need it back championing Victorians into the future.

**Business interrupted under sessional orders.**

### *Adjournment*

**The DEPUTY SPEAKER:** The question is:

That the house now adjourns.



### Sunraysia Cancer Resources

**Jade BENHAM** (Mildura) (19:00): (831) My adjournment matter this evening is for the Minister for Health, and the action I seek is urgent intervention on the delayed Victorian patient transport assistance scheme reimbursement payments for Sunraysia Cancer Resources, leaving them with dwindling operating capital, putting lives at risk. Sunraysia Cancer Resources are a not-for-profit organisation. They rely heavily on volunteers, fundraising and donations. Their major fundraiser, the Pink Ball, is coming up on 12 October. Unfortunately I cannot get there, because I will be running the Melbourne half marathon the next day. The main body of work that they do is that they book and pay for flights for Sunraysia cancer patients to access treatments that are not currently available in Mildura. Having said that, we have an Icon Cancer Centre; there are a lot of things you can access in Mildura. But we are desperately in need of a PET scanner so that this amount of travel is unnecessary. They do not receive recurrent funding, like I said, despite the fabulous work that they do with people to help them out on their cancer journey, particularly when they are first diagnosed.

The Victorian patient transport assistance scheme reimbursements that remain outstanding, some still left over from last financial year, are \$144,056.14. The key messages on the VPTAS website state payments might take up to six to eight weeks from receipt. All sections of the claim form must be completed. They do all that; this is their bread and butter. Many of these invoices have been outstanding for over six months. This has left Sunraysia Cancer Resources with very, very little money in the bank. When a return flight from Mildura to Melbourne can be north of \$3000 because of the skyrocketing costs of airfares – you cannot put them on a train; you do not have one. You cannot put them on a bus. Honestly, if you are suffering from any illness, particularly one that compromises your immune system, your oncologist does not want you sitting on a bus for 14½ hours. Flight is the only way to go about it. And there is no public transport to and from the airport. Being left with less money than is needed to book the next patient's treatment travel is putting lives at risk, and I urgently seek that the Minister for Health intervene and make sure these outstanding reimbursement invoices are paid immediately.

### Dandenong Hospital

**Belinda WILSON** (Narre Warren North) (19:03): (832) My adjournment matter is directed to the Minister for Health and is in relation to Dandenong Hospital. The action that I seek is that the minister comes to visit Dandenong Hospital to meet the hardworking staff. The doctors, nurses and other staff at Dandenong Hospital perform exceptional work, tirelessly ensuring that their patients receive the highest quality of care. State hospitals are a crucial priority for our government, and we remain committed to supporting them, as they support us in our time of need. This is why through our \$320 million commitment we are continuing the planning process work of upgrading Dandenong Hospital. The Allan Labor government is committed to supporting our hospitals because of the important role they play in our community. I am looking forward to visiting Dandenong Hospital with the minister very soon.

I would just like, with indulgence, to take a small moment to give a big round of applause to Emma Vulin, who can now speak, at 7 pm this evening. Congratulations, member for Pakenham. What a great thing you have done today.

### Land tax

**Bridget VALLENCE** (Evelyn) (19:04): (833) I am passionate about manufacturing in Victoria – the industry, the jobs it creates, the innovation and the advanced technologies. Victoria was once the heart of manufacturing in Australia, yet in the past decade under the Andrews and now the Allan Labor governments Victoria's manufacturing industry has experienced decline and is under significant pressure with increasing taxes, red tape, skills shortages, the cost-of-living crisis and uncertainty because of Labor's anti-gas policies, which is why it makes no sense for this Labor government to persist with taxing Victorian manufacturers more and taxing them out of this state.

On behalf of Victoria's almost 24,000 manufacturing businesses – many in my electorate, including in Lilydale, Mooroolbark, Montrose and Chirnside Park, and in Ringwood, Bayswater, Dandenong and across Victoria – the matter I raise is for the Minister for Jobs and Industry. The action I seek is for the minister to provide details of what representations she has made to the Treasurer for an urgent inquiry into the calculation of land tax valuations, specifically for Victoria's manufacturers. These businesses are in the minister's portfolio, and it is about time she did something about representing them properly.

Manufacturers in my electorate and across the state have faced extreme increases in land tax without any consultation or justification by the Labor government. Manufacturers are wondering what advocacy, if any, the Minister for Jobs and Industry has done given the extraordinary impacts to these businesses and jobs of being slugged with Labor's land tax increases. Labor is damaging the sector and driving businesses and jobs interstate or offshore. The Victorian manufacturing sector contributes over \$30 billion to the Victorian economy and could contribute more, it employs around 260,000 Victorians and could employ more, but it is being smashed by the anti-business policies of this Labor government, the red tape and the business-killing taxes.

Some manufacturers have been slugged with land tax increases of over 300 per cent. It is unfathomable really. A business in Scoresby, as an example, was charged \$94,800 in land tax back in 2022 and just two years later is now being charged a whopping \$354,475 in land tax. This 304 per cent increase is exacerbated by the additional taxes and charges the Allan Labor government has imposed on businesses, including payroll tax, the mental health levy, the COVID debt levy and massive increases in WorkCover premiums. Instead of this vital sector being valued, Victorian manufacturers are being punished and are paying the price for Labor's financial mismanagement and reckless spending. I want to take the opportunity to pay tribute to Honi Walker and the South East Melbourne Manufacturers Alliance for their advocacy in this space.

### **Pascoe Vale Primary School**

**Anthony CIANFLONE** (Pascoe Vale) (19:07): (834) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to provide an update on the record investments the Victorian Labor government have been making to deliver the Education State across my electorate, including for Pascoe Vale Primary School. As the local member for Pascoe Vale, as a local parent and as the proud product of our local public education system, I am committed to doing everything I can to help continually improve local schools for local families, including Pascoe Vale Primary.

First established way back in 1891, Pascoe Vale Primary, situated at the top of the Gaffney Street hill and bounded by Cumberland Road, Wilna Street and Eddie Street, is one of the oldest schools in my community. For 133 years the school has had a longstanding tradition of educating young people, instilling a proud sense of community spirit in students and preparing them for their lives and careers ahead. That is why I was so happy to again visit the school on 6 August to meet with school principal Anne Naughton; assistant principal Meredith Lamb; school council presidents, representatives and members, including Deborah Cownley, Lauren Blair, Robin Pleasants, Marla Fistel and Yvette Jones – the amazing fundraising coordinator; student leaders – school captains Vinaaya and Daniel and vice-captains Havy and Lachlan, sports leader Violet, community leader Zoe, arts leader Juno and sustainability leader Ellery – and to commend the work of the school's leaders, teachers, admin support staff, volunteers and students, including Rita Davide, the mental health leader.

It was great to receive an update – and I welcome the minister coming to see this as well – on the school's good work and its ongoing priorities, including the delivery and benefits of their master plan and game-changing \$18.6 million new learning facilities proudly being funded by this Labor government; \$7.7 million for a brand new competition-grade indoor gym, new playground and landscaping works, which are currently under construction; \$7.8 million for the delivery of a new science, technology arts and maths – STEAM – centre, which is now well and truly in operation; and \$3 million to modernise and extend the school's historic building A with refurbished classrooms and

new administration and staff spaces; and to hear about the school being listed in the top five NAPLAN performing schools in the north-west. It was also a great pleasure to meet with students Sienna, Nash and Violet to celebrate the news that we are also investing \$1.4 million to deliver a brand new signalised pedestrian crossing on Gaffney Street between Ann Street and Wilna Street to improve local road safety.

Notwithstanding these investments, the school is very keen to receive an update from the minister on the rollout of these and other local education commitments ahead of my next visit to the school on 9 October to take part in what promises to be a very engaging and fruitful Q and A discussion with students. As part of this I look forward to providing the school community with an update on the rollout of our \$400 school saving bonus to help families cover the cost of school supplies, the free school breakfast program, the Smile Squad and free dental in schools program, the free glasses and vision screening for kids program and the mental health and wellbeing resource initiatives to help with neurodiversity challenges that students may be experiencing.

But it is also outside the school gates that we are investing to improve local learning opportunities for Pascoe Vale families. We are rolling out free kinder for three- and four-year-olds, saving families \$2500 a year. There is \$1.5 million for a new Pascoe Vale Community Centre kinder, which we just opened and there are our local high schools, all of which we are investing record amounts into upgrading – Coburg High, Pascoe Vale Girls, Glenroy College, John Fawcner College and Strathmore.

### **Country Fire Authority Rye brigade**

**Sam GROTH** (Nepean) (19:10): (835) My adjournment is to the Minister for Emergency Services, and the action I seek is for the minister to secure funding for the renovation of Rye CFA, which requires immediate and urgent attention. For those that represent electorates that most would consider regional, the Country Fire Authority is one of the most important organisations in our local community. The southern Mornington Peninsula is an area predisposed to fire danger, and with a limited road network in and out we need to make sure we are well equipped with our fire services. If we are not, it can be a matter of life and death. Rye brigade has recently written to the CFA raising significant OH&S concerns of its members for immediate attention to address diesel particulates and soot particles entering their station from aged trucks. When I met with members of the Rye CFA, including captain Eddy Matt, they expressed their growing concern that as a busy class 4 urban brigade attending close to 300 fire calls a year they are still operating with increasingly obsolete equipment, including their trucks and a station that requires updated safety measures. The CFA had extraction fans installed in the motor room when they highlighted the amount of diesel fumes that were being detected on truck start up, however, they have no cross ventilation in the main motor room front door.

The Rye brigade has asked the authority to renovate their existing station to separate members' amenities and keep the trucks separate to the CFA members' uniforms and personal equipment. Currently the equipment is kept on hooks in the motor room and is exposed to fumes and toxic particles. Rye brigade members have concerns that the number of events the brigade attends and the number of engine start-ups could be having detrimental health effects. In fact I have had members tell me there is a brigade in the district which is experiencing a cancer cluster. There is no direct attribution to the diesel particles in that case, but it has caused concern for CFA members in the broader region.

The situation is clear: the state of the Rye station is unacceptable. It requires immediate attention. The brigade does an incredible service for the entire community. As I said, they attend around 300 events a year, but the constant starting up of old trucks in the motor room shows evidence of soot and charcoal visible on members' gear. CFA members, who have been routinely attacked and let down by this Labor government, deserve safe and updated facilities, and I want to make sure that we are committed to ensuring that these local heroes have the equipment, the facilities but also the peace of mind that they need to continue with the great work that they do for their local community.

### Planning policy

**Luba GRIGOROVITCH** (Kororoit) (19:13): (836) My adjournment matter is for the Minister for Planning. The action I seek is for the minister to investigate how we as a government can further protect homebuyers from misleading information and statements made by developers. My patch of Kororoit is home to the fastest growing suburbs in Australia, and you can see why, with the numerous housing developments springing up in areas between Caroline Springs and Melton. People are wanting to live in Melbourne's west. They are building forever homes and starting families. They are starting new businesses, and in some cases they are even starting their new lives here in Australia. They are choosing to live in the west for many reasons, but I have been told time and time again that their decision is always being influenced by the master plans issued by the developers – the promise of community facilities, being close to schools and shops as their family grows. They look at these plans with their future in mind and they make life-changing decisions.

The developers are promising schools with flashy signs saying 'coming soon' that we as a government have not yet funded or even purchased the land for. Out in the west we have seen developers time and time again not delivering. Their master plans do not come to fruition. The plan to even have a shop nearby to get basic groceries has been a long fight for many residents in these residential developments across the west. Residents are moving into these areas that not long ago were farmland. These suburbs and towns are being built from the ground up, and they are aware when buying into these new areas that these things can take time, but when the promises of a shopping centre, a community sportsground or a school never eventuate at all, that leaves residents frustrated and of course fed up. I know as a government we have taken some big steps in this space, but we need to go further.

These developers are relying on the state government or the local council to fill the gaps that they fail to deliver on. They make their money and then they just seem to cut and run. They are on to the next project, and it is simply not good enough. Something needs to change. The developers need to be held accountable for the broken promises that litter the western suburbs.

### Land Forces International Land Defence Exposition

**Gabrielle DE VIETRI** (Richmond) (19:15): (837) My adjournment is for the Premier, and the action that I seek is to withdraw and call off the excessive police presence and cancel the remaining days of the Land Forces weapons expo. This morning I attended the community protest against the Land Forces weapons expo. I saw the most horrific police violence, including police on horseback whipping protesters. I saw protesters with their hands up being fired on with rubber bullets by riot police.

*Members interjecting.*

**The DEPUTY SPEAKER:** Order! The member on her feet is entitled to be heard without so much noise so that I cannot hear her. The member for Richmond to continue without assistance.

**Gabrielle DE VIETRI:** I saw people who had huge welts on their bodies and blood running down their faces from being fired at by police with rubber bullets. I heard and saw terrifying stun grenades thrown into crowds of protesters, causing huge explosions. I saw clouds of tear gas billowing out across protesters, peaceful protesters standing there, sprayed at close range. Was anyone else in the chamber here to support their community? No. I was there, and I witnessed this. I was doing my job supporting the community work. The Minister for Police deployed this excessive force and then sat up in his ivory tower, not accountable, unaware of what was going on. By bringing in thousands of police and giving them expanded powers, the Premier gave them a licence to use and abuse that power. Excessive force used to intimidate and hurt protesters is exactly what I saw today.

Let us not forget the Premier could have cancelled this conference. Instead she doubled down and rolled out this excessive amount of police. People should be allowed to stand up for human rights without fear of police violence. The right to peaceful protest is fundamental to our democracy, but this

Labor government labels anti-war protesters as violent. Let us be clear: the real violence is inside that conference with the bombs and missiles designed to hurt and kill people. It is with the 2000 extra police deployed with chemical weapons to be used against protestors. What I saw today was a violation of human rights under both international and Victorian law, and that is why the Greens called for this weapons conference to be cancelled. That is why we have called for an independent inquiry into the police violence, and that is why I am asking the Premier to call off the excessive police force and end this weapons conference.

### Connecting Victoria

**Daniela DE MARTINO** (Monbulk) (19:18): (838) My adjournment matter is for the Minister for Government Services, and the action I seek is for the minister to join me in my electorate to visit some of the Connecting Victoria projects that the Allan Labor government is delivering for Monbulk. While the Commonwealth is responsible for telecommunications services in Australia, the Allan Labor government's Connecting Victoria program is delivering mobile and broadband projects in places like my electorate of Monbulk, where consumers are currently being let down by the telcos.

Telecommunications is not a nice-to-have, it is essential, and no more so than when a serious weather event occurs or during bushfire season. We all rely on the mobile network to make calls during emergencies, but for far too long the companies have not ensured a continuity of service when power outages occur. It is incumbent upon them to provide an uninterrupted power supply.

Following the February storms, I started a petition calling on the telcos to power the towers. I would encourage people who want to see the mobile telecommunications companies build resilience into their towers to sign this petition via my website. They can also write to the federal Minister for Communications the Honourable Michelle Rowland and ask the federal government to compel the companies through legislation to provide that uninterrupted power supply.

In the meantime our Allan Labor government continues to step into an area to improve telecommunications resilience across the Dandenong Ranges. So far we have partnered with NBN Co, the Commonwealth government and local councils to establish NBN community wi-fi in Emerald, Kalorama, Monbulk, Olinda and The Patch. I would welcome the minister to join me and see the impact that these projects are having across the Dandenong Ranges.

### Shire Hall Beach

**Chris CREWETHER** (Mornington) (19:20): (839) My adjournment matter is for the Minister for Environment. The action I seek is for the minister to give an update on any long-term solutions being considered for the severely damaged Shire Hall Beach in my electorate. Shire Hall Beach is one of our most central and iconic beaches, yet sadly, with the concrete wave wall installation along Mornington Pier a decade ago, it was warned at the time that there would be drainage issues down from the Esplanade. The 2008 dredging of the heads under Brumby has resulted in Shire Hall being massively eroded and losing sand, resulting in a raw, narrow beach covered with rocks and dark grey sand. The storm made this worse and also collapsed beach boxes last week.

This sand has then built up at Mothers Beach at the other end, which has become wide and shallow, including around the jetties and boat ramps, which I discussed recently with Cassar Fishing, who are one of the many affected. There is funding for a boat ramp upgrade, but this has been delayed by state Labor and in any event likely needs yet another relocation of sand from Mothers to Shire Hall as the ramp is inaccessible, with boats hitting the bottom at mid to low tide. This damage and loss of amenity has reduced visitors to Shire Hall, leading to increased antisocial behaviour, including drug taking, graffiti and rubbish, not helped by the storms. On this, I joined 3931 Mornington BeachPatrol in cleaning up rubbish post storm, and it was the worst I have ever seen it.

Several solutions have been put forward to save Shire Hall, including replacing the Mornington Pier concrete wave wall with a semipermeable wave wall, installing an artificial reef to reduce erosion and

encourage sand deposits and fixing the drainage issues and beach restoration once all the former have been done. Short-term solutions like redistribution of sand are unviable and expensive and will result really in nothing in the long term. Without action this will happen again and again and again. What is needed are long-term solutions, which ironically also save costs.

Since 2022 and prior I have asked the state Labor government to work with the shire to take action. This has seemingly fallen on deaf ears, and climate change is often used as an excuse. Yes, climate change is a factor, but the dredging of the heads, concrete wave wall and mass drainage issues – all human interventions – are a major factor in this case. There are solutions. Fixing Shire Hall Beach is critical for locals, tourism, small business, maintaining the character and appeal of Mornington, boating, fishing and more. The solutions mentioned will be good for boat and yacht users as well as beaches and the environment. We can protect the boats and ramps and reduce the sand build-up that affects the mooring, launching and retrieving of boats. We can again build up sand on Shire Hall Beach, restore its beauty, protect the beach boxes, attract locals and visitors, reduce antisocial behaviour and increase health and mental health.

### Monash Medical Centre

**Meng Heang TAK** (Clarinda) (19:23): (840) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to provide the latest update on the Monash Medical Centre expansion in the south-east. In this year's budget we saw strong and continued support for the health services our Victorian families rely on, and as part of that support we are expanding the Monash Medical Centre with a new operating suite, a bigger maternity care facility and a new intensive care unit, ensuring local families have the care they need closer to home. I am very proud of the Allan Labor government's strong commitments to health care and to the Monash Medical Centre.

It was an honour and privilege to have the Monash Medical Centre in the Clarinda district for several years before the last Victorian Electoral Commission redistributions, which saw Monash move to the Oakleigh district. During that time we completed the \$76.3 million emergency department expansion and delivered additional emergency department beds and extra short-stay beds, as well as the mental health and alcohol and other drug hubs and the dedicated children's emergency area, which is fantastic for our youngsters. It is an amazing facility, and we see nearly 5 per cent of the state's emergency cases at the centre in Clayton.

As always, I would like to once again say thank you to each and every one of the amazing healthcare workers and staff at Monash for the wonderful work that they do. They do it day in, day out, and we will continue to support that amazing work by delivering an expanded and improved facility and enhanced service delivery to meet the needs of our growing community. That has included expanding the Monash Medical Centre with a new operating suite, a bigger maternity care facility and a new intensive care unit, ensuring local families have the care they need closer to home. It is a fantastic outcome for Clarinda and for the south-east region.

Since we have come to government Victorian public hospitals have employed over 5000 more doctors and over 13,000 more nurses. During the pandemic, when the healthcare system was stretched like never before, we acted decisively in providing record funding to bolster our healthcare system. These investments are very much welcomed in my electorate and by Clarinda families, and we will continue to invest in our support of the vital health services that families rely on. I thank the minister and look forward to her response.

### Responses

**Colin BROOKS** (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (19:26): The member for Mildura raised a very important issue in relation to patient transport in her electorate and in particular in relation to the Victorian patient transport assistance scheme, and she cited the work of a local cancer organisation. I will make sure that the minister is able to respond to that urgent matter that she has raised. The member for Narre Warren

North raised a matter for the Minister for Health. We know that the member for Narre Warren North is a very hardworking local member of Parliament, attuned to her local community and the hardworking staff at Dandenong Hospital, and I am sure that the minister will be keen to visit Dandenong Hospital with the local member of Parliament. The member for Evelyn raised a matter for the Minister for Jobs and Industry. She raised a request that the minister provide details of the representations that the minister has made regarding land tax. I am sure that the minister will be only too keen to respond to the member for Evelyn.

The member for Kororoit raised a matter for the Minister for Planning to investigate further protections for consumers from sometimes misleading representations and information from developers that affect people buying property in her community. I am sure that the minister will want to engage in that particular issue that has been raised by the member for Kororoit because it is so important in relation to making sure that people in her community, when they buy into particularly a new estate in the member's area – and I was with the member recently at Caroline Springs at a wonderful art gallery that the council runs – have access to the right information and there is no false information in relation to what is being provided to those people who are buying into that particular estate. The member for Nepean raised a matter for the Minister for Emergency Services, which was around securing funding for the Rye CFA. He mentioned the work of the Rye CFA, which I think is located just behind the bowling club at Rye, and those hardworking volunteers there – Eddy, the captain of the station. I will make sure that the Minister for Emergency Services gets the matter that he has raised.

The member for Pascoe Vale – again, a very hardworking member of Parliament – has raised a matter for the Minister for Education. He gave an extensive account of the investment in education in his community and the work that he has done, no doubt as the result of much hard work. He is asking for an update on investments in education, particularly relating to Pascoe Vale Primary School. I reckon the students, the teachers and the parents at that school will be really pleased to have that update from the minister and hopefully maybe even in the future a visit to that electorate as well from the minister, which would be much welcomed. The member for Monbulk raised an issue for the Minister for Government Services in relation to the minister visiting her electorate and engaging with her community on the Connecting Victoria projects that are underway and making sure that our telcos are ensuring reliability of service, particularly when there are storm events and other events that threaten that reliability. The member for Mornington raised a matter in relation to Shire Hall Beach in his electorate, and I will make sure that the Minister for Environment, who he raised that matter for, responds to that matter. The member for Clarinda raised a matter for the Minister for Health asking that the minister provide an update on the Monash Medical Centre expansion.

**Jacinta ALLAN** (Bendigo East – Premier) (19:30): In responding to the adjournment matter raised by the member for Richmond, noting that the member for Richmond is not in the chamber this evening, I say to the member for Richmond in her absence, and I say this to those like her who are wanting to use a humanitarian crisis in the Middle East and who are wanting to use violence and conflict in the Middle East to bring violence and conflict to the streets of our great city: hate will never win, fear and division will never win, violence will never, ever win, and certainly cowards will never win. Cowards will never win. Our city and great state, though, will win, and I will always back the great people of our city and state to stand up to this cowardly division and violence and support our strong and cohesive community. In saying that very clearly, I will also always back and thank those members of Victoria Police, and I thank them for keeping Victorians safe today and every single day.

**The DEPUTY SPEAKER:** The house stands adjourned until tomorrow morning.

**House adjourned 7:32 pm.**