



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Thursday 14 November 2024**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

### Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

Georgie Crozier

### Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

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

<sup>1</sup> Resigned 7 December 2023

<sup>2</sup> Lib until 27 March 2023

<sup>3</sup> Appointed 14 November 2024

<sup>4</sup> LDP until 26 July 2023

<sup>5</sup> Resigned 8 November 2024

<sup>6</sup> Appointed 7 February 2024

### Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson’s One Nation; SFFP – Shooters, Fishers and Farmers Party



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**Thursday 14 November 2024**

**The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.**

*Announcements***Photography in chamber**

**The PRESIDENT (09:34):** I inform the chamber that a professional photographer will be in the galleries this morning and again at 12 noon for question time, to capture some action shots of members of the chamber. The photos will be used on the parliamentary website and possibly in parliamentary social media. If anyone would like a copy of their action shot, they can contact the Clerk's office and they will receive it.

*Members***Anasina Gray-Barberio***Swearing in*

**The PRESIDENT (09:35):** I report to the house that the house met with the Legislative Assembly yesterday to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Dr Samantha Ratnam. Ms Anasina Gray-Barberio was elected to fill the vacant place in the Legislative Council.

**Anasina Gray-Barberio introduced and oath of allegiance sworn.**

*Committees***Legal and Social Issues Committee***Inquiry into Food Security in Victoria*

**Trung LUU (Western Metropolitan) (09:37):** Pursuant to standing order 23.22, I table a report from the inquiry into food security in Victoria, including an appendix, extracts of proceedings and a minority report, from the Legal and Social Issues Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

**Motion agreed to.**

**Trung LUU:** I move:

That the Council take note of the report.

One of the worst impacts of the recent rise in the cost of living has been the parallel rise in food insecurity. In Victoria we have witnessed an increase in both the number of people accessing food from relief services and the volume of food being distributed by these services throughout the community. The committee heard that there are many factors contributing to food insecurity. The rising price of food is the most obvious, and we present data that shows this. The problem does not exist in isolation though. Food prices must be considered in the context of the inflation seen in other essential services, including energy and housing. Unfortunately for many Victorians, the challenges caused by this rise in the cost of living have occurred at the same time as they have experienced critical financial stressors like unemployment, wage stagnation and inadequate income support.

Food insecurity has a dramatic impact on individuals and families. Throughout this inquiry the committee heard how a lack of access to adequate, nutritious and culturally appropriate food negatively impacts both physical and mental health. Some Victorians are also experiencing social isolation, withdrawing from activities due to financial constraints and the unwarranted stigma

associated with hardship. That is why it is imperative for government to act. The committee acknowledged that the power in this area largely lies in the hands of the Commonwealth. This includes how corporations and competition are regulated as well as the level of income support provided to both jobseekers and those on the age pension. Accordingly, the committee has recommended the Victorian government advocate for an increase in federal income support in trying to break the link between poverty and food insecurity.

However, the Victorian government also has the capability to act. For example, it can look at increasing support for food relief agencies and those schools providing help to their students who are turning up to school hungry. The committee also believes that the government should establish a Victorian food security strategy, including appointing a minister for food. This would help to shift the Victorian approach to food security from a focus on relief to building resilience. The committee acknowledges that this is a complex and ambitious goal but believes that such an approach would best position Victoria to be able to meet our immediate and long-term food security needs.

I would like to thank the individuals and organisations who made submissions to this inquiry and spoke with us at our public hearings. The evidence you provided was both enlightening and brave in helping the committee understand this issue and identify potential solutions. I would also like to thank my fellow committee members for their hard work and cooperation throughout this inquiry, the third inquiry that we have finished this year. Finally, can I please thank the very hardworking committee secretariat: Julie Barnes, Adeel Siddiqi, Caitlin Connally and Patrick O'Brien. I commend this report to the house.

**Ryan BATCHELOR** (Southern Metropolitan) (09:41): I rise to speak as a member of the Legal and Social Issues Committee on the report into food security in Victoria. It was a really important inquiry that the committee undertook, dealing with an incredibly pressing issue for so many Victorians – that is, how to put food on the kitchen table. We heard some pretty devastating stories of people who for a range of reasons were unable to properly and adequately feed themselves and their families. The committee heard of the work that is being done by some really spectacular food relief organisations in the charitable sector, helping provide food relief. There is some important work that the state government has been doing through our food relief programs to provide support to those food relief organisations but also the support that the state government has been providing through the school breakfast clubs program, which is providing an important and nutritious meal at the start of the day for schoolchildren. They are some actions that the state has taken to improve those efforts.

The committee also heard that there are broader pressures and broader issues across the economy in terms of the way that the supermarket system and competition in the supermarket system are hurting price competition for food, and that is a contributor to food insecurity. But fundamentally the committee heard that poverty is the biggest driver of food insecurity in the country and the alleviation of poverty is the way to deal with the underlying drivers and causes of food insecurity. The committee made a series of recommendations about measures that the nation should take – that it calls on the Commonwealth to take – to improve income support, to support wages growth and job security and to set up measures to better understand the drivers of poverty in this country.

I want to thank my fellow members of the committee for the collegiate way the inquiry was undertaken and obviously the incredibly hardworking committee staff, who are doing a power of work on parliamentary inquiries for Legislative Council committees at the moment.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:43): I would like to begin by thanking the secretariat and all the staff who work so hard compiling these reports, ensuring the inquiry runs smoothly and that the experiences of what is going on out in the community are given a platform, speaking truth to power. People have been telling us for months and months they are struggling to afford food at the supermarket check-out, and access to food is becoming more difficult for people as they face this cost-of-living crisis. The inquiry heard from people in the community experiencing poverty and hardship, food relief organisations, government departments, experts, key bodies and even

Coles and Woolworths themselves. We covered a lot of ground in this inquiry with respect to policy. Clear recommendations are there that should in principle act as a starting point for government to recognise that there is a crisis of food affordability facing the community, recognise food as a human right and explore potential penalties to deter the wastage of food along the supply chain.

The inquiry has also recommended the adoption of the Victorian Aboriginal Community Controlled Health Organisation *Food Policies for Aboriginal and Torres Strait Islander Health (FoodPATH)* report as a means of supporting First Nations communities with policies and resources to advance their goals and aspirations for food sovereignty. That report includes recommendations for government such as removing GST from fresh food and banning junk food marketing in all its forms, including unhealthy sports sponsorship.

However, despite the intention of the inquiry being to look at options to lower the cost of food, the report being tabled today has a duopoly-sized hole in its recommendations. Labor and the Liberals have teamed up to block recommendations to address supermarket price gouging in the report, deflecting any accountability despite the inquiry hearing resounding evidence that governments should be doing more to intervene. People can look at the back of the report to see recorded votes on suggested recommendations that would hold Coles and Woolworths accountable and can see for themselves Labor and Liberal members teaming up to block these proposals that would make food affordable. Why would Coles and Woolworths ever lower their prices when Labor and the Liberals are giving them a free pass? I think people will be pretty disappointed despite all the evidence that Labor and the Liberals have teamed up to throw away this opportunity to finally do something about supermarkets price gouging.

**Michael GALEA** (South-Eastern Metropolitan) (09:45): I rise to share some brief comments on this important report that the Legal and Social Issues Committee has undertaken on the inquiry into food security in Victoria. At the outset I would also like to acknowledge the as ever extremely hard work of our secretariat, notably Patrick O'Brien, who was ably supported by Julie Barnes, Caitlin Connally and Adeel Siddiqi. I would also like to acknowledge fellow committee members and indeed our chair Mr Luu.

It was a very, very important topical inquiry, as other members have outlined, in light of the cost-of-living challenges that Victorians are facing, and we did hear from a range of stakeholders from industry to government to affected people and, most importantly, as well – I think others would agree – food relief organisations. We heard from some very, very impressive groups, including Eat Up Australia, amongst others. Indeed we also heard about the impact of what it means to be providing free school breakfasts to all primary school students across Victoria, which is a program that this government has been rolling out across all government public schools, which is a terrific thing to see. It is a terrific thing to see the impact that is having on young Victorians.

We did hear from a range of witnesses, including the major retailers, who were extremely supportive indeed of backing in the Premier's announcement earlier this year of introducing tougher penalties for those people who violently and aggressively assault frontline retail workers. We know that we have challenges that people have with cost of living, but there is no excuse for taking that out on the hardworking staff that stock the shelves, that man the check-outs and that otherwise serve customers. It was good to see unanimous support for what is a very strong union campaign by the SDA, which has been backed in by this state government, and to see that backed in by those retailers as well. I am very much looking forward to seeing those laws come into effect.

**Motion agreed to.**

*Papers***Papers****Tabled by Clerk:**

Albury Wodonga Health – Report, 2023–24.  
Alexandra District Health – Report, 2023–24.  
Alfred Health – Report, 2023–24.  
Alpine Health – Report, 2023–24.  
Ambulance Victoria – Report, 2023–24.  
Austin Health – Report, 2023–24.  
Australian Health Practitioner Regulation Agency (AHPRA) – Report, 2023–24.  
Bairnsdale Regional Health Service – Report, 2023–24.  
Barwon Health – Report, 2023–24.  
Bass Coast Health – Report, 2023–24.  
Beechworth Health Service – Report, 2023–24.  
Benalla Health – Report, 2023–24.  
Bendigo Health – Report, 2023–24.  
Boort District Health – Report, 2023–24.  
Calvary Health Care Bethlehem Limited – Report, 2023–24.  
Casterton Memorial Hospital – Report, 2023–24.  
Central Highlands Rural Health – Report, 2023–24.  
Cohuna District Hospital – Report, 2023–24.  
Colac Area Health – Report, 2023–24.  
Corryong Health – Report, 2023–24.  
Dhulkaya Health – Report, 2023–24.  
East Grampians Health Service – Report, 2023–24.  
East Wimmera Health Service – Report, 2023–24.  
Eastern Health – Report, 2023–24.  
Echuca Regional Health – Report, 2023–24.  
Gippsland Southern Health Service – Report, 2023–24.  
Goulburn Valley Health – Report, 2023–24.  
Grampians Health – Report, 2023–24.  
Great Ocean Road Health – Report, 2023–24.  
Heathcote Health – Report, 2023–24.  
Hesse Rural Health Service – Report, 2023–24.  
Heywood Rural Health – Report, 2023–24.  
Inglewood and Districts Health Service – Report, 2023–24.  
Kerang District Health – Report, 2023–24.  
Kooweerup Regional Health Service – Report, 2023–24.  
Kyabram District Health Service – Report, 2023–24.  
Latrobe Regional Health – Report, 2023–24.  
Mallee Track Health and Community Service – Report, 2023–24.  
Mansfield District Hospital – Report, 2023–24.  
Maryborough District Health Service – Report, 2023–24.  
Melbourne Health – Report, 2023–24.

Mercy Hospitals Victoria Ltd – Report, 2023–24.  
 Monash Health – Report, 2023–24.  
 Moyne Health Services – Report, 2023–24.  
 NCN Health – Report, 2023–24.  
 Northeast Health Wangaratta – Report, 2023–24.  
 Northern Health – Report, 2023–24.  
 Omeo District Hospital – Report, 2023–24.  
 Orbost Regional Health – Report, 2023–24.  
 Peninsula Health – Report, 2023–24.  
 Peter MacCallum Cancer Centre – Report, 2023–24.  
 Portland District Health – Report, 2023–24.  
 Rochester and Elmore District Health Service – Report, 2023–24.  
 South Gippsland Hospital – Report, 2023–24.  
 South West Healthcare – Report, 2023–24.  
 Statutory Rules under the following Acts of Parliament –  
     Drugs, Poisons and Controlled Substances Act 1981 – No. 126.  
     Victims of Crime Commissioner Act 2015 – No. 128.  
     Victims of Crime (Financial Assistance Scheme) Act 2022 – No. 127.  
 St Vincent’s Hospital (Melbourne) Limited – Report, 2023–24.  
 Swan Hill District Health – Report, 2023–24.  
 Tallangatta Health Service – Report, 2023–24.  
 Terang and Mortlake Health Service – Report, 2023–24.  
 The Royal Children’s Hospital – Report, 2023–24.  
 The Royal Victorian Eye and Ear Hospital – Report, 2023–24.  
 The Royal Women’s Hospital – Report, 2023–24.  
 Timboon and District Healthcare Service – Report, 2023–24.  
 Tweddle Child and Family Health Service – Report, 2023–24.  
 Victorian Health Promotion Foundation (VicHealth) – Report, 2023–24.  
 West Gippsland Healthcare Group – Report, 2023–24.  
 West Wimmera Health Service (WWHS) – Report, 2023–24.  
 Western District Health Service – Report, 2023–24.  
 Western Health – Report, 2023–24.  
 Yarrawonga Health – Report, 2023–24.  
 Yea and District Memorial Hospital – Report, 2023–24.

*Petitions*

**Tarneit public transport**

*Response*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: Minister for Public and Active Transport’s response to the petition titled ‘Improve public transport services in Tarneit’, presented by Mr Luu.

*Business of the house*

**Notices**

**Notices of motion given.**

*Committees***Electoral Matters Committee***Membership*

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:03): I move, by leave:

That Sarah Mansfield be a member of the Electoral Matters Committee.

**Motion agreed to.**

*Business of the house***Adjournment**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:03): I move:

That the Council, at its rising, adjourn until Tuesday 26 November 2024.

**Motion agreed to.**

*Motions***Middle East conflict**

**Sarah MANSFIELD** (Western Victoria) (10:03): I move, by leave:

That this house:

- (1) notes that since the Legislative Council's resolution on 17 October 2023 concerning Israel and Gaza, which stated that this house 'stands with Israel', the following have occurred:
  - (a) Gaza reported its first case of the polio virus in approximately 25 years;
  - (b) the World Health Organization worked swiftly to provide many children across Gaza with their first dose of the nOPV2 vaccine;
  - (c) intense bombardments in October forced the postponement of the vaccination campaign;
  - (d) 198,270 children across northern Gaza are at risk of missing the final and necessary phase of their polio vaccine program;
- (2) acknowledges that the polio virus is a serious illness that can spread rapidly and cause paralysis;
- (3) does not support the state of Israel's continued invasion of Gaza;
- (4) supports calls for an immediate and permanent ceasefire; and
- (5) calls on Labor to take action including severing military trade relationships with the state of Israel.

**Leave refused.**

*Members statements***Remembrance Day**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:04): I rise to honour Remembrance Day, a day of solemn reflection and gratitude as we remember the courage and sacrifice of all who served in our armed forces. On 11 November I attended two moving services on the Bellarine. The first was held at the St Leonards Memorial Hall, followed by a service at Portarlington. It was a privilege to join my neighbours and friends in paying tribute to the men and women who gave their lives for our freedom and to acknowledge the lasting impact of their service on generations to come.

Across our Victorian towns and cities, local RSLs, schools and community groups all come together to commemorate this significant day. Ceremonies held in the peaceful grounds of our regional memorial parks and halls offer powerful reminders of our shared history and the deep respect we hold

for our veterans. A creative highlight at the Portarlington service was a spectacular palm tree in the cenotaph reserve. Its trunk was decorated with hundreds of hand-crocheted red poppies thanks to the efforts of the Portarlington Senior Citizens Club. I would also like to acknowledge the families and the descendants of those who served. Their dedication to keeping memories alive through education, storytelling and community awareness enriches our understanding of the past and helps younger generations appreciate the values of courage, resilience and unity.

On Remembrance Day, as we observe a minute of silence, we remember those who gave everything and reflect on our responsibility to uphold the freedoms and peace they fought so valiantly to protect. We are keeping our promise to them. Lest we forget.

#### **Lebanese Forces**

**Evan MULHOLLAND** (Northern Metropolitan) (10:06): It was great to have attended the Lebanese Forces annual gala dinner, together with 500 of my Lebanese friends. It was a great privilege to have joined with the Honourable Pierre Bou Assi MP, member of the Lebanese Parliament for the Lebanese Forces party, together with my parliamentary colleagues Trung Luu and David Southwick and the Consul-General of Lebanon to Victoria the Honourable Rami Hamidi. It was good to see him again after I toured him around the Parliament last week, and it was great to help raise funds for communities across Lebanon.

#### **Remembrance Day**

**Evan MULHOLLAND** (Northern Metropolitan) (10:07): It was also great to attend the Kilmore Wallan RSL sub-branch Remembrance Day service with students from Wallan Secondary College. It was a moving service. Thank you to Gary Sturdy from the RSL and the Wallan community for inviting me to join you.

#### **Local government elections**

**Evan MULHOLLAND** (Northern Metropolitan) (10:07): Also I want to wish congratulations to my friend Cr Jim Overend on Hume City Council, who was successfully re-elected in Burt-Kur-Min ward. This was despite having a heap of Labor candidates stacking the deck against him. Jim, as a 30-year Craigieburn local, finished with a comfortable thousand-vote victory.

Congratulations also to my friend Hamish Jones, who was successful in his campaign to win in Airport ward in Moonee Valley. The good people of Strathmore, Strathmore Heights and Essendon North have a strong Liberal representative in Hamish Jones.

#### **Remembrance Day**

**Jeff BOURMAN** (Eastern Victoria) (10:08): Firstly, I want to mark the passing of Remembrance Day on 11 November at 11 am. In 1918 the guns fell silent, they hoped for last time, in the war to end all wars. Sadly, it was clearly not the last time. Before then and since then we need to take the time to remember those who went to war for their countries and did not come back.

#### **Shooters, Fishers and Farmers Party**

**Jeff BOURMAN** (Eastern Victoria) (10:08): This year marks 10 years of the Shooters, Fishers and Farmers being in Parliament. It seems like a long time ago because it was a long time ago. We will see if we can squeeze in another 10.

#### **Hunters for the Hungry**

**Jeff BOURMAN** (Eastern Victoria) (10:08): Also, just to get another thing out, there is a game meat barbecue at 1 pm on the terrace out there. All are welcome.

**Bev McArthur** interjected.

**Jeff BOURMAN:** Yes, you can meet with the rock climbers too, Mrs McArthur. Everything is on at 1 o'clock. Free food, game meat – it is to showcase how nice game meat can taste. A lot of people have never tried it, and I suggest that people do.

#### **Guru Nanak Lake**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (10:09): On Saturday I was very pleased to be joined by a large number of Labor MPs from the south-east and the Minister for Planning to deliver an election commitment to name a landmark in honour of the founder of the Sikh faith Guru Nanak Dev Ji. Guru Nanak's message and values of unity, equality and selfless service continue to resonate through the contributions of the Sikh community to all Victorians. Sikh Victorians are shocked that Liberal leader John Pesutto came out to oppose the naming of the lake in Berwick Springs after Guru Nanak, a lake which did not even have an official name before Saturday. Many locals love the idea of naming it after the founder of the Sikh faith, but John Pesutto went further and suggested that it will lead to people's barbecues being taken away. We do not need this kind of xenophobic fearmongering in this state when it comes to multiculturalism. One of Victoria's greatest strengths is our diversity, something Labor will always champion, which is why we were so proud to bring Guru Nanak Lake to life. Let us get down there, let us have a barbecue and let us celebrate our diversity.

#### **Remembrance Day**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:10): I would like to also remember our servicemen for Remembrance Day. At the 11th hour on the 11th day of the 11th month each year we come together, and I had the great privilege of representing the people of the south-east at the war memorial cemetery. It was a wonderful thing to be able to attend the RSL Victoria state annual Remembrance Day service there. It was a very moving experience, and it was well attended. I also had the opportunity to represent the people of the south-east at the remembrance service at Dandenong's Anzac Pillars of Freedom, which took place on the 11th of the 11th. It was hosted by the Dandenong–Cranbourne RSL sub-branch. It was a beautiful service. It included cadets, former soldiers, Vietnamese soldiers and military leaders. A lot of great poems were given by school students from the local communities, and all the communities that were able and invited came and placed wreaths. It was absolutely devastating to see the next day that these wreaths had been strewn across Dandenong. That is a genuine concern for the local people.

#### **Country Fire Authority Skye brigade**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:11): I would like to pay tribute to the Skye fire brigade for their awards dinner, the first one after many, many years. I want to thank Captain Ryan Larkins for the invitation and his commitment to return to having these significant events. It was wonderful to see the awards being given out. I also want to pay tribute to the women of the brigade support team who worked so hard to make the event possible.

#### **Remembrance Day**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:12): On the 11th of the 11th every year at 11 am the entire world stops to breathe for a minute and to pay tribute to and recognise the sacrifices made by so many before those guns fell silent in 1918. Around the state I know that many people spent that minute's silence in contemplation of the losses, the grief, the trauma and the violence of war, and here in the middle of Melbourne it was no different. The bugle that rang out and the silence that followed were profound and meaningful, and it was an opportunity to think about everything that is happening around the state at that moment, to commemorate and to recognise the ultimate sacrifices. Lest we forget.



### **St Paul's Anglican Grammar School, Traralgon**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:13): It was a joy to be able to participate in the opening of the brand new early learning centre at St Paul's in Traralgon. We were delighted to be able to contribute \$600,000 toward this brand new development as part of a really wonderful celebration of St Paul's ongoing efforts, and we want to make sure that we can continue to support their wonderful work. Thank you so much to every student who participated and to everyone from Amelia, who did an extraordinary rendition of a *Toy Story* song which brought everyone to tears, to the four-year-olds who did the welcome to country, to all of the teachers, staff and school community who showed up and to everybody who contributed to this amazing community facility as part of a really wonderful school's continuing contribution to education.

### **Social media age limits**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (10:13): When you are 15 you are legally able to do almost any job here in Victoria. When you are 15 you can get your own Medicare card. When you are 15 you can become eligible for youth allowance. When you are 15 you can go and watch an MA 15+ movie. When you are 15 you have been considered old enough to be criminally responsible for several years already, and you can go to prison. When you are 15, according to Taylor Swift, when somebody tells you they love you, you are going to believe them.

But if the Labor government have their way, when you are 15 you will not be able to use Instagram, you will not be able to use YouTube and you will not be able to go on TikTok. If you are 15, under Labor's plan, you will be cut off your friends and the communities you have found. For marginalised people, that likely means cutting them off from their lifelines. If you are 15, you know Labor's plan to ban social media will not work.

### **Diwali**

**Joe McCracken** (Western Victoria) (10:14): I wish to acknowledge the Diwali celebrations that happened over the weekend in Ballarat. At Federation Uni there was a wonderful celebration from the Ballarat Indian community with hundreds of people there – lights, fanfare. It was amazing.

### **Beaufort Agricultural Society annual show**

**Joe McCracken** (Western Victoria) (10:14): Secondly, the Beaufort show is coming up this weekend and I would like to acknowledge Helen Kirkpatrick and the team of the committee, who do an amazing job every year, day in, day out, working towards putting together an awesome show. Come along to the Beaufort showgrounds this weekend. It looks like it will be great.

### **Victoria Spring Festival**

**Joe McCracken** (Western Victoria) (10:15): Last weekend I went to the Melton spring festival as well with the wonderful candidate for Hawke, Simone Cottom, who is our Liberal candidate. She does an amazing job. There were hundreds of people there as well. Many people from multicultural communities were there. It was great to see so many people out and about enjoying the sunshine.

### **Remembrance Day**

**Joe McCracken** (Western Victoria) (10:15): I also attended a Remembrance Day service this week at the Ballarat cenotaph. It was a beautiful service, and I pay tribute to the Ballarat RSL, who did an amazing job, as they always do, putting together a very, very solemn service.

### **Local government elections**

**Joe McCracken** (Western Victoria) (10:15): Lastly, I would like to acknowledge some local government councillors that were elected over the last period of time. Samantha McIntosh won Central ward in Ballarat – a three-time mayor, she is an amazing advocate for the community; Cr Ben Taylor

for Buninyong ward; Ted Lapkin for Brown Hill ward; Ben Green for Central Goldfields shire, who is an amazing man; and Paul Tatchell, who topped the board in Moorabool Shire Council. Congratulations to all councillors.

### **Wellsprings for Women**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:16): The Wellsprings for Women Grow Green community garden in Noble Park is thriving. This community-led project is a powerful response to the urgent challenges of climate change, empowering the community to grow fresh produce, strengthen bonds, improve mental health and foster resilience. The community garden provides opportunities for people from different cultural backgrounds to come together and establish relationships outside of their immediate cultural groups, enhancing community connectedness and cohesion. It also provides an opportunity for those living in accommodation with little or no garden space to participate in activities that would otherwise not be available to them.

I had the pleasure of officially launching the garden with the planting of an olive tree, symbolising peace, wisdom and prosperity. Olive trees are considered lucky in various cultures and are associated with good fortune. They are also resilient, growing and thriving in the most challenging of circumstances, much like our wonderfully diverse community. At the launch we heard firsthand from the co-design team about their personal journeys and what this garden means to them. It was an inspiring day celebrating the local community, packed with fun activities for all.

These garden beds and infrastructure were made possible through a partnership between AMES Australia and the Noble Park Revitalisation Board, which I was privileged to chair. It was wonderful to see the Wellsprings for Women initiative engaging the community to bring this community garden to life. I would like to give a special thanks to AMES Australia for hosting and supporting the sustainable space and a heartfelt thanks to Robyn Erwin and the amazing Wellsprings co-design team Sabina, Randa, Elizabeth, Shakila, Layla, Uyen and Amina for developing the community garden concept and making it a reality. Their vision, passion and commitment have created a vibrant space where the community can now continue to grow, connect and create a united and sustainable future together.

### **Ringwood East train station**

**Nick McGOWAN** (North-Eastern Metropolitan) (10:17): No week would be complete of course without some reference to the toilet at Ringwood East train station, and a number of weeks ago – in fact two weeks ago – I did write to the minister for transport because one of the reasons given for not having a toilet there is that the train station is not staffed. You would guess at my surprise when I learned there is actually a staff toilet there, so I have offered to the minister in writing to pay to change that sign to make it a public toilet. So that is still with the minister, and I would welcome her response. I will literally pay for the sign to be changed. Instead of saying ‘staff toilet’, it can say ‘public toilet’, because why would you need a staff toilet at a train station that is unstaffed?

### **Iraq personal status legislation**

**Nick McGOWAN** (North-Eastern Metropolitan) (10:18): On to matters further afield, and to echo the sentiments of my fellow member Dr Heath, I too have great concerns about the personal status law. This is a law in the country of Iraq. It is law 188. There have been a number of attempts over the last 20 years to change that law. It has diabolical implications for young girls and women. In essence what it does propose to do is change the age of consent from 18, as it currently stands, down to nine. I will repeat that: from 18 down to nine. It also has proposals in respect to divorce, inheritance and child custody for girls and women. I would urge the Minister for Women in this place but also the Premier to make the Victorian state’s opinion and view very clear to the people of Iraq and their leadership as best we can.

### **Tobacco licensing scheme**

**Nick McGOWAN** (North-Eastern Metropolitan) (10:19): Last but not least, it would be remiss of me not to make some comment in respect to the new laws around the licensing regime and the fact that this state has been so lax in this area, and we are now going to have to wait a further two years for any changes or improvements in this space.

### **Cost of living**

**Ryan BATCHELOR** (Southern Metropolitan) (10:19): We know that many Victorians are concerned about the cost of living and we know that inflation has hit really hard, so I just want to remark on some welcome data we have received recently from the Australian Bureau of Statistics. Yesterday data showed that real wages in Australia have grown for four consecutive quarters, making a 3.5 per cent rise in wages in the last year. It is the strongest rate of real wage growth in this nation in four years. Recently we saw inflation moderating to 2.8 per cent, down from 7.3 per cent at the same point in 2022. It is clear that global pressures are easing, the economic impacts of the pandemic are diminishing and cost-of-living relief provided by governments is helping. The job is not done, but we are on the right track.

### **Bougainville delegation**

**Ryan BATCHELOR** (Southern Metropolitan) (10:20): I also want to make mention of the continuing support the Victorian Parliament is providing to our friends in the Pacific islands. Earlier this week we had a delegation from Bougainville here. Along with Mr Tarlamis and the members for Shepparton and Mildura, I met with that delegation for lunch, and we had a really great conversation about strengthening our parliaments and about what we can do to provide better support to our friends across the Pacific following a conference we went to in April this year, which was part of the UN Development Programme. We also found out – serendipity – the Bougainville twinning relationship between the New South Wales Parliament and the Bougainville Parliament was partly initiated by my aunt Meredith Burgmann when she was the President of the Legislative Council. We communicated; she is super happy that that work continues.

### **Cost of living**

**Melina BATH** (Eastern Victoria) (10:20): Labor is failing to address the cost-of-living crisis, leaving the state with an ever-increasing workload for financial counsellors in Victoria. Approximately 300 financial counsellors are at the coalface supporting those Victorians in hardship. Taxes and charges, increased utility bills, increased rates and rental unaffordability are creating a huge impost on vulnerable Victorians. Approximately one-third of Victorian households are experiencing food insecurity and mortgage stress, leading to an ever-increasing reliance on credit cards and other low lines of credit to manage their daily expenses. Latrobe Community Health counsellors report the pressures are not temporary; they are a fundamental shift in the financial vulnerability of our people. The cascading effects of financial crises such as housing instability, mental health deterioration and family breakdown underscore the need for more financial counsellors at the grassroots level. The Nationals certainly understand the need for targeted programs and for a sustainable workforce in this area. Labor cannot manage money, and Victorians are paying the price.

### **Heather Baird**

**Melina BATH** (Eastern Victoria) (10:22): I want to acknowledge and tell the house about the 2024 winner of the Australia's Kindest Person award, and that person is Sale's Heather Baird. Heather Baird is a champion for vulnerable children, setting up A Better Life for Foster Kids in 2014. She is an amazing advocate and an angel, and the money that she has earned through this title she will be putting back into the charity. Well done, Heather Baird, Australia's kindest person.

### Croydon public transport

**Sonja TERPSTRA** (North-Eastern Metropolitan) (10:22): I rise to update the house about Croydon station's 14-bus bay interchange, which has officially opened. It boosts safety, making transport connections easier for local commuters. The upgrade of the 14-bay bus interchange has been made possible thanks to the level crossing removal which was undertaken at Coolstore Road. The modern bus interchange facility features a waiting room which is close to Myki machines as well as passenger information displays, seating and shelters at each bus bay, CCTV and extensive lighting. With all the services now using the interchange, bus routes and timetables have been updated to streamline the services and improve train connections, and details are available on the Public Transport Victoria website. The interchange, as I said, was built as part of the Coolstore Road level crossing removal project and is one of Melbourne's biggest bus interchanges with close to 3000 bus trips weekly across 27 school and bus routes. The dangerous and congested rail crossing at Coolstore Road was removed, and the new Croydon station also opened earlier this year. And the best news of all is that the Lilydale line is Melbourne's first boom gate free rail line, delivered a year ahead of schedule by the Allan Labor government. This project is just one of a number of fantastic projects that Victorians have voted for, just like the North East Link and just like Suburban Rail Loop.

### Local government elections

**Renee HEATH** (Eastern Victoria) (10:24): I rise to congratulate the 2227 people that put themselves forward for election at the recent local government elections. Whether you were successful or not, whether you were the incumbent or whether you were the challenger, I say well done to you for having a go and putting yourself on the ballot.

My region of Eastern Victoria Region shares its boundaries with 12 local government areas. Across many of the councils there was a large degree of change, and I believe that most of it was due to the councils moving away from their traditional responsibilities and inserting themselves into national or even international affairs. In a recent speech to the local government association in New Zealand, Kiwi Prime Minister Christopher Luxon said:

Ratepayers expect local government to do the basics and to do the basics brilliantly. Pick up the rubbish. Fix the pipes. Fill in potholes. And more generally, maintain local assets quickly, carefully, and cost effectively.

...

Ratepayers are sick of the white elephants and non-delivery.

My challenge to you all is: rein in the fantasies and get back to delivering the basics brilliantly. I could not agree more, and I hope that these results see local governments across Victoria return to delivering the basics: roads, rates and rubbish. I look forward to working with many at the new councils.

### Remembrance Day

**Tom McINTOSH** (Eastern Victoria) (10:25): I rise to inform the house that I attended Mornington Secondary College Remembrance Day on 11 November. It was an incredible day. I am fortunate to have been able to attend a number of their services in recent years. Linda Stanton gave heartfelt stories from the front lines of World War I, and of course as usual the students did an incredible job, with student leaders leading a number of the speeches that occurred on the day and in the service. The Victoria Police Pipe Band were there, along with the Mornington Secondary drum corps. Altogether it is always an incredible event, and a lot of locals from Rotary, from Lions, various businesses and community groups and representatives from the RSL were there. It is an incredible thing they do. On the avenue of honour, in the second part of the events that Mornington Secondary hold, lone pine trees were planted with the names engraved of locals who lost their lives in wars gone by. It is an incredible event, one that I think absolutely stands out from the crowd of what schools, students, teachers and staff are doing to recognise Remembrance Day and Anzac Day.

**Barry Lyons**

**Wendy LOVELL** (Northern Victoria) (10:27): I rise to honour the memory of Barry Lyons, a former mayor of Greater Bendigo and a man I was fortunate to know and call a friend. Barry passed away peacefully on 19 October at the age of 79 after a battle with motor neurone disease. An astute businessman, Barry first entered politics in the 1970s as a councillor in the now defunct Shire of Romsey. After a move to Kangaroo Flat in 1981 Barry went on to own and operate the Windermere Hotel for 23 years. Barry was a man of deep dedication to the people and places he called home and is remembered by all as someone with a profound commitment to public service. He served as president of the Kangaroo Flat Lions Club and as a board member of the Kangaroo Flat community health centre and was vice-president and life member of the Bendigo Harness Racing Club. He generously supported and sponsored local sporting groups, including the Kangaroo Flat football–netball and cricket clubs. Barry served as a Bendigo councillor from 2008 to 2016, with a term as mayor in 2013–14, during which time he officially opened the redeveloped Bendigo Library and expanded Bendigo Art Gallery. Barry was an outstanding community leader who was loved by many and respected by all. Barry lived his life to benefit others and was at his best when expending himself in tireless service. He leaves behind a legacy that will last, and his contributions will be remembered long after he is gone. I extend my deepest and heartfelt condolences to Barry’s wife of almost 60 years Betty, their five children Tracy, Barry, Sharon, Jack and Karen, their partners, Barry’s 10 grandchildren, his extended family and the friends who treasured his company. Vale, Barry Lyons.

***Business of the house*****Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:29): I move:

That the consideration of notices of motion, government business, 278 to 685, be postponed until later this day.

**Motion agreed to.**

***Bills*****Transport Infrastructure and Planning Legislation Amendment Bill 2024*****Second reading*****Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

**Evan MULHOLLAND** (Northern Metropolitan) (10:29): I rise to speak on the Transport Infrastructure and Planning Legislation Amendment Bill 2024. At the outset I will inform the house that the opposition will be moving a number of amendments and that we will be opposing this bill overall. The stated purpose of the bill is to amend several existing acts to grant the ministers and authorities delivering precincts and infrastructure programs greater power, and we all know what happens when the government assumes greater power. This continues the Labor government’s shameful record of riding roughshod over communities. As my friend the member for Caulfield said in the other place:

The problem with this bill is it fails one key thing, which is the most important of all: it fails to consult with the public. It actually cuts Victorians out of the equation, and if you did not have to worry about voters and you just had a state and that is all you had to do, then this would be great. And if you just said, ‘We’re just going to build infrastructure, and we don’t care about where people live, we don’t care about what we do to people’s backyards, we don’t care about their sporting fields and we don’t care about their community facilities, their hospitals or their schools. We just want to build infrastructure,’ this would be great. But it is not, and unfortunately this bill should be renamed the ‘Local Voices Ignored Bill’, because local voices have been ignored. Third-party rights have been ignored. The ability for community, for councils, to raise issues when it comes to land acquisition, when it comes to various agencies coming onto their land and when it comes to easements and the acquisition of easements is ignored. Local voices have been ignored again.

In 10 years time the legacy of this tired, 10-year-old Labor government will not be something to be proud of. It will be a trashing of local communities and local amenity throughout many suburbs and precincts, sky-high towers against the wishes of local residents, giving unprecedented power to this government and to this Premier. I note recent polling which shows that the community are quite unhappy with the government's housing plan. After a whole week of flurried announcements which did not cut through it all, the Premier managed to go backwards. Premier number 29 herself – the runner-up Premier, certainly not the preferred Premier.

We know this government had eight initial priority precincts and many of those eight precincts are absolutely prime for development, prime for high-rise, great opportunities, but have been missing in action for quite some time. That was one of the key things with Arden, with the hospital: now the hospital is gone, how do we fill the housing in with it?

This government is big on promises, not so good on delivery, and you will forgive the opposition for being more than a bit sceptical about the government's plan to fix the housing crisis. Mr Batchelor, Mr McIntosh and Mr Berger said in *Hansard*, on behalf of the government, they were delivering 80,000 homes each and every year for 10 years. In classic Labor incompetence they will actually go backwards on last year's attempt. Eighty thousand homes a year for 10 years, and the Premier said it in *Hansard* as well and it was on the housing statement website and it was on the department of planning website. That promise is no longer on the department of planning website and it is no longer on the housing statement website, but it is still in *Hansard*, isn't it, Mr McIntosh? What is also in *Hansard* is the Premier's promise that the government will deliver 10,000 homes, and what is also on permanent record is then Premier Daniel Andrews's media release which promised 80,000 homes a year each and every year.

**Tom McIntosh** interjected.

**Evan MULHOLLAND:** It is a very good speech. Have a read. I got my *Hansard* yesterday and had another read. I would encourage others to read it as well. To quote the member for Caulfield again:

No-one believes that they are going to actually deliver the housing that they promised, but on top of the eight precincts we have ... got seven Suburban Rail Loop precincts. Within those ... precincts, we know that the government has said that part of the \$34.5 billion –

he corrected his error: it is now \$40 billion –

... because the Premier herself has said that all major projects since 2021 have gone up by 20 per cent except for the Suburban Rail Loop.

The Suburban Rail Loop is such an amazing project with a business case that stacks up and everything. It is such an amazing, incredible, magical, miracle project that it is completely quarantined from cost blowouts, cost blowouts that have been consistent over every transport project in Victoria since 2021 – 20 per cent cost blowouts on everything, and the Premier has agreed with that proposition. But the Premier has disagreed that there is a 20 per cent cost blowout on the Suburban Rail Loop. It is such a miracle project, which is going to deliver them government again and again and again, which it will not, that it is quarantined from any cost blowout that is occurring anywhere else. This is why you cannot believe this Labor government.

Danny Pearson has said that he has sent everything to Infrastructure Australia now. We still have no evidence that Victoria has received the \$2.2 billion it was promised. In debate on motions every Labor backbencher has gotten up and given the same yarn about Mr Albanese saying that the Suburban Rail Loop is the most exciting public transport project in Australia. The problem for their speaking notes, which I have probably pre-empted, is that he never said that comment as Prime Minister. Never has he said that comment as the elected Prime Minister of Australia. You have a range of very senior Labor MPs running around Victoria at every event, many of whom I have spoken to recently and I run into in the northern and western suburbs, privately bagging the Suburban Rail Loop, saying how terrible it

is, how much of a lemon it is, how much of a white elephant it is. I think 'lemon on steroids' were the words used to me by a federal Labor MP. It has no love, it has no friends.

This government has recklessly signed us up and signed contracts, signed Victoria up for contracts, not knowing how it is going to fund it. To quote John Pesutto, it is like going to an auction, bidding at an auction, bidding against others and bidding successfully and then going to the effort of seeing if you can sort out the finance. It is recklessness. Think of all the other services – infrastructure, health care, education – that are missing out because of this government's recklessness in signing Victoria up to this dog of a project. Trust me, I have no qualms in saying that this is a dog of a project. I know many criticised my former colleague Dr Bach for describing the Suburban Rail Loop in various ways. When I go to the growth areas, when I go to places like Wallan and Beveridge and Greenvale and Mickleham and Kalkallo, there is no love for the Suburban Rail Loop. Good luck to the member for Yan Yean, for example, in selling the fact that they are spending \$40 billion on an eastern suburbs rail tunnel when Donnybrook Road is not duplicated.

*Members interjecting.*

**Evan MULHOLLAND:** Forgive my error: the Liberals duplicated the eastern side of Donnybrook Road. If you go on Mickleham Road, on the Mickleham side you have got a beautiful four-lane highway with a lovely median in the middle, because we put developer contributions to work and signed developer contribution agreements, whereas the Labor government's practice is to just send it all into Spring Street, wait two years for costs to increase and then give less back to growth areas in dribs and drabs. How can the member for Yan Yean explain to her community that they are going to get \$40 billion for a rail tunnel in the eastern suburbs when they cannot even get Yan Yean Road stage 2 going? They cannot even get Donnybrook Road duplicated. There are people waiting for hours. In fact last week many constituents contacted me because Donnybrook Road was closed for the entire day. People could not get in and out of their estate due to a truck accident because of the poor design from this government. You have basically got an old farm track with tens of thousands of homes being built either side. People from the Olivine estate residents committee have contacted me, people from Kinbrook estate, people from Cloverton, and I do speak to many in that community because it shares a postcode with my community. In Kalkallo, in Mickleham – it is a very, very similar community.

**Tom McIntosh** interjected.

**Evan MULHOLLAND:** I will take the interjection from Mr McIntosh, because as many would know, you are a constituent of mine.

**Tom McIntosh** interjected.

**Evan MULHOLLAND:** Well, hopefully you will vote for me above the Greens. But this is a very serious issue because the government has signed us up for a project and the obvious consequence of that is that people are missing out. Victorians are paying the price because Danny Pearson and Jacinta Allan have signed us up to a dog of a project without doing the proper finance. A third of this project is meant to be funded by value capture, but they cannot tell us what that is. Obviously it is going to mean very, very high taxes on communities – a lot of windfall gains tax, a lot of land taxes, a lot of value taxes and uplift taxes to make sure they tax the bejesus out of the people of Box Hill, out of Glen Waverley and out of Cheltenham.

They have got form in this. Let us look at the West Gate Tunnel – over \$4.7 billion in blowouts and three years behind schedule. Now they are throwing more money and staff at it, but is going to cost us more. The Minister for Transport Infrastructure came out recently and promised that no extra cost would fall on taxpayers, but no-one believes that; no-one believes Danny. A little over a month ago we were told the Metro Tunnel needed \$800 million more due to the Ukraine war, and now the Gaza conflict is apparently causing issues that are leading to blowouts. But these excuses only reinforce the reality that you cannot trust Labor to manage projects properly.

You continue to get over \$40 billion – almost \$50 billion – of cost overruns on infrastructure projects around the state. You have got –

*Members interjecting.*

**Evan MULHOLLAND:** I think it is very well documented. The Premier even had to call a review into some of the illegal CFMEU coercion and standover tactics going on on Victorian construction sites that are leading to some of these cost blowouts. But we know that the government cannot manage money, and they have a record – they have form. It is not the same form as Knight's Choice would have in the Melbourne Cup. Just look at the Suburban Rail Loop – costs are out of control. It was initially pegged at \$40 billion, with a third meant to be captured covered by value capture. The Suburban Rail Loop was not on any Public Transport Victoria development plan. You know those plans drawn up by experts with cross-agency taskforce departments coming up to map out the future of Melbourne? Instead, it was dreamt up at tax evasion city, down the road at PwC, in a locked room. The department secretary did not even know about it. What process is that? Deborah Glass was right: it is subverting Westminster processes. It is subverting the checks and balances that should be common practice in government.

The federal Labor government – let us make this clear – has not committed funding to it yet. They have not committed the \$2.2 billion because the government have not sent them the details they were asked for over and over again. Those on the other side of the chamber cannot honestly believe that this project stacks up. You cannot. You cannot make it make sense. Surely you would rather deliver a Pakenham community hospital. Surely you would rather deliver a duplication of Donnybrook Road or an electrification of train lines, like you promised at two elections, for the good people of Melton and Wyndham Vale. You promised that at two separate elections, let it fester there and prioritised the Suburban Rail Loop, a project in the eastern suburbs, which are already flush with good infrastructure and good public transport – and I say 'good' compared to the people of Melton and Wyndham Vale, to whom you have promised airport rail but also electrification. That has never happened, and now you have gone back on your promise. You have gone back on your promise to people in growth areas. I mean, look at the people in Mount Atkinson – they cannot even get a bus. You have got the member for Kororoit tabling a petition acknowledging the neglect by her own government. I reckon the member for Kororoit cannot really boast about a \$40 billion spend in the eastern suburbs for a tunnel. You cannot seriously believe this project is decent. No-one in the federal government does, none of your federal Labor colleagues do, because it is a dog of a project. It is going to shackle generations of Victorians with debt – unfinanced debt. This is a serious issue. We are heading to \$188 billion of debt under this government, and you have signed us up to a \$216 billion Suburban Rail Loop without knowing how you are going to fund it – absolute recklessness by this government.

As I said, I was at the Wallan market last Saturday, and even bringing up the Suburban Rail Loop elicits responses that would be quite unparliamentary for me to repeat in this chamber, particularly with the amount of potholes in Wallan and the fact that the government still have not built the Wallan diamond ramps. They originally promised that they were going to upgrade Watson Street as part of that; that is apparently now off the table – cutting corners. The state government actually promised \$130 million for Watson Street at the election, which was also a promise by the Liberal Party, but what the Labor Party did not tell the community is that that \$130 million would also include the \$50 million budgeted in 2019 by the federal coalition government. So it was actually only \$80 million. They penny-pinched the people of Wallan down to an \$80 million contribution, and as a result they are not upgrading Watson Street.

They have got terrible local members in the member for Yan Yean and the member for Kalkallo, who just sit idly by while the government penny-pinches our community, and now they are not getting the upgrade of Watson Street that was meant to be part of the original project. Instead they are prioritising the Suburban Rail Loop in the eastern suburbs – a \$40 billion spend on a tunnel in the eastern suburbs. How could the member for Kalkallo and the member for Yan Yean possibly be happy with that outcome or possibly be happy with the gross prioritisation of a tunnel in the eastern suburbs when you



have got a massive growth area in the outer north that is being neglected and being deserted? They will not be happy. They will not say anything about it and they will not fight for their communities, but I will tell you what, I will – every day. I am in my community and I am out in my community, and yet several residents that came up to me about the death tax and land taxes and how they are killing their businesses and about the state of the roads had to go over and yell at poor old Rob Mitchell, the member for McEwen, who is probably on the way out, because no state MP will come and listen to their community. They will not. They are not out there in their communities because they know they are going to cop a lot from their constituents about the neglect that the outer north has gone through.

Talk to the development industry – which the government has taxed to death – and housing experts and they will tell you that a lot of these developments will be designed for the wealthy, not ordinary Victorians. They are not building affordable homes, they are building luxury apartments that only a select few can afford. The government's focus is supposed to be on improving transport infrastructure, but instead it is using transport projects as a backdoor way to push its housing agenda. Take a look at the Metro Tunnel, West Gate Tunnel, North East Link, Suburban Rail Loop – all massively over budget, behind schedule. The cost of these projects is driving up prices for everything. There is an inflationary effect from doing all these projects at once, and we know this from speaking to the industry and speaking on the ground. There is a massive inflationary effect when you have got supply, labour and materials all being sucked into Big Build projects. Speak to any small builder, as I do in my community, and they will tell you they cannot get labourers onsite. Why would you be a labourer on site for \$80,000 a year when you can earn a lot more as an apprentice on a Big Build site? And it is not just labour, it is the price of things like concrete and other materials that are making it much more expensive to build homes for people. It has also had an impact on the domestic construction industry in terms of some of the builder collapses that we have seen that have made building homes uneconomical and led to some really poor outcomes and exposed some really poor regulation from this government.

This government is clearly broke, and Victorians are paying the price. And now we have this bill, a flawed piece of legislation that gives the government more power to approve developments in SRL precincts without proper consultation. The Municipal Association of Victoria has raised concerns about the rushed timelines for approvals and the lack of transparency. The government is sidelining local voices and making it harder for people to have a say in the future of their own communities.

I talked last week in Parliament about the residents of Brunswick, who are living in Labor's ideal of high-density development in the inner city, close to train lines, and who are going to have to have their amenity and homes rendered somewhat unlivable due to the government's flawed plans to amalgamate stations, which is going to end up like Keon Park train station where you have a sky rail train station right outside your balcony. A lot of residents have contacted me. I am sure they have contacted those opposite as well, but that is leading to a really poor outcome.

But the government all of a sudden wants to build priority precincts. Let us not forget what Richard Wynne did in Brunswick, what Mr Erdogan did in Brunswick as a councillor. They helped introduce height limits in Brunswick – Mr McIntosh mentioned my maiden speech – an area which, as I said then, is flush with public transport, good access to local schools, health care and amenity. The Labor Party spent a long time advocating against any development there, and they call us the blockers. The reality is you have been in government for 10 years – you caused the housing crisis. You literally passed the Planning and Environment Amendment (Recognising Objectors) Bill 2015, which gave VCAT more weight to consider community objections. You want to call us the blockers. You have enabled blockers. You have enabled community members to have a greater say over developments in their community.

You have got the Carnegie activity centre now. Let us not forget the member for Oakleigh blocked our Carnegie activity zone – a very similar activity zone to the government's – and then implemented two-storey height limits. If you want to look at the practical reality of who has blocked more homes, it is the Labor government. They talk about the status quo not being an option. They are the status quo.

They have created the status quo. How would you be if you were the member for Oakleigh, having to go out to the community and say, ‘Oh, sorry, I blocked that previous activity zone. Here’s pretty much the same thing’. I mean, seriously, how pathetic, after calling my good friend and colleague Matthew Guy all sorts of names. I am pretty sure he is proud to be called Mr Skyscraper, because it was Labor that blocked our plans and capped our plans for the downtown CBD, where we can actually build a lot more homes, that blocked plans for places like Brunswick and the Preston activity zone. That was a good plan, *Plan Melbourne*, and Richard Wynne and the Labor Party in the northern suburbs killed that off. But now we have a Preston activity centre – what do you know? Really, you have prevented development in your own communities for political purposes, and now you are reinventing it and claiming you are the heroes of the housing crisis. Seriously, you have created the housing crisis – actually created the housing crisis.

I want to quickly talk about my amendments, and I am happy for those amendments to be circulated.

#### **Amendments circulated pursuant to standing orders.**

**Evan MULHOLLAND:** I will just talk through them. Amendment 1 is to proposed section 165Q of the Major Transport Projects Facilitation Act 2009, which gives a project authority the ability to enter, occupy and use land within the project area for the approved project if the project authority intends to compulsorily acquire at least one part of the land on which the permanent infrastructure can be constructed and if the project authority is satisfied that it is not reasonably practicable to precisely identify the area of land on which the permanent infrastructure will be constructed before the works for the construction of the permanent infrastructure are commenced. We are seeking to amend proposed section 165Q to increase the mandatory notice period from 30 to 90 days to give landowners greater certainty – I know businesses, particularly in Box Hill and Glen Waverley, have been given no certainty at the moment. We are also seeking to amend proposed section 201QB in the Planning and Environment Act 1987 to give VCAT appeal rights to persons and entities impacted by a precinct project declaration. VCAT will be given the ability to modify, set aside or confirm the declaration.

With amendments 3 and 4 we are seeking to amend proposed section 201QD in the Planning and Environment Act 1987 to mandate the notification of landowners, land occupiers, council, road authorities and infrastructure managers prior to the declaration of a precinct project. Under our amendments a precinct project declaration will not legally take effect unless these entities have been notified and been given a mandatory 30-day period in which to make submissions to the Premier regarding the project declaration and the Premier publishes a response to the body of the submissions received. It is creating clear appeal rights for communities.

Proposed section 201QO in the Planning and Environment Act 1987 would allow the Secretary of the Department of Transport and Planning to authorise persons to enter private land to carry out surveys prior to the precinct declaration. We are seeking to increase the notice period required to be given to landowners from seven to 14 days. This is a minor amendment, but it will minimise disruption and give landowners greater flexibility with their land and affairs accordingly.

We know how ridiculous the Suburban Rail Loop is, and we know how ridiculous Labor’s so-called housing reforms are due to the map of their precincts and activity centres. I took great interest in the map because it prescribes Werribee as an SRL precinct. It has got Werribee as an SRL precinct, right? The SRL will not get to Werribee until about 2080. I do not know about any of you, but I am probably going to be long in the ground by then, and so will most people in this chamber. But the government is boasting about how much housing is going to go in the Werribee SRL precinct in 2080. I mean, seriously. Maybe people receiving their free kinder packs from this government might get to see the Werribee –

*Members interjecting.*

**Evan MULHOLLAND:** I got one the other day – might get to see the Werribee activity centre precinct. I was talking about it before, and I will mention it again: it is important to give notice and

certainty to businesses. I know Mr Welch speaks to many businesses, which he will talk about, in Glen Waverley and Box Hill. The government keeps changing the timeframes and the government keeps changing the rules. There is no certainty. They are killing these businesses.

This government's housing policy is a disgrace. It is clear the Victorian community do not like it. It is clear the Premier is the runner-up Premier, definitely not the preferred Premier, and this bill should be opposed.

**John BERGER** (Southern Metropolitan) (10:59): This bill is another step that this government is taking to deliver a better Victoria. This bill will deliver important planning and development reforms to improve the process of development happening across Victoria. The Allan Labor government is building a record amount of infrastructure across the state, all of which will significantly improve the lives of everyday Victorians. This bill is being introduced to facilitate that delivery. It makes reforms to several areas of transport and planning legislation to collectively improve planning processes. The bill will do this by amending the following acts: the Major Transport Projects Facilitation Act 2009, the Planning and Environment Act 1987, the Road Management Act 2004, the Suburban Rail Loop Act 2021 and the Transport Integration Act 2010.

Before getting into the finer points I would just like to reiterate how valuable and beneficial doing this will be. Public transport is an essential service to many Victorians for work and study. Victorians use public transport every day – approximately 2 million Victorians. Due to this it is vital that Public Transport Victoria be operating at an exemplar level. It is simple: Victorians deserve better. This government has always known this and has worked tirelessly to deliver an improved public transport network: the Metro Tunnel, the Suburban Rail Loop South and East, West Gate Tunnel, the North East Link. All these projects will deliver meaningful changes to the daily commute in Melbourne. Those opposite have fought us tooth and nail the whole way because they do not actually care about the community. Their opposition is proof that they would rather do some grandstanding than deliver for the community, and it is disappointing to see this apathy and pessimism towards delivering a better Victoria, but I guess without any vision for Victoria they must rely on that pessimism.

Whilst this bill is predominantly concerned with transport infrastructure, it does deal with facilitating the development of priority precincts across metropolitan Melbourne. The consideration of priority precincts means that all transport improvement projects will not just improve what it is like to use the Public Transport Victoria network but will also improve the community and the way of life in these suburbs and precincts. These precincts include Arden, Docklands and Fishermans Bend – both of which are in my electorate of Southern Metro – Footscray, East Werribee, Parkville and Sunshine. Firstly, these precincts are set to deliver more housing for Victorians. This will be quality housing close to shops, close to transport and walkable – quality living in quality areas.

Not only is this incredibly beneficial to the lives of countless Victorians, but it is also likely going to be vital in the coming years. It is a simple fact: Melbourne and Victoria are growing. Victoria has been experiencing a pretty steady population increase for some time. We need to account for this, and luckily we are with projects like priority precincts. The priority precincts are an effective solution to population growth and growing housing pressure that does not simply plant housing for the hope and hope for the best. This government is ensuring the housing we deliver is top-quality housing. Victorians should not have to settle for housing that is far from where they work and where they study. They deserve to have access to housing that is convenient to them and their routines. This is achieved through the improvement of transport infrastructure and increase in housing supply. The knock-on effects of this will be vital for the state as we continue to tackle population growth in the coming decades. This bill addresses the delivery of these precincts and other major transport projects through multiple means. These measures deal with the improvement of many aspects of major transport project delivery, from the declaration to the maintenance of said projects once they are delivered. This is true of the priority precincts and every other major transport project currently underway and in the future.

The bulk of this bill is to introduce planning reforms that will significantly cut down the time and cost of major transport projects as well as streamlining and improving other planning processes in Victoria. Victoria needs these projects delivered as soon as possible to enjoy the benefits that they offer sooner rather than later, and it is what they deserve. This bill seeks to modernise planning powers to be better suited for precinct projects and other major transport projects. We found this to be the best course of action when completing other major transport projects – legislation and processes customised to the specific needs and issues that the projects will face. This will improve efficiency by avoiding potential obstacles; improved efficiency means less vulnerability to cost delays. These are all important to the completion of these projects and important to the Victorians whose lives they will vastly improve.

Another important aspect of this bill is the improvement of community asset ownership. This goes back to what I was saying when I was covering the housing benefits and the priority precincts offer. This, however, extends beyond housing and beyond the precincts. These transport projects and priority precincts will deliver countless assets to the communities that are already benefiting from increased housing and transport assets – assets like parks and other recreational sites that are vital to quality of life, bridges and footpaths that provide access to local areas and so on. These assets are for the community, and it would only be right if the community had recognised ownership over them. At this stage there are legal mechanisms to account for the transfer of freehold land to councils. However, the mechanisms for transferring Crown land are currently absent from Victoria's planning legislation. This bill resolves the issue by introducing those much-needed mechanisms.

How exactly does this bill outline the delivery of quicker and cheaper project delivery? Let me walk through the ins and outs of this great bill and just how we expect it to deliver our precinct projects to Victorians. Firstly, the bill will make several amendments to the Major Transport Projects Facilitation Act 2009. The Major Transport Projects Facilitation Act 2009 does what it says: an act to outline the proceedings of major transport projects. It is a Brumby-era piece of legislation that has proven useful to delivering transport infrastructure, yet more proof that Labor governments are the only governments that deliver on the public transport front. This act thoroughly outlines the procedure of major transport projects in Victoria from declaration protocol to project delivery. This important tool for the state government has proven moderately useful for transport projects. However, it is necessary that certain processes be improved for efficacy and costs. This bill will improve the efficacy of several functions outlined in major transport projects facilitation. In regard to the project declarations, the bill makes quite significant amendments to the protocol for declarations of major works. Declarations require the Premier to outline several aspects of the projects ahead of the commencement. Much of this is outlined in the Major Transport Projects Facilitation Act and the Planning and Environment Act, which is also being amended and which I will also speak to.

In a declaration the Premier would declare a project minister and project proponent, and it is also required that the declaration be published in the *Government Gazette*. This bill will allow for the Premier to declare multiple related projects at one time as a program of works. To be clear, many of these projects will remain individual projects, but time will be saved in the group declarations. This is also appropriate given how the Allan Labor government often delivers projects that complement each other. Take, for example, the incredibly successful level crossing removal program and how it has impacted areas also affected by the Suburban Rail Loop. Further alterations to the declaration of transport projects would address appointments of the relevant project minister and project authority. This will replace sections 14 and 15 of the Major Transport Projects Facilitation Act with a streamlined version of a similar process. Whilst currently section 15 provides that the Premier is responsible for that project proponent, the bill will amend this and allow for this responsibility to be shared with the appointed project minister. In this case – the Premier deciding not to manage this – section 15 will be removed and section 14 will be extended to include these provisions I have just described.

To further promote efficiency of major transport projects this bill makes adjustments to the delegation process and declared projects in section 15A(2) of the Major Transport Projects Facilitation Act. The phrase 'specified declared project' would then be followed by the phrase 'or part of a declared project'.

This is to expand the flexibility of the assigned project minister's delegation powers, which in turn allows for faster project delivery.

This bill also gives the Premier powers to expand the scope of the declared project. This measure is being introduced in recognition of the nature of the progressive planning. Allowing for changes to the scope of the declared project would allow for flexibility in the process of project delivery. This in turn will improve the efficiency of the declared project. This is important, especially when considering the nature of the progressive development of precinct projects.

There is also a new subsection in this part of the bill addressing certain miscellaneous sections of the Major Transport Projects Facilitation Act 2009 that require amendment and reform. This subsection is where you will find the amendments that introduce legal mechanisms for the transfer of community assets on Crown land, as mentioned earlier in my contribution. The bill makes amendments to the Planning and Environment Act 1987 also in relation to such areas as declaration. These amendments would effect similar changes to the amendments that will be applied to the Major Transport Projects Facilitation Act. First, this part of the bill allows the Premier to make declarations on works, programs or individual works that will fall under the precinct project. In this declaration the Premier will describe the land relevant to the precinct project. The Planning and Environment Act will also be amended to give the Secretary of the Department of Transport and Planning certain powers for an efficient and thorough preparation ahead of the precincts project work's commencement. This will allow for a more timely project delivery due to the possibility of early investigations into land and other early preparation measures.

Also amended by the bill will be the Road Management Act 2004. The Road Management Act 2004, at the time of its commencement 20 years ago, was a major overhaul of how the oversight of the state roads was managed. This bill seeks to introduce section 14A, which will give project authorities designated by the department of transport the power to declare a road classification within an applicable project area. This will allow for a smoother, quicker and ultimately cheaper build, meaning Victorians get local workers down and accessible quicker.

The next act to be amended by this bill is the Transport Integration Act 2010. The Transport Integration Act is another Brumby-era act that has been quite beneficial to Victorians since its implementation. This act essentially threw transport authorities within Victoria into the 21st century and was essential in laying the foundation for projects that would eventually evolve into the Metro Tunnel and Suburban Rail Loop. It is an act for a vision of a better transport system in Victoria and has had a lasting impact on the state. Now it is time to modernise the act to ensure that the government can continue to use it to deliver an improved public transport system. The bill specifically seeks to achieve this by amending section 34, which outlines the roles and powers of the Secretary of the Department of Transport and Planning. It outlines how the secretary may, on behalf of the Crown, perform several actions relating to the acquisitions or use of land, development of land, entry of contract and more. To boost the efficiency of the act, this bill would add to section 34 a sixth subsection that reads:

In addition, nothing in this section limits the powers the Secretary may exercise on behalf of the Crown.

This is to specify that the secretary has the same powers they hold for major transport projects when dealing with priority precincts, such as the ability to enter contracts on the Crown's behalf. This clarification will allow for a cheaper, more effective development process as we go forward in building a better Melbourne and Victoria.

The final act to be updated by this bill will be the Suburban Rail Loop Act 2021. I believe we are all aware of the function and the purpose of the Suburban Rail Loop Act, and I will save the summary. This bill adds to the SRL act the definition of an applicable project area. The bill also outlines what the specific completion process for the Suburban Rail Loop project looks like. This is important as we come closer to the expected completion years of several sections of the SRL. I would like to add that I am very excited to see the benefits that my community will enjoy from the SRL East, given our proximity to the project's area. This bill will help bring those projects' completion dates closer. This

is very important for the community, and the Allan Labor government is important for the community. They deserve better – better public transport, as this bill addresses, better housing opportunities, better lives. That is what this bill really delivers for Victoria. The Allan Labor government’s public transport offers a better, more efficient way of living and travelling around the city.

To summarise my contribution, this bill is another important piece of legislation that will deliver for everyday Victorians. It is imperative that we have a good public transport system, and that requires the work. The works and builds require appropriate legislation to support the development process. It is in the interest of Victorian people that government agencies and departments be thoroughly equipped to deliver major transport projects. I commend the bill to the house and urge my colleagues in this chamber to join me in voting in support of it.

**Gaelle BROAD** (Northern Victoria) (11:14): I guess I am pleased to speak about the Transport Infrastructure and Planning Legislation Amendment Bill 2024, which amends several existing acts to grant the ministers and authorities delivering precincts and infrastructure programs greater power. I will say that this Labor state government love to go after further power. The only problem is they seem to abuse it. There are a couple of main concerns that we have with this bill. Project authorities and project ministers will be given intrusive project delivery powers across swathes of Melbourne as the government has not specified exactly where and how it intends to declare precinct projects, so no community is safe. That is a very major concern, and it is something that we are seeing right across Victoria, where the opinions and needs of local communities are being overridden. A second key area of concern is the forced densification. As the Allan Labor government’s proposed activity centres and priority precincts have reduced planning controls, this legislation may give the Premier and the project ministers and authorities almost unfettered discretion to approve private residential and commercial high-rises in project areas.

When you consider the Suburban Rail Loop, I know that the Premier has indicated, ‘Look, it’s gone to two elections. We took it to 2018. We’ve taken it again in 2022’ – very different times. That was before COVID. We have had a lot happen since then, and we are in a very different situation now. We know at the time there was very little information about it or very little detail, and it is still very hard to find out the details of this project. There has been a very poor case study. It was not taken through the proper channels or authorities such as Infrastructure Australia – a project of this size, this scale and this magnitude. It has been described as generational infrastructure in one project. It is a huge amount of funding. It has been said to be costing in excess of \$200 billion. So to not go through the proper procedures for a project of this scale is extraordinary.

It has been described as a gravy train, and I think that is very appropriate, because when you look at some of the information that has just come out recently, in the 2023–24 financial year the Suburban Rail Loop Authority expenses were nearly \$58 million. There are 102 executives and subexecutives that are on average incomes of \$322,000 a year. That is extraordinary. We know that the Commonwealth government have indicated – \$2.2 billion they put towards the project – they are certainly not keen to give any further funds until they see further background as to the merits of the project. To this point we are not aware of a single cent from the Commonwealth actually being given to the state. The big question is: where are the funds coming from to pay for this project? It is huge.

When you consider our state debt at the moment, we are currently already the highest of any state in Australia as far as state debt goes. We are heading towards \$188 billion within a few years, and we are going to be paying interest every single day – \$26 million. That is over \$1 million every hour just on the interest payments, and that is certainly not adding a project of this scale to that. So it is extraordinary that the Premier has gone ahead and signed contracts to put a noose around our neck, and not just our neck but that of future generations as well.

Let us consider Labor’s track record – if I can say track record – when you look at the railway line in Bendigo, which I have used on a reasonably regular basis. I do enjoy coming down to Parliament on the train sometimes. I will say it is very disappointing that in 2006 under Peter Batchelor, who was the

transport minister at the time, the second track was removed, and that is still causing issues today. I know that I have been on the train recently, and unfortunately the train in front broke down, but of course we could not pass it, so I had to take the train back to Melbourne before I could go back to Bendigo. Again recently I caught an express train. I was not able to go express because we were stuck behind another train in front that was stopping at all stations. What is more, the temperature outside was 21 degrees. You think that is not that hot, but we were on the extreme weather conditions timetable, so we had to go very slowly because it was looking at nearly being 30 degrees that day in Melbourne. That is a concern, when our regional railway lines cannot cope with weather getting hot.

These are some of the issues, and I know there are many when I speak to people across Northern Victoria. We know in some areas there is no public transport at all. I have had parents contact me; they travel a thousand kilometres in a week to give their kids opportunities to go places, and they are the ones driving them around. I have had a constituent recently raise a petition in Strathfieldsaye, not far from Bendigo at all, just minutes away, and yet there is only a bus service on a Sunday, not the other days of the week – and this is a pretty key suburb of Bendigo. Then we have had the same at Marong: a lack of bus services. I know in Ripon the Labor member there has been calling for increased bus services. So we know right across regional Victoria we are lacking the public transport needed, not just on our trains but in our bus networks as well, and yet here we have a government that remains focused on big projects in Melbourne, big-city projects. They seem to be forgetting what is happening in the rest of our state.

When you look at the amount of money that is going into this project you think, ‘Okay, well, if we’re spending that much on this project, maybe things are going really well in other areas that the state government looks at.’ So let us look at the police. No, they are on strike at the minute. There are huge numbers of vacancies with the police; there are issues there. We look at health. Is everything going well in our hospitals? Certainly not. There are massive ambulance ramping issues happening with hospitals, and the health system is under pressure at all times as well. Consider housing. There are big issues there again: massive waitlists, 60,000 people on the waitlist for social housing, and we have a huge need I know in the Bendigo area. Housing developments certainly happen very, very slowly, and they are not keeping pace with the growth that we are seeing in regional areas. More generally we know that this government has not been allocating a fair share of funding to regional Victoria, because we do have 25 per cent of the population but for new infrastructure the amount allocated under the state budgets has been more like up to 13 per cent.

We are a long way off being a state or a government that is governing for the whole of the state. It seems to be focused time and time again on Melbourne. When the Premier says, ‘Well, we’ve promised it at a couple of elections,’ I say that certainly did not stop them with the Commonwealth Games. They promised that before the election and then pulled the rug out from under our feet in regional Victoria, and I know that has had a ripple effect for the way we are considered on a world stage when it comes to managing events.

Then we have seen the same with public forests recently. The Premier said, ‘No, we’ll not be putting a padlock on that.’ But then we have seen Mount Arapiles, and we have rock climbers out the front today who have come to Parliament, who are so frustrated at this government’s decision to lock up those routes. It is a world-class tourism destination that this government wants to see locked up.

So it is a big concern that this bill is yet another power grab by the state government. I will say we are 100 weeks away from the next state election in November 2026, and it cannot come soon enough. Certainly the Nationals are opposing this bill.

**Sheena WATT** (Northern Metropolitan) (11:23): I rise to speak in support of the Transport Infrastructure and Planning Legislation Amendment Bill 2024, a bill that reflects the Allan Labor government’s unwavering commitment to delivering transformative infrastructure, the infrastructure needed to support Victoria’s future. The purpose of this bill is clear: it introduces a series of technical amendments to modernise and strengthen Victoria’s capacity to deliver major transport projects and

priority precinct developments. Through these changes the government aims to streamline project delivery processes, reduce costs and minimise risks, ultimately facilitating faster and more efficient development of critical infrastructure across the state.

The Allan Labor government has an impressive track record when it comes to delivering major infrastructure projects, and this bill builds upon that foundation. Our investments have been vital to the safety, accessibility and growth of Victoria's transport infrastructure. It is worth noting that with over \$100 billion invested in Victoria's Big Build program we have certainly enhanced connectivity, fostered economic growth and improved the quality of life of millions of Victorians. One of the fundamental goals of the bill before us today is to improve delivery of transport projects and priority precincts. The bill amends the Major Transport Projects Facilitation Act 2009 (MTPFA) to expand the scope of delivery powers, allowing these powers to be used for priority precincts. This change is crucial because it means priority projects such as housing developments, health facilities, education hubs and the like can be developed alongside transport infrastructure, creating really integrated communities that are well connected and sustainable.

I also note with great interest that the bill enhances the government's ability to transfer community assets built on Crown land to local councils or other public agencies. As we develop transport projects it is common for community assets – I am thinking about parks, lighting and even recreational facilities – to be included in that. Transferring these assets to local councils ensures that they are managed and maintained by the most appropriate bodies, supporting their continued use and enjoyment by the public.

An essential component of this bill is the flexibility it provides in terms of land acquisition. Under current arrangements when relocating utilities for a project the project authority is often required to acquire more land than necessary. This bill allows project authorities to undertake preparatory work in designated project areas before finalising land acquisition. The adjustment will save costs, reduce red tape and provide clarity to landowners, who will receive full compensation for any impact. These changes prioritise efficient use of land and resources while ensuring that owners are treated fairly.

This bill also introduces a provision that allows the Premier to declare a program of works for related projects, consolidating them into a single delivery stream. This change allows for cohesive large-scale project management which saves time, reduces administrative burden and enhances project outcomes. An example of this would be declaring all level crossing removals along a single rail line as one project rather than handling each removal separately. This is a really practical and time-saving approach that enables faster and more effective project delivery. The bill also permits the addition of further scope to projects after their initial approval. This flexibility is necessary because in many instances additional elements like car parks or public facilities become apparent as a project progresses, and including this scope within an already approved project will minimise disruptions and enhance the overall project outcome. This benefits all Victorians by ensuring that productivity remains unhindered.

Furthermore, the bill allows project authorities to extinguish easements in situations where they hinder project completion. The provisions in the bill will prevent projects from getting bogged down in some unnecessary legal hurdles, enabling timely and cost-effective delivery. An example in the Northern Metropolitan Region I wanted to highlight for the chamber, if I can, is the Preston level crossing removal project, one that I know quite well, where an easement had to be extinguished for the project's flood mitigation works to proceed. With this bill similar projects can move forward smoothly. We have delivered so many major projects, I have got to tell you, that we are getting really good at this and know how we can improve productivity as we learn from the many infrastructure projects that have been delivered by this Allan Labor government right across the state.

The TIPLA bill – that is the acronym for the bill that we are discussing right now – also makes important updates to road management powers. Under the current system every temporary road closure relating to project construction must be published in the *Government Gazette*. This approach is really outdated, inefficient and inaccessible to so many Victorians who need timely updates on road



closures. What we are doing in the proposal before us is to move notifications to the Department of Transport and Planning's website, and this bill will enable that to be much more efficient and accessible to all road users right across the state.

The bill also streamlines the classification of roads in project areas, allowing project authorities to declare and classify roads as freeways, arterial roads or municipal roads as needed. This change will improve consistency and efficiency in road management for transport projects, ensuring smoother transitions for new infrastructure into existing networks. The TIPLA bill supports the Allan Labor government's goal of creating priority precincts to meet Victoria's growing housing and infrastructure needs. Our state is projected to reach a population of 10 million by the 2050s, and these priority precincts are really vital to accommodating that growth.

By streamlining the development of precincts and areas like Fishermans Bend we can expedite the creation of housing, education, employment, health care and all the associated opportunities where they are needed most. The bill empowers the Premier to declare priority precincts, which will then benefit from the same delivery powers under the MTPFA, which I discussed earlier, that have enabled the success of major transport projects right across the state. I further emphasise that this includes land assembly, infrastructure coordination and faster access to delivery tools, which will reduce the time, cost and complexity associated with large-scale precinct development.

The Allan Labor government, as I have said and will continue to say, has a proven track record in delivering transformative infrastructure projects for Victorians, and the ones that come to mind are certainly the level crossing removals, the suburban road upgrades, the regional rail revival and, excitingly for me in the Northern Metropolitan Region, the Metro Tunnel and the West Gate Tunnel. When opened, they will not only reduce travel times but also have created thousands of jobs and improved safety on our roads. These projects have refined Victoria's public transport landscape as well and will see people getting home sooner and safer.

With over 100 major transport projects completed or underway, our Big Build program represents a \$100 billion investment in Victoria's future. These initiatives are pivotal to ensuring that all Victorians, regardless of where they live, have access to efficient, reliable and safe transport options. By expanding and enhancing our public transport network, we are reducing congestion, supporting sustainable growth and laying the groundwork for a greener, more livable state.

Our infrastructure investments go beyond improving transport. They are creating jobs, stimulating economic activity and supporting local communities. The Big Build program has also provided employment for a staggering number of Victorians – in fact over 17,000 Victorians – and has additionally supported 38,000 indirect jobs throughout the supply chain. These jobs span construction, engineering, administration and more. I will also take a moment to acknowledge the apprentices that are working on these projects right across the state. I have had the good fortune of meeting a range of apprentices right across the state. Many of these projects have some enthusiastic apprentices learning on the job and committing themselves to a future here in Victoria, building the homes, transport and communities that we need. Apprentices, can I just give you a big vote of thanks for all that you do. Of course so many of those apprentices are supported by free TAFE, which I could go on for a long time about. I have to say at its peak the Big Build is estimated to support 50,000 jobs across the state, and this investment in our workforce really is critical to building a strong, resilient economy that benefits absolutely everyone. It is clear that the Allan Labor government's commitment to infrastructure is not just about projects but also about creating a more prosperous future for our state.

Look, I could go on about the views of those opposite, but I know that there are others that will want to make a contribution on that. Can I just say this bill reflects the Allan Labor government's vision for a connected, thriving Victoria. Through transport infrastructure projects that are designed to integrate with the development of housing, health care and education precincts, we are creating well-rounded communities that support the diverse needs of our growing population. Through the bill before us today we are expanding our capacity to deliver these essential projects with greater efficiency, reduced

costs and of course less red tape. With this bill we are supporting today's infrastructure needs but planning for the future. Our transport investments are strategically positioned to serve the areas that will see the highest growth – and that is really important to know – ensuring that Victorians in the outer suburbs and regional areas have the same access to high-quality public transport as those in metropolitan Melbourne. I spoke only yesterday about the incredible enthusiasm for fairer fares. I know that investment in high-quality public transport in regional Victoria is something that is very much firmly in the minds of regional Victorians but also city folk that have loved ones and places right across the state that they want to see and experience and enjoy.

I will say that this bill before us, the TIPLA bill, represents a pivotal step in our infrastructure journey. It is about modernising and extending our delivery powers. We are enhancing our ability to meet the challenges of a growing population and changing economic landscape. You see, this bill empowers us to deliver the transport infrastructure and precinct projects that Victorians need, all while supporting jobs, reducing red tape and ensuring efficient use of our resources. The Allan Labor government is committed to building a Victoria that is not only well connected but also inclusive and sustainable. We are investing in infrastructure that will shape our state for generations to come, creating opportunities, as I said, and supporting communities throughout Australia.

Can I also take the opportunity to put on the record my entire enthusiasm and excitement about the Metro Tunnel, which is so, so very close and will be enjoyed by millions of not only Victorians each and every day but folks from right around. I know that there are a bunch of world-class researchers that right now are looking to take up some research projects in our world-class medical research precinct. They are in Parkville, and when the tunnel opens they will likely be enjoying it too. A big shout-out to our medical research institutes in Parkville. Thank you for all that you are doing to tackle some of the biggest challenges of our times.

This bill really is a testament to our government's dedication to delivering on its promises and investing in the future of our great state. With that I will finish my remarks by commending the Transport Infrastructure and Planning Legislation Amendment Bill 2024 to the house.

**Richard WELCH** (North-Eastern Metropolitan) (11:38): I am pleased to rise and speak on the Transport Infrastructure and Planning Legislation Amendment Bill 2024, which I guess could be called the 'Stalinist Five-year Plan Bill' in reality. It would be no surprise to anyone here that I do not support this bill. I am glad we are voting against it. I think we are putting up a number of amendments, but I do not think any number of amendments can repair this bill.

These activity precincts and the Suburban Rail Loop (SRL) are quintessentially bad urban planning. They are what you do when 10 years of housing plans and transport plans have failed you and you have completely run out of ideas and run out of money – you simply throw mud against the wall and hope some of it sticks, hope some of it forms a strategy. This is basically throwing the complete kitchen sink in haste at the community to create the appearance that you are doing something. There is absolutely no deep reflection, no strategy, that goes along with it. It is policy by press release, hoping that there is enough of a bump in the media for a couple of news cycles before you put out another press release. If you look how the activity centre and precinct information has been drip-fed out over the last 12 months, that is exactly what it is. It is a series of press releases. None of them have gained traction. In fact even this last one, as big and all-encompassing as this is, has not gained traction in the minds of the community, because it does not deliver what the community want or need. I think the problem that those opposite have – and I hope they take this to heart – is that Victoria no longer believes them. You can say anything you want from this point going forward. You can put any press release you like out with any large-scale hubristic claims – no-one believes you anymore. You have got no credibility. This is just another example of where you have gone for the headline, and the substance brings you undone every time.

Why I am so pleased to stand and oppose this bill is because we are fighting on a number of fronts here. First of all, we are fighting for the community, especially my community in the North-East

Metro, who are bearing the brunt of the Suburban Rail Loop. We are fighting for that community because they do not want this project. They were sold, 'You'll get a new train station – how great,' and that went to two elections. But it was a train station – none of the peripherals about high-rises, densification, lack of additional social infrastructure. None of that was on the table. None of the considerations like 'You're going to lose 80 per cent of your open space per citizen' were on the table when these things came out. The people who live in these areas are the last consideration of this government and the last consideration of this plan. It is not for them.

In the City of Whitehorse there are currently 74,000 residences, and under this plan and under the mandates of the government we are supposed to add 79,000 more in the same footprint. And somehow that is not going to affect quality of life. Somehow that is not going to overstretch the infrastructure that is there in terms of open space, in terms of health services, in terms of schools and education, in terms of primary care et cetera. It is a fantasy full of assertions not backed up in fact. You can assert that they are quality homes close to work and where you live – that is just purely an assertion. There is no reality to it; it is just a headline that you have chased.

So this is a fight for my community, who do not want this, who do not see this as a solution and who do not want their children and grandchildren growing up in flats without a proper home. They do not want their children having to bear the intergenerational burden of debt. This is not for that community; this is for you to have a headline and that is all it is. But you know what? Unfortunately for you, this will all unravel over time. Time is on our side, not yours. This will all unravel, like all of your other policies. As soon as you scratch the surface of it you will see what a fantasy this really is. Whether it is at an urban planning level or an economic level or a social level, it is a fantasy project.

This is also, in opposing this bill, a fight for due process. When the extraordinary powers were granted to empower the SRL authority to do what it needed to do in the SRL precincts, unprecedented powers were given to the government. I guess people thought it was some sort of exception. It is a bit like when they say, 'Beware of when a government puts in emergency powers, because they will never get repealed.' These powers were given and the idea was that this might have been some sort of special case, but what we have seen is that it has become the template for everywhere. It does not even need a debt-consuming leviathan project like the Suburban Rail Loop to justify it. Now at the whim of a minister you can declare an activity centre. You do not need to consult anyone. In your own words, and I will quote the Minister for Planning herself:

Are they afraid of people expressing a different view to their own? Why are they so afraid of objectors? These are local residents from our communities who love where they live and work and who just want to be heard.

Well, not anymore under this. Then we have another quote:

As we know, public participation is an important part of the process of making better planning decisions. It means decisions are based on more fulsome information – fulsome because it is the community that provides that information and it is the community that best knows the local areas and local issues.

Not anymore.

*Members interjecting.*

**Richard WELCH:** No, I cannot hear you. I am speaking, so be quiet. There is another quote from the Attorney-General:

It is time to let the community talk in full voice and more importantly to ensure that community members are heard and listened to and that their views are taken seriously and into account on matters that will affect them.

That was your view three, four or five years ago but clearly not now, because the minister can, at a whim, impose an activity centre. And it is not just activity centre; it also includes any sort of parallel infrastructure. None of these things are defined. There is no objective criteria by which this activity centre can be declared. There is nothing. There is no benchmark it has to meet; is simply their opinion or their view. There is no requirement for consultation. You are outlawing it. Live with your own

words. Own your own words. Eat your own meal. This is your doing. On one hand you are saying the community must be consulted, but what you are putting in law is that they do not need to be any longer. So we are fighting for due process. Due process also includes the fact that maybe you get things through Infrastructure Australia before you start signing contracts. Due process means that your consultation is not where communities are consultold – that you actually consult with communities. Due process means that your procurement means you do not have an automatic 20 per cent blowout on every project. That is what due process is. This simply removes all the due process.

We are also fighting for good urban planning, and this is the opposite of good urban planning. Melbourne has been historically a low-density city, and it has been a key to the success of Melbourne. A low-density city means we have high quality of life, the ability for communities to integrate and high amounts of equality and equity across communities, because we all have our own patch of land and homes. Urban planning says you do not bring 120,000 more people to a municipality with no plan for extra schools, no plan for sewerage and electricity upgrades, no plans for road upgrades, no plans for additional school capacity et cetera. This is bad urban planning, and it is obvious why: because you have done it in such a rush. The cupboard is bare. You have no ideas. ‘Quickly, let’s rush over to this side of the boat. We’re going to do activity centres.’ It is also bad urban planning because whilst the activity centre concept has merit and has precedent around it, that is only in places where it improves the quality of life or has economic uplift. You are not improving the quality of life of people in Box Hill. You are not improving the quality of life for people in Burwood or Glen Waverley or Blackburn. It does not work.

*Members interjecting.*

**Richard WELCH:** If you want to paraphrase me and selectively quote me, that is fine. That is what you would do. Let us take up this point. There are areas that could do with –

**Ryan Batchelor** interjected.

**Richard WELCH:** How about Casey? How about Narre Warren? How about Cranbourne? They want activity centres. They are not getting any. How about the northern suburbs, where the infrastructure is needed, where an activity centre would actually bring the combination of quality of life and economic development? You are superimposing this on an established suburb.

This is also a fight for Victoria’s economy. The greatest challenge of course here, particularly in the SRL areas, is that none of this is funded. It is not funded because the federal government does not believe in what you are doing – you have got a \$10 billion shortfall there – and you have this vague concept of value capture, and you have got another \$10 billion shortfall there. The more that you impose land tax to fund it, the more economically unviable the activity centres themselves become, because people cannot make a margin in what you are doing. You are completely ignoring economic fundamentals in that we are going from a famine to a flood. Your inability to provide housing stock has created a famine. Part of that has been driven by the fact that you have pushed prices up with land tax and part of it is because you have drawn significant amounts of the workforce and capacity into the Big Build projects. But now you are going from that famine to a glut. You are going to allow unfettered development across the city at a scale where what it will mean is that we will have projects that will not get up, there will be oversupply and there will be half-finished projects that will have to be abandoned. We will head towards a recession as a result of this. We will have housing at a higher price but lower quality and with lower living standards.

Again, I am pleased that we are opposing this bill. Victorians do not want this bill. Victorians do not want this style of urban planning. It is only because you have no imagination, no vision and no plan for the future beyond the next press release that you are approaching it this way. I will conclude there.

**Ryan BATCHELOR** (Southern Metropolitan) (11:51): I am pleased to rise to speak on the Transport Infrastructure and Planning Legislation Amendment Bill 2024, which deals with a range of matters seeking to reduce unnecessary costs and time in the development of major transport projects,

commonsense changes that will help ensure the smoother delivery of key transport infrastructure projects here in Victoria.

This bill is a bill for those who want to build. That is why the government supports it, because we want to build. It is no wonder that those opposite oppose it, because they do not want to build things, they want to block things. What this legislation is seeking to do is to enhance the capacity of the transport and planning systems to get our major infrastructure projects delivered. To the extent that the bill will facilitate that, it should be absolutely welcomed and absolutely supported. It should be opposed if people are opposed to delivering transport infrastructure, if they are opposed to delivering more places for people to live, if they are opposed to finding solutions to the number one crisis facing Victorians, which is the housing crisis. They keep telling us that they want more homes, but then they keep opposing plans to build them. They are absolutely opposed to that.

This legislation will amend the Planning and Environment Act 1987, the Major Transport Projects Facilitation Act 2009, the Transport Integration Act 2010, the Suburban Rail Loop Act 2021 and the Road Management Act 2004. It will facilitate the construction of essential infrastructure. By building new infrastructure we can create places that can accommodate more people who want to live there, because there is then the capacity for them to travel into the city or to connect by rail infrastructure to Australia's largest university, to connect to jobs precincts, to connect to education hubs and to connect people to their communities, which is exactly what our transport infrastructure agenda will do.

Mr Welch in his contribution I suppose let the cat out of the bag a little bit on what the opposition's preferred approach to both transport infrastructure planning and housing policy is. On transport infrastructure, they are opposed to building transport infrastructure, they are opposed to the investments that are being made in rail, they are opposed to the delivery of improvements to our infrastructure, particularly our rail network, that will mean that we can get new services, more frequent services and less dangerous conditions and provide people with real and tangible savings in the time that they spend commuting so that they have more time to spend with the people that they love.

The Liberals are opposed to that. What they want to do instead is to somehow create more housing in other places. Mr Welch really let the cat out of the bag when, after railing against the government's plans for activity centres and the concept of providing a structured planning process that will deliver more housing close to existing infrastructure, he made quite an impassioned opposition and quite a derisive opposition to the concept of people who want to or do live in apartment buildings. I thought it was quite remarkable for a member of this place to be so condescending about those who choose to live in apartment buildings. He basically said that those who live in apartment buildings are second-class citizens. That is not something that I agree with, and I am sure, President, it is not something that you agree with either. But he said the activity centre concept actually had merits. On the one hand, he was criticising our plans for activity centres to build more housing around existing infrastructure – close to jobs and close to schools, providing more connectivity – and on the other hand, he was actually saying it is a good idea. He was actually saying it is a good idea to have activity centres – in his words, 'The activity centre concept has merit.'

That is exactly why the Labor government – on the activity centres, for example – since the housing statement was released in September last year has been out consulting with members of the community in the 10 metropolitan activity centres that have been developed. There have been community reference groups and detailed discussions in addition to the very extensive consultation that the department and the Minister for Planning have been undertaking with the refresh of the plan for Victoria. It has not only been in those 10 centres but right across the state. Local governments, local communities, planning groups and environmental groups have all been engaged in the process over the last 12, 13 months to figure out ways that we can provide solutions to the housing crisis here in Victoria.

I have said in this chamber time and time again that we are not going to solve the housing crisis unless we build more homes. We have got to build more homes. We know, because the stats are not actually lying on this front, that in the last 12 months here in Victoria more homes have been approved than

anywhere else in the country. This Labor government is getting on with the job of building more homes, unlike those who oppose this bill and who want to block more homes being built in this state. They have got no solution to tackle the housing crisis in this state. All they want to do is oppose, and that is not what this Labor government is about.

This Labor government is about providing, through this legislation, improvements to the transport and planning infrastructure process to enable this state to get on with the job of building more homes so that more Victorians have a place to live that is close to the places that they work and convenient for accessing neighbourhoods and communities near to where we have been investing in record numbers in our school infrastructure and making sure that Victoria is established for the sorts of housing and broader community and transport infrastructure that this growing state needs, because people want to live here in Victoria.

**The PRESIDENT:** I wish to acknowledge in the gallery former minister of the Telangana state of India the honourable Malla Reddy MLA.

**Business interrupted pursuant to standing orders.**

*Questions without notice and ministers statements*

**Child protection**

**Georgie CROZIER** (Southern Metropolitan) (12:00): (741) My question is to the Minister for Children. Minister, an Aboriginal boy with autism and a history of self-harm who has said he has been subjected to abuse has gone missing. The legal responsibility for this boy's care sits with the Victorian Aboriginal Child Care Agency. The local MP wrote to you about this situation a month ago, and I am informed he still has not received a response. The issue was raised directly with the Premier yesterday. Why is the Allan Labor government failing vulnerable Victorian children like this Aboriginal boy?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:01): I thank Ms Crozier for her question. The question was obviously put to the Premier yesterday, and the Premier very appropriately pointed out to the house that individual matters should not be canvassed in such settings. But I would also caution those opposite that there is always, with complex children, vulnerable children and children who have experienced trauma, far more that sits behind individual matters than what may initially be presented to any given member. I would caution members in terms of information that they could put to the house that might identify a child, and I would remind those opposite that simply blanking out somebody's name is not enough to remove identifying information. I would also remind those opposite that the information that they have been presented with should be approached with a fair degree of caution; I would advise those opposite that they treat information provided to them cautiously. But what I would also assure this house is that each and every piece of correspondence that comes to my office is given due consideration and is dealt with appropriately, and matters are investigated by the department and the appropriate responses are provided to the appropriate people.

**Georgie CROZIER** (Southern Metropolitan) (12:02): Minister, this is a serious situation, and the member wrote to you over a month ago about this serious information. You have not responded at all. I ask: will the minister immediately order an independent review into VACCA's systemic problems to ensure more vulnerable children like this boy are not failed by the Allan Labor government?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:03): Again those opposite do not seem to heed the warnings that, one, they are treading on very dangerous territory in terms of revealing individual information about individual cases, which is not in the best interests of any child. But I would also remind those opposite that matters are presented to each and every one of us as members of this place when we have the privilege to serve in these roles, and they need to approach that information with caution and deal with these matters in a non-political and appropriate way.

*Members interjecting.*

**Lizzie BLANDTHORN:** Mr Davis and Ms Crozier, I reject your interjections. I would ask that when people have issues that they would like to raise with me as the minister with responsibilities for child protection that they do it in the appropriate way. I can assure them that they are given due consideration, and they should not be politicised by those opposite.

*Members interjecting.*

**The PRESIDENT:** Order! I made a really boring speech yesterday about the most important right in here being the right of freedom of speech and for a member to be able to put across their information or their point of view without getting howled down, and that was another example of that. Let us keep that in mind when I call Mr Bourman for a question.

**Harriet Shing:** On a point of order, President, notwithstanding that you are not in a position to require a minister to answer a question in a certain way or ask questions in a certain way, I would seek guidance or a ruling from you in relation to whether questions that are put that might, by their structure, enable identification of people in particular situations be not required to be answered or, alternatively, not be able to be put in a way that would reveal the identities of people in situations of high risk or high vulnerability or compromise their safety.

**Georgie Crozier:** On the point of order, President, these are very serious issues that the opposition has the right to ask the minister about. The member actually wrote to the minister about this, and if she does not respond, this is the appropriate forum to raise these issues in. The identity has not been revealed, and I suggest that the minister needs to respond appropriately, whether a member writes to her or asks it in this place.

**David Davis:** Further to the point of order, President, members are entitled to raise matters in this chamber. It is not for rulings to stop difficult questions to ministers being raised. This is the place where members can actually raise questions on behalf of their constituents. The idea that they would be clamped, blocked from raising questions that are legitimate questions about ministerial failure, is extraordinary.

**Lizzie Blandthorn:** Just further on the point of order, I was going to ask, President, that you give this issue due consideration, but the relevant legislation in section 534 makes it very clear that identifying information about children who are in the child protection system cannot be revealed. It is simply not enough, as I have pointed out to Ms Crozier in the answer to my question, to blank out somebody's name. There are often identifying factors in some of the propositions that are put around a particular case. Locations, ages, all of those sorts of factors can certainly present a situation where those who know the child know exactly who those opposite are talking about.

*Members interjecting.*

**The PRESIDENT:** Order! I am happy to take all the points of order on this.

**Evan Mulholland:** Just really quickly on the point of order, President, the government is seeking to gag or limit what can be asked in this chamber on particular issues. There was no identification. The MP wrote to the minister a month ago and did not receive a response, so it is due process that the next step is asking a question of the minister in the Parliament.

**Nick McGowan:** Further to Ms Shing's point of order, while the desirability of raising particular cases, and individual members' names included, is a question ostensibly for the member themselves under parliamentary privilege, it has been a long-held practice, both in this chamber and the other, including by members Thwaites, Hulls, Brumby and so forth, on numerous occasions for decades now, including in this chamber by a number of ministers and members of parties, that members raise particular cases at their discretion.

**The PRESIDENT:** That is further debating the point of order. There is nothing within the standing orders that does not permit any member to ask a question in line with the question that has been asked. I do not know every ruling, but I do not think there have been any rulings around this. I am always happy to take into consideration that I put thought into certain things, but I think in this case there have been no previous rulings that I know of and the standing orders are pretty clear.

I will take this opportunity to speak on the topic of naming people. We have got an issue where I have to go to the Procedure Committee to see if we can remove someone's name from a contribution. A member actually named a person, and we have had this about four times this year, where someone writes to us and asks us to take that out of *Hansard* because they did not want their name there. I am just flagging to the Procedure Committee that we might need to have a policy that when someone requests it, we just ask *Hansard* to take it out. Anyway, that was a really long answer to a number of long points of order.

### Duck hunting

**Jeff BOURMAN** (Eastern Victoria) (12:10): (742) My question is to the Minister for Outdoor Recreation in the other place. Duck-hunting season will be upon us before we know it, and I must thank the government for giving it a future. This time of year, going into the early months of the new year, is also a time of uncertainty for the hunters who want to hunt and the retailers who want to sell equipment to the hunters. Bag limits are always a bone of contention, given that for previous years there has been political interference in the setting of that limit. So my question is: can the government confirm that the adaptive harvest model will solely be used to set the bag limit this season and subsequent seasons?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:10): I thank Mr Bourman for his ongoing interest in the issue of duck shooting and in this case the issue of bag limits. This matter will be referred to the Minister for Outdoor Recreation for a response.

**Jeff BOURMAN** (Eastern Victoria) (12:10): I thank the minister. The recent report made recommendations, most of which the government accepted as they were at least defensible given the data, including mandatory training. My question is: how does the government propose to roll this training out before the start of the 2025 season?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:11): I thank the member for his supplementary question. That also of course will be referred to the Minister for Outdoor Recreation.

### Ministers statements: water policy

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:11): Last week I had the opportunity to return to Mildura to catch up with the First People of the Millewa–Mallee, the Mallee Catchment Management Authority and Lower Murray Water to hear about our progress in several important projects under the Murray–Darling Basin plan. I joined Lower Murray Water to celebrate the completion of the Sunraysia water efficiency project, the SWEP. This is a project that will return 1.8 gigalitres of water through system efficiencies and further water to traditional owners and for urban water security. It has been a really wonderful community effort, engaging people from right across the region. It is a great example, for example, of the work with Nichols Point Primary School. I visited that primary school, where the project team engaged with the school while a pipeline was built along their fence line. That replaced an old open channel and has enabled students to access the oval, and it has transformed the school, opening it up to the broader community and also improving student and public safety.

It was an enormous privilege to spend a day on Latji Latji and Ngintait country with First People of the Millewa–Mallee at Lindsay Island. It is the largest of our Victorian Murray flood plain restoration



projects, and this site holds enormous cultural and biodiversity values. The First People of the Millewa–Mallee are behind this project because they know that this approach is proven to work, as we have seen at Living Murray sites. It will restore thousands of hectares of country, safeguard them against the worst impacts of climate change to come and, importantly, protect cultural sites, including burial sites. I want to thank everybody who travelled out with me: Casey, Tim, Dylan, Aunty Carolyn, Aunty Winnie, Jason, Artie, Mike, Kenny and the river rangers team.

I was also privileged to open the Catfish Billabong regulator, and this was funded by us through the environment contribution. It is proven technology that will improve the health of our precious waterways, and this is about ongoing work in partnership with respective communities.

#### Probate fees

**Evan MULHOLLAND** (Northern Metropolitan) (12:13): (743) My question is to the Attorney-General. In its statement of reasons for the up to 650 per cent hike in up-front probate fees, the government acknowledged that executors can face challenges in accessing funds before the grant of probate. In response the government noted options available to executors, including legal fee loans, family loans and credit cards. Does the Attorney-General think it is fair to expect a grieving son or daughter acting as an executor for their deceased parent to max out their own credit card or take out a loan in order to pay for this greedy government's probate fee hikes?

**The PRESIDENT:** I can see the minister is happy to answer, but I feel like that is asking an opinion. The minister can answer if she wishes.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14): I can give an answer to Mr Mulholland's question, despite your guidance, President. Mr Mulholland, I think the best response to your question is to point to the fact that individuals who are suffering financial hardship who are unable to pay probate fees before an estate is settled may be eligible for a fee waiver.

**Evan MULHOLLAND** (Northern Metropolitan) (12:14): Wow. While the government seemingly expects grieving children to max out their credit cards or take out a loan to pay probate fees, Labor is also looking to give special treatment to a government-owned business, State Trustees. The government has said alternative solutions specifically for the State Trustees are being explored in collaboration with the probate office. Why is Labor looking to give preferential treatment to its own government business but not giving it to a grieving son or daughter who has just lost a parent?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:15): Mr Mulholland, I have canvassed the probate fee changes extensively over the last couple of days. I have put on record that there are further consultations and conversations going on as this policy is implemented.

#### Housing

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:15): (744) My question today is to the Minister for Housing, and I am just seeking some more clarity about public housing residents' right of return once the towers that are currently slated for demolition are rebuilt. We have heard reports that public housing residents have received Homes Victoria correspondence that stated that they would have the right to return to their area pending their 'ongoing eligibility', rather than to the specific site, and then on the Homes Victoria website it states that, 'You have the right to return to your current neighbourhood based on your ongoing eligibility'. This mention of eligibility has made some residents nervous that for some reason they will not be eligible to return to their current estate. Could you just clarify for the house what is meant by ongoing eligibility as it relates to public housing tenants being relocated into community housing?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): Thank you very much, Mr Puglielli, and thank you for the opportunity to provide

the house and indeed you with some further detail about what we are doing on housing relocations. I am of course – and I will continue to extend this offer – very, very happy to provide a briefing on social housing policy to you or to the housing spokesperson Ms de Vietri in the other place. That was an offer that I made dozens of times. That offer stands, so please do ask for a briefing at your convenience to give you some more detail about the relocations process.

As we see this population growth continue to have an impact across the state, we know that we do need to provide more housing. We have engaged with thousands of tenants or residents of social housing so that they understand what the impact of those relocations will be, and as you may recall I was really privileged to meet with people, and this included the then Acting Premier, the Treasurer Tim Pallas in the other place, to announce the further development of two sites in Richmond and in South Yarra to build on the work that we are doing as part of the tower redevelopments and also the walk-ups that will be coming online progressively. One of the things that I have been at great pains to make very clear to residents is the right of return, and this is where when people are relocating there is a process which involves being able to nominate the areas where somebody would like to live while that relocation is on foot, and we do everything we can to make sure that residents can identify the areas where they want to live.

This is about a process of identifying the neighbourhoods and the areas, which may change as residents explore further what a relocation will mean for them. We do see that there is often a very iterative process with housing office staff and with Homes Victoria around relocations, and we ask people to identify a number of different areas where they might like to go in order to best meet their needs. In many cases that will be about staying in the same neighbourhood, but not always. Homes Victoria meets the cost of relocations, and there are rent settings that remain unchanged for the duration of the relocation as far as what that means if they move, for example, to community housing. There is also a right of return, as you have rightly pointed out, and this is part of the documentation that we give to people when we talk them through their options, often in that very, very iterative way over a number of conversations.

When people exercise a right of return, we work with them so that we can understand what that eligibility looks like, which goes right to the heart of your question, Mr Puglielli. And eligibility may vary for a number of reasons. When we are talking about the same house and the same configuration, it may be that that is no longer the right fit for a family, for example, where children have grown up and moved out. If, for example, you had been in a three-bedroom home while you were relocating and the children have since moved out or moved elsewhere or you no longer have, for example, an intergenerational housing arrangement, the eligibility for a similar house with the same number of bedrooms will no longer apply.

It is also about eligibility in terms of the way in which the eligibility for social housing exists in the first instance, and those settings are there very, very deliberately. We do cap out at the income levels that you would be aware of, with Commonwealth rental assistance applying to community housing. The income that applies is the rent-setting factor for public housing – between 25 and 30 per cent across social housing, as that varies. If we see people who are no longer eligible for social housing, then again it is about what we can do to assist them for private rental assistance, for example, for the bond loan scheme or for the work that we are doing. It might also be something that relates to the redevelopment being complete – (*Time expired*)

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:20): You have just used a few terms in your response to my substantive question, and people have raised concerns that terms like ‘neighbourhood’ and ‘areas’ can be interpreted as quite broad and could be interpreted to mean somewhere quite different to the situation where they are currently living. Could you please confirm for the house that all residents in these redevelopments will be able to return to the same estate once these developments have been completed?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:21): Again, it is about understanding what eligibility looks like. We do everything we can to make sure that people can exercise the decisions that are right for them, and it is also spelt out very, very comprehensively in the relocation policy manual that is online on the Homes Victoria website. What I would perhaps offer is an opportunity for you to go through that particular policy and then we can sit down and go through what that looks like. Neighbourhood and the identification of neighbourhood will vary from place to place and from person to person. Physical proximity to neighbourhood again may well change. When we are talking about multifaith and multicultural communities, for example, ‘neighbourhood’ might have a very, very different meaning to somebody who has specific accessibility or medical needs for what that relocation right of return looks like. So, again, I am very, very happy to provide you with that detail and to sit down and take you through what that process looks like.

#### **Ministers statements: victims of crime**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:22): I rise today to update the house on my recent visits to partners delivering the government’s victims assistance program. The victims assistance program has been designed to provide trauma-informed supports to address the varied needs of victims. The program provides practical support, advocacy and case management, including helping victims to navigate the criminal justice process and access therapeutic services.

I had the privilege of visiting DPV Health in Melbourne’s north, an exceptional healthcare service that delivers a culturally safe victims assistance program. I also had the opportunity to visit the Sexual Assault and Family Violence Centre in Geelong, where I was joined by the hardworking members for the districts of Lara and Geelong. The Allan Labor government is proud to be able to partner with fantastic organisations such as these two to deliver the victims assistance program to those who need it the most. DPV Health is one of Victoria’s largest not-for-profit organisations, providing an extensive range of health services. In their first year they have provided support to over a thousand victims in the Northern Metropolitan Region and are working towards supporting more people. The Sexual Assault and Family Violence Centre, another community based not-for-profit, offers a range of sexual assault and family violence services. In their first year they supported more than 500 newly referred victims in the Geelong region. It was great to talk with the teams at these two organisations and hear firsthand the insights on the victims assistance program, because the Allan Labor government is committed to listening to the voices of victims and their advocates and to continually improving services such as these. I look forward to the future achievements of DPV Health and the Sexual Assault and Family Violence Centre as well as other delivery partners of the victims assistance program.

#### **Fire Rescue Victoria**

**Richard WELCH** (North-Eastern Metropolitan) (12:24): (745) My question is to the Minister for Emergency Services. Minister, the government knew as far back as 2022 that the 3G network would close, yet Fire Rescue Victoria crews are still left without proper alternatives to access station gates, forcing them to climb fences. Why is this government failing to provide basic support for firefighters, who put their lives on the line?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:24): Thank you, Mr Welch, for the opportunity to address this issue in the Parliament. At the outset I want to thank FRV firefighters and staff for the work they do protecting Victorians every day. The way you have characterised the question does require some clarification, because I want to make it very, very clear that gates are still able to be opened at all FRV stations. The issue that has been reported is limited to some stations and affects back gates at those stations. Effectively, there is the ability to access and open those gates via your phone or via a security fob. Everybody at FRV has an issued security fob, and that has not been impacted. The phone activation of the back gates is what has been impacted in a small number of stations, and I am advised it will be rectified in due course.

I want to also confirm that these gates are not gates that are used to respond to an emergency. Those gates are at the front of the station. In relation to responding to a fire, a call-out, there is no impact on those gates. The back gates that are accessed are not for responding to an emergency. I can assure you that the security fobs, which every FRV staffer has been issued, remain working and able to open all of the gates.

The infrastructure team are currently going station to station just to make sure everybody is across the issue and to ensure that they know the mobile entry function is affected, but not the fob entry. There has been ongoing consultation with the telcos in relation to the impact on any emergency services, and contingencies have been put in place, as we have seen happen here.

**Richard WELCH** (North-Eastern Metropolitan) (12:26): Thank you, Minister, for your answer. It is good to know that you are addressing things after the horse has bolted. Minister, the FRV's fleet tracking is still reliant on the defunct 3G network –

**Jaclyn Symes**: What is?

**Richard WELCH**: The FRV's fleet tracking.

**Jaclyn Symes**: No, it's not. But okay.

**Richard WELCH**: Okay, we will see. It is reliant on the defunct 3G network, and the stopgap mobile phone solution is unreliable. Given the upcoming high-risk weather season, why is the government making it more difficult for fire trucks to get to a fire?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:26): We have just been having a conversation here on the government benches, actually, about questions that the opposition have been putting today and on other days in relation to whether they can authenticate the material that is backing up their questions. I can confirm, Mr Welch, that my advice is that the onboard trackers on some trucks have been affected. However, all trucks are equipped with a 5G-compatible mobile phone, which enables vehicle tracking, and FRV is exploring options for a permanent solution in relation to that. But the 5G tracking –

*Members interjecting.*

**Jaclyn SYMES**: Your accusation that tracking is unavailable is not true.

#### Victoria Police

**Jeff BOURMAN** (Eastern Victoria) (12:27): (746) My question is for the minister representing the Minister for Police in the other place. Victoria Police is easily, in my opinion, the best police force in Australia. The daily danger they face in the execution of their duties should attract decent recompense, but that is clearly not the case at the moment. New South Wales Police have just received a large pay rise, right when Victoria Police are fighting basically for less. It has not been since 1999 that we have had this level of industrial unrest within Victoria Police. My question is: will the minister step in and end the industrial unrest by giving the police members a decent pay rise?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:28): I thank Mr Bourman for his question and his interest in this issue. I also want to express my deep support for Victoria Police, a hardworking and a crucial part of our justice system. I am sure the Minister for Police will be happy to respond. I will refer this matter to him, and I am sure he will be happy to respond in line with the standing orders.

#### Ministers statements: Victorian Early Years Awards

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:28): I rise to update the house on the 19th Victorian Early Years Awards, recognising the outstanding people and programs that support and nurture our youngest Victorians. The Victorian

Early Years Awards celebrate the outstanding work of the early years sector at improving the health, wellbeing, learning and development of children from birth to eight years and their families.

Last week I was delighted to attend the awards. It was a wonderful opportunity to hear directly about the amazing achievements of the 17 finalists and to personally congratulate the 10 winners, acknowledging their creativity, talent and professionalism in supporting Victorian children and their families. It was also wonderful to see some of the most dedicated early childhood professionals working in the sector be formally recognised. This included recognising the dedication and professionalism of Jacinta Anderson, who was the recipient of the Minister's Award. Jacinta is an early childhood teacher at Moe Heights Preschool, who demonstrated her passion and commitment to supporting the growth and development of children living in a vulnerable community. In her role Jacinta has implemented many innovative projects to give the children access to experiences they may not otherwise have had. It was inspiring to hear directly from Jacinta and to hear her speak about the passion she has for her role supporting the children who attend her preschool.

Pauline Dent from Rosedale Uniting Early Learning was named Early Childhood Teacher of the Year and Margot Serena from Craig Family Centre was named Educator of the Year. Both are fantastic examples of the difference that quality teachers and educators can make to the children they work with. Mildura Rural City Council was another winner, recognised for their innovative enrol to kinder day, helping families overcome barriers to kindergarten enrolment. More than 120 families attended the community event, where parents received help completing enrolment forms, obtaining paperwork such as birth certificates and receiving immunisations. As Minister for Children I was very pleased to see our government recognising the achievements of the early childhood workforce and sector and acknowledging the vital role that they play in our communities.

### Water policy

**David DAVIS** (Southern Metropolitan) (12:30): (747) My question is to the Minister for Water. Minister, Labor has been in power since 2014 – 10 long years. In that time Labor has torn \$2.28 billion in capital repatriations, efficiency savings and dividends from metropolitan water authorities. I ask: do you seriously stand by your claim that water rates have not been impacted, despite \$2.28 billion being robbed in water taxes from households?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:31): Thanks, Mr Davis. Here we are again. One of the things that I am going to put on the record, as I do every time you ask me this question, is my strident objection, based in fact, to the fearmongering that you are perpetuating about water bills rather than seeing this for what it is. These are normal financial operations by responsible business entities. The fact is that all Victorian water corporations are financially stable, Mr Davis, and water bills in Victoria are some of the lowest in the country. I will say this again for emphasis: Melbourne's water bills are lower than any other capital city's. Mr Davis, when you talk, as you did in the preamble to your question, about the government's actions, I had cause – and I will take you back around 10 years ago. You have talked about 10 years. In regard to when the coalition was last in government in Victoria, let us have a look at what dividends you took from water corporations between 2010–11 and 2013–14. For everyone listening on board, at home, anywhere else in this precinct, between that period, 2010–11 to 2013–14, the coalition took \$634.1 million. When we talk about regulation, Mr Davis, it is an uncomfortable truth for you that you were part of a government that did exactly what you are saying is now intolerable. So that is a curious cognitive dissonance that we appear to have discovered at this stage of the Parliament.

When we talk about the work of the Essential Services Commission and the way in which it sets prices and engages with water corporations on their functions over the independent process that it undertakes, Mr Davis, it also occurred to me after you had made the assertions that you had about the independent Essential Services Commission that you had made some comments about the independent Essential Services Commission – you had referred to them as 'goons'. You had said that they are goons and 'patsies of the Labor Party', and you had referred to them as not having acted with sufficient

independence and rigour on this matter and said that you were not mincing words. Again, you are not one to mince your words, Mr Davis, notwithstanding that you are frequently so wrong on things that you do speak about. We do set fairer water prices. That is evident by the fact that they are the lowest of any capital city in Australia, and we intend to keep them that way.

**Evan Mulholland:** On a point of order, President, question time is not an opportunity to attack the opposition, and that is well established.

**The PRESIDENT:** I do uphold that point of order. The minister can make comparisons with previous governments, but question time is not a time to attack the opposition.

**Harriet SHING:** Mr Davis or Mr Mulholland, if you feel that that was an attack, then perhaps it might be a reference for Mr Davis to stop with the self-flagellation about how wrong he has gotten it in the course of this debate.

**David DAVIS (Southern Metropolitan) (12:35):** On a supplementary, the chamber will understand that Victorians are doing it tough. We have a cost-of-living crisis, and here is a ready way for the government to assist Victorians rather than tax them to the hilt. I therefore ask: Minister, do you seriously argue that no capital works by water authorities have been cancelled or delayed through the government's \$2.28 billion raid on metropolitan water corporation budgets over 10 years?

**Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:35):** Thanks, Mr Davis. To go back to the substantive answer that I have given you on a number of occasions about the Essential Services Commission and its work, I am just wondering when the announcement will be made from the coalition that you are going to abolish the independent body that does set these prices. By owning water corporations we can actually be confident that they are running efficiently and also providing those affordable services. Again, \$634.1 million over four years, Mr Davis – you might want to actually approach that over a period of four versus 10 years and see that you were big fans, when you were in government, of doing this. And quite rightly, Mr Davis, because this is about not risking service delivery; it is about being able to ensure that water corporations can invest in infrastructure that meets our environmental and regulatory compliance obligations. In the period of 2023–24 the ESC approved around \$8 billion in capital expenditure across the 16 water corps to 2028 – extensive investment, as I hope you will agree.

#### State forest access

**Rikkie-Lee TYRRELL (Northern Victoria) (12:36): (748)** My question today is for the Minister for Environment. In September both the Premier and the minister said they would not lock the community out of public parks and forests. Just this week I have been notified of numerous large boulders and felled trees being placed across tracks leading in and out of state and national parks, restricting public access. I have also had reports of locked gates keeping people out of parts of public land. Can the minister explain why these measures have been put in place to restrict public access?

**Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:37):** I thank the member for her question. The question will be referred to the Minister for Environment.

**Rikkie-Lee TYRRELL (Northern Victoria) (12:37):** I thank the minister for her answer. Coming into what has been predicted to be a high-risk fire season, can the minister explain how emergency services vehicles are supposed access these now blocked areas if these barriers remain in place?

**Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:38):** I thank the member for the question. I am not quite sure whether the supplementary should be for the Minister for Environment or another minister in relation to fire. But regardless, I will refer it to the Minister for Environment, and he can make that decision.

**Ministers statements: regional development**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:38): In 2016 this Labor government established the nine regional partnerships. We know that local communities are in the best position to understand the challenges and opportunities faced by their region, and it gave me great pleasure to announce the appointment of more than 40 new members to Victoria’s regional partnership team. The reappointment will be joined by a further 25. With eight new chairs, the appointments also reflect a renewed focus on economic development in regional Victoria. Their strong connections to local community, industry and business position regional partnerships to be a direct, place-based –

*Members interjecting.*

**The PRESIDENT:** Order! You are going to start from the start. Reset the clock. I will tell you, I did not want to do it, but yesterday I used standing order 13.3, which kicks people out. So I have got a taste for it now. It has gone to my head. You are going to start from the start, and you are going to be quiet.

**Gayle TIERNEY:** In 2016 the Labor government established the nine regional partnerships. We know that local communities are in the best position to understand the challenges and opportunities faced by their regions, and it gave me great pleasure to announce the appointment of more than 40 new members to Victoria’s regional partnerships and the reappointment of a further 25. With eight new chairs, the appointments also reflect a renewed focus on economic development in regional Victoria. Their strong connections to local community, industry and business position regional partnerships to be a direct, place-based voice to government, and they are ready to get going. It was an absolute pleasure to join the Premier with my regional Labor colleagues to welcome so many of our new and returning members to Parliament House this week. There was a genuine buzz in the room, with members making the trip from all over the state, from Mildura to Portland and Gippsland.

We also need to ensure young people have every opportunity to stay in our regions. The best way to do this is with high-quality training for in-demand jobs in their own communities. That is why for the very first time we have embedded TAFE CEOs into our regional partnerships. With TAFE at the table we are ensuring young people remain front and centre in conversations about economic growth in our regional communities. As the state’s lead agency for rural and regional economic development, we know that Regional Development Victoria has a critical role in building stronger communities by supporting business, investment and local job creation, and regional partnerships are very much key to this work.

**Written responses**

**The PRESIDENT** (12:41): Can I thank Minister Tierney, who will get the answers from the Minister for Environment for Mrs Tyrrell in line with the standing orders. Minister Erdogan, Mr Bourman’s question to the minister, please. And Minister Tierney, the Minister for Outdoor Recreation for Mr Bourman’s two questions.

*Constituency questions*

**Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (12:42): (1253) My question is to the Minister for Roads and Road Safety in the other place. Minister, how is the Labor government investing in Eastern Victoria’s road network? My constituents are passionate about roads and road safety, and the matter has been raised with me and my office. People use roads every day. Maintaining and upgrading roads ensures drivers and their passengers are safe and that businesses can transport their products. This is particularly important in regional communities, where people drive longer distances to get to work, see their families and go about their daily errands and recreation. Across Eastern Victoria there are thousands of kilometres of roads that people rely on every day, from the Mornington-Flinders Road

on the peninsula to the South Gippsland Highway and the Princes Highway, which runs through Bairnsdale and Orbost all the way to Mallacoota in the east. Maintaining high-quality roads is good for our economy, keeps people and produce moving, improves livability and keeps people safe.

### Northern Victoria Region

**Wendy LOVELL** (Northern Victoria) (12:43): (1254) My question is for the Minister for Carers and Volunteers, and the question is: will the minister support members of the Whittlesea Men's Shed by supporting their grant application to extend their shed and continue their fantastic work? Together with the Liberal candidate for McEwen Jason McClintock I recently had the pleasure of speaking with members of the Whittlesea Men's Shed, who told us about the incredible work that they are doing to provide a place where men can connect with each other, share a yarn, learn new skills, swap ideas and build useful things. Whittlesea Men's Shed have about 70 participants as well as a growing women's group and desperately need to expand their shed. They have applied to the men's shed funding program for a grant of \$45,000 to extend the shed to accommodate a larger machine workshop. They do terrific work, and both Jason and I fully support their very worthy application, which deserves the minister's close consideration.

### Western Metropolitan Region

**Moira DEEMING** (Western Metropolitan) (12:44): (1255) My constituency question is for the Minister for Planning. The minister has received a set of 94 questions by email as well as invitations to attend community forums from the Liveable Moonee Valley community, a wonderful group committed to helping facilitate better outcomes for residents. However, they are yet to receive any answers to these questions. So my question is: will the minister arrange for this community group to be briefed on all matters concerning them before the end of this year?

### Eastern Victoria Region

**Melina BATH** (Eastern Victoria) (12:44): (1256) My constituency question is for the Minister for Government Services. A 55-year CFA veteran, Ray Poletti, cannot receive phone calls at Fish Creek due to a lack of digital connectivity. Ray wrote to me:

As captain of Fish Creek and District fire brigade I find it very disconcerting that when people are trying to contact me about fire brigade business they can't. I have had people try all day to contact me about Fire brigade business and I don't get their messages until evening when the events are all over.

On Wednesday 6 November as part of a fed-state announcement Minister Williams stated:

The Allan Labor Government is delivering more than 1,200 mobile projects and 150 broadband projects across the state, ensuring Victorians can connect with loved ones, the community and essential services – especially during emergencies.

Minister, will you ensure that the Fish Creek network is part of these upgrades so that the very sensational Ray Poletti can actually receive emergency phone calls?

### Northern Victoria Region

**Georgie PURCELL** (Northern Victoria) (12:46): (1257) My question is for the Minister for Health. Abortion rights across the world are under attack. Despite decriminalising abortion in 2008, Victoria has not made much progress in terms of accessibility, and services have only become more expensive. Prices for private surgical abortion have doubled since I accessed abortion in my 20s. This is particularly true for regional areas, with my electorate of Northern Victoria being home to a number of abortion deserts where no services are being offered at all. My home in Kyneton is in one of the less remote parts of the electorate, yet a simple search on 1800 My Options with a willing to travel distance of 70 kilometres shows just two providers, with one only being a referral service. Can the minister advise me of the number of abortion providers in Northern Victoria and, importantly, how the government plans to address this reproductive health care crisis?



**Northern Victoria Region**

**Gaëlle BROAD** (Northern Victoria) (12:47): (1258) My constituency question is to the Minister for Health. Can the minister please explain why people in my electorate are waiting many months for an assessment for vital equipment under the statewide equipment program and then many more months for the actual equipment to arrive? My constituent is a lady in her 60s near Bendigo who has several serious health conditions and is virtually housebound. She needs to be able to leave the house for much-needed medical and dental treatment. She is keen to access a Go Chair electric wheelchair. Her current chair is falling to pieces and she cannot afford to pay for a new one. Eight months ago she contacted the SWEP and was advised that she would need to be assessed by an OT. An OT finally did an assessment last week and said a new chair could take anywhere between four and 12 months. My constituent needs to visit an eye specialist to gain documentation to say she can see well enough to operate the chair and she also needs to visit her GP to gain medical approval to use the chair. This is very sadly ironic; she is having enough trouble leaving the house now as it is. The situation is extremely frustrating and upsetting for my constituent, and I would appreciate the minister's response.

**North-Eastern Metropolitan Region**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:48): (1259) My constituency question is to the Minister for Education. I have seen your recent announcement that you are providing schools with multistorey relocatable classrooms, including Glen Waverley high school in my region. I think it is very telling that our public schools are so underfunded and so overcrowded that students are now being stacked in up to three-level demountable classrooms – hardly the Education State. Minister, when will you provide proper funding for schools in the North-East Metropolitan Region to build permanent, fit-for-purpose classrooms instead of scrambling and offering these temporary stack-'em-up blocks?

**Western Victoria Region**

**Joe McCracken** (Western Victoria) (12:48): (1260) My question is to the Minister for Housing, and it is on behalf of my constituent Keith Moore of Wendouree. Keith is 82 years old and has paid taxes his entire life. Keith has contacted the department of housing on several occasions seeking to get into a home. He has not received any help at all. He has been forced into the private rental market. He spends almost 75 per cent of his pension on rent. If he did not pay rent privately, he would be homeless. He regularly goes without essentials. He needs to stay close to Wendouree because his medical team support that as well. Keith wrote to the Premier and did not even get an acknowledgement. So, Minister, I ask you to help Keith. Help him find a home – help him find a public home. There are hundreds of people just like Keith; there are over 5000 on the Central Highlands waiting list. Something has to be seriously wrong in Victoria if even a pensioner cannot get a house and it is so hard for the average person to be on the list.

**Northern Victoria Region**

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:49): (1261) My question is for the Minister for Roads and Road Safety. For over 12 months now my constituents in Numurkah have been inconvenienced by traffic lights on the Katamatite-Nathalia Road. It is understood that there is a broken pipe under the road east of the Numurkah township. The road is now collapsing. On the closed side of the road the surface is crumbling and a fist-sized, knee-deep pothole has recently formed. On the open side of the road the constant traffic has caused the road to sink and crack. This road is a main thoroughfare from Katamatite to Numurkah, carrying agricultural machinery, trucks and passenger vehicles. My constituents are concerned that these works have been forgotten about and now it will be a much bigger problem to fix than it was 12 months ago. My constituents ask the minister: when will the Katamatite-Nathalia Road in Numurkah be fixed?

**Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (12:50): (1262) My constituency question is for the Minister for Local Government, and the matter I raise is concerning allegations of ballot fraud and

vote tampering in the most recent local government elections. As the minister will be aware, the Victorian Electoral Commission have announced they are investigating suspected postal vote tampering at two councils, Knox City Council and Whittlesea City Council, including in my electorate in the Whittlesea Lalor ward. Four years ago the people of Moreland, now Merri-bek City Council, saw their own elections come under the same suspicion as an endorsed Labor Party councillor tampered with votes and attempted to subvert democracy. Once again we run the risk of voters having democracy denied to them. Will the minister act to suspend the previously sacked councillor in Lalor ward in Whittlesea until the investigation is complete? If fraud is uncovered, what action will the minister take to ensure the integrity of the election? This is the same part of the world where the Labor Party signs up dead people to stack Labor branches, federal MP's electorate officers are taken to IBAC for robbing taxpayer funds – *(Time expired)*

### **North-Eastern Metropolitan Region**

**Nick McGOWAN** (North-Eastern Metropolitan) (12:52): (1263) I had the good fortune last night of attending the Bendigo Bank of Ringwood East and Croydon AGM. I was there with the chairman Stuart Greig, the other directors, staff and very many community groups. It was great to see so many community groups were present, because of course the AGM is also the occasion where the bank is able to provide both their sponsorship and grant programs. It is an integral part of the bank putting back into our community. I was able to use that opportunity to speak to a number of traders while I was there. A number of those traders are located at Ringwood East and along Railway Avenue. What they brought to my attention, which is something that I was aware of earlier but nonetheless was emphasised last night, was the closure of both lanes at the last moment. They were, in the order of hours, advised that both lanes, in a crucial period leading up to the Christmas period, have been closed. Minister Danny Pearson, why have you ignored repeatedly the concerns of the traders at Ringwood East, and why have you chosen this time of year, of all times, to close both lanes when they are crucial to the Christmas traffic and trade?

### **Eastern Victoria Region**

**Renee HEATH** (Eastern Victoria) (12:53): (1264) My question is for the Minister for Planning. Minister, why was the strategic extractive resource area draft for Lang Lang released during the council caretaker period, which prevented councils from acting, and why is the deadline for submissions so short when the Department of Transport and Planning has been planning this for three years? The 18 November deadline does not allow time for councils to lodge considered submissions given new councils have not yet completed their onboarding. Last night I was informed that Cardinia council previously raised concerns about applying the overlay to certain affected areas due to its rural conservation zones, zone status and close proximity to Western Port Bay and Ramsar wetlands but these concerns were ignored. Will you extend the deadline for submissions for a further month or two to allow council input, or are you just going to ignore them again?

### **Western Victoria Region**

**Sarah MANSFIELD** (Western Victoria) (12:54): (1265) My question is for the Minister for Public and Active Transport. The Warrnambool line upgrade will replace V/Line's N-class five-carriage trains with three-car VLocity sets. Even with the added fifth weekday return service to Melbourne, if you multiply seats per train by trains per day, that is a substantial loss of seats. Constituents are already experiencing significant overcrowding. A three-car VLocity set at 7:40 am last Thursday saw passengers in the aisles and sitting on the floor from Lara to Southern Cross. Recently my own staffer could not get a seat on a five-car set at 5 pm on a weekday from Southern Cross. Minister, why was there no planning to include platform extensions in the original project scope to allow for six-car VLocity sets to run, and will the government commit to fixing the issue of overcrowding on the Warrnambool line?

**South-Eastern Metropolitan Region**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (12:55): (1266) My question is to the Minister for Emergency Services, and I ask the minister: can you explain why the Skye CFA had their previously promised fit-for-purpose 2017 Scania medium pumper taken from them and replaced with a 2002 Isuzu pumper tanker, which is designed for a rural town that has approximately 20 to 35 calls a year, when Skye CFA are on track to respond to approximately 260 to 280 calls this year and are the closest fire station to some of the new housing estates in the south-east? With a major housing estate on Wedge Road, Skye, and further factories being built in Skye–Cranbourne West, Skye CFA needs a fit-for-purpose new pumper which is not 20-plus years old so this CFA is better equipped to keep our local communities safe.

**Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (12:56): (1267) My question is for the Minister for Planning and concerns the damning Weir Consulting report on the Victorian Building Authority. The investigation makes extraordinary reading. Choosing seven case studies, it identifies:

... the dreadful experience these complainants have had ... with the building industry, the VBA and the legal system. Each and every one of them has suffered and continues to suffer severe financial, emotional and physical distress. Every aspect of their lives has been negatively impacted. They have watched their savings or superannuation be replaced with debts they cannot bear.

Despite this comprehensive investigation into complete catastrophic regulatory failure, it concludes:

... delays may mean there is nothing more the VBA can or should do.

Minister, what are my constituents – one of the seven cases – supposed to make of this? Your promise of reform going forward means absolutely nothing to them. What will you do to assist those lives which have been destroyed? Where is the fairness and the justice for them?

**Sitting suspended 12:57 pm until 2:03 pm.**

**Bills****Transport Infrastructure and Planning Legislation Amendment Bill 2024***Second reading***Debate resumed.**

**David DAVIS** (Southern Metropolitan) (14:03): I am pleased to rise and make a contribution to the Transport Infrastructure and Planning Legislation Amendment Bill 2024. This is another state government step to take more power and more control and to not only pump itself up but to crush communities and to crush local councils and their involvement.

Sadly, the Suburban Rail Loop has all the signs of a project that will act as a brake on the state's development for decades to come, probably for a century to come. This is a huge project. The state government's so-called investment case – let us be clear here – is not actually a business case; it does not consider alternatives. A proper business case would look at if this could be done, if that could be done, the advantages of this, that and the following and the disadvantages. That is how you would normally operate in these sorts of processes. But the former Premier made it clear that it was not a business case. He said this publicly. He said, 'It's not a business case, it's an investment case. We're doing this; this is an investment. We're proceeding with it. We're not waiting for the business case, we're not waiting for Infrastructure Victoria, we're not waiting for Infrastructure Australia and we're not looking at other options. We've got a mandate, and we're going to do it. We've got an investment case coming.' That is what we saw.

That investment case for stage 1 begins at \$35 billion dollars. Prior to the 2018 election the then Premier and the then transport and infrastructure minister Jacinta Allan promised that the three stages,

the long loop right around the city, would cost \$50 billion. Now we know that even their first stage is \$35 billion. And let us be clear: it is not going to be \$35 billion, there are already significant signs of escalation. There is a schedule attached to that infrastructure case, a schedule of roads and other infrastructure that will be built. None of those are costed. So there you are, the state government started at \$50 billion, but now we know it is going to be much more than \$35 billion. The Parliamentary Budget Office has done very good work and said it will be \$125 billion in capital costs for the first two stages and more like another \$75 billion to run it over the extended period – so \$200 billion. I say that the state government has not been honest with the Victorian community about these full costs.

The state government has signed the contracts in recent days for some key tunnelling components, and it has done that before it presented the investment case to Infrastructure Australia. This is entirely the reverse of the normal process. Normally the checking authorities would actually see this and have input into this. They would have logically demanded a proper business case that looked at true alternatives and options, rather than the proposal that the state government has written its investment case on. The state government has in recent days signed this, signed up some of these contracts, trying to bind the state into the future for decades and decades to come. Nobody believes that the escalation in cost on this project has finished. We think the escalation will continue and continue massively. If you look at contemporary projects, as an example, the North East Link began as a project in the vicinity of \$5 billion. It is now \$26 billion and still climbing. This is a huge, huge impact on the state, and we know that there is more than \$40 billion in increased costs – cost overruns – due to the state government's incompetence and its inability to manage money and projects.

Victoria has no public works committee like we used to have prior to the 1980s. It was abolished by the Cain government. It was a committee that actually had real powers to examine and monitor projects and actually deliver strong outcomes. The state government ought to, in my view, reintroduce a public works committee that has real power to oversight projects, to look at business cases and to actually make useful and practical suggestions. It is important to realise the consequence of this huge and unwanted spending that the state government has embarked upon. The truth is that it is going to bind the state's financial position for decades and decades and decades into the future.

Some who are familiar with Victoria's history will remember reading of the days in the 1870s and the 1880s when there was a plethora of transport projects across the state – rail projects. These rail projects inevitably became more costly, and many of them proved unviable. There are all the signs that this project, the Cheltenham to Box Hill rail line, the Cheltenham to Box Hill tunnels, will be unviable too. It is clear from the investment case, when you look at the proper weightings of the investment aspects of this, that the cost-benefit analysis does not stack up.

The ratings agencies have been very clear about this project. They have been very clear that the project will potentially cripple the state's financial position into the future. This is a Labor government to its bootstraps in its management of money. It cannot manage money. It always has cost blowouts. It has always mismanaged projects. Every single project it touches –

**John Berger:** You have got no projects to manage.

**David DAVIS:** Well, we did in government. I managed Box Hill Hospital, a very important hospital for you. We brought that in under budget and on time. Box Hill Hospital –

**John Berger** interjected.

**David DAVIS:** You think it is a disaster, do you? We up-scoped it. We got two more floors, and we actually brought it in on time and under budget with more floors and a larger project than had been initially proposed by Labor. That is the truth of the matter. The same is true in hospitals like Bendigo, so you do not need to talk to me about these things. We actually did do these projects.

I want to come back to the impact on the state's future financial position. The ratings agencies Moody's and Standard & Poor's have been very clear that this is going to cripple the state's future borrowing

capacity and the enormous borrowing that is being undertaken here is a real financial risk for our state. So the independent arbiters who look at national jurisdictions, subnational jurisdictions, firms – they look at all of those – worldwide have singled Victoria out. They have pinged Victoria and said this state is at real risk here and if you proceed with this reckless process there is going to be a very serious consequence. You risk having a downgrade in your credit rating.

We already know with the massive surge in spending under this government and the surge in borrowing that our debt as a state is going to be larger than New South Wales, Queensland and Tasmania's combined by the end of the forward estimates period. That is where we are heading. We are heading for nearly \$190 billion, from the state government's own figures, and we know that that is going to leave us very much out of the action when it comes to being able to do other projects that are needed statewide, whether that is in the growth areas or in country Victoria or other projects in health and education. The state will deliver far less than it could have. We know that the debt repayments are likely to hit \$26 million a day again in the forward estimates period. That is where we are heading. We are in a position where the state is recklessly signing these contracts. We are facing huge sovereign risk for the state and real concern about our ability to meet our commitments into the future and in particular to provide the other infrastructure that is needed in this state.

We have already got the highest level of tax in Australia, and we have already got the highest levels of regulation in Australia. The Victorian Chamber of Commerce and Industry work is very instructive in regard to the levels regulation and the high levels of tax – the 55, 56 new and expanded taxes. Despite the promises of Andrews and Pallas repeatedly in 2014, 2018 and 2022 that they would not be putting on new and expanded taxes, these taxes are cutting in and making it very, very hard for businesses. This is about the future. The way that the state government has gone about this is absolutely reprehensible, through the taking of planning powers, and this has been done for one reason alone: the state government has no proper funding sources. They say in their own documents that a third should come from the state, a third from the Commonwealth and a third from value capture. But how is that value capture to be instituted? I would not trust this government that there is not going to be a direct levy on every household and every business in the vicinity of these stations. The state government has already begun its reckless push for ill-defined, unplanned, massive increases in density in a range of areas without local support and without local approval. If you look at places like the City of Whitehorse, there is not that local support and there is not that local approval for what is being proposed.

**A member:** Not in Niddrie.

**David DAVIS:** Not in Niddrie. It is not the Suburban Rail Loop directly there, but it is the same issue in the sense that state government is attempting to override local communities. It is attempting to strip back planning powers, it is attempting to crush local opposition and to roll over councils that have got, in many cases, very sensible suggestions. For example, when the bill went through this chamber in the first instance we saw what the state government was proposing. We tried to make sensible, thoughtful amendments to protect communities and ensure that councils were not in a position to be unable to put sensible proposals forward – sensible changes that look at the future.

The state government is being secretive on all of this, cutting out the involvement of local communities and cutting out the decisions of people who say, 'We're worried about our local school. We're worried about our local health services. We're worried about where the open space will be.' And I think they have got every reason to be worried. These are matters that the state government has not put forward proper, thoughtful, detailed proposals on. They have not done that. I cannot in the case of Burwood look at a decent, proper proposal as to what will be built and how it will be done, and I think we are going to end up with nasty, unpleasant developments that have not been thought through. There will not be the open space that is required. You are going to put these incredible density requirements in, and yet where is the open space? Where will the children play? Tree canopy is another key point.

All of these are important, legitimate questions about this Suburban Rail Loop, and yet all the government does is bring forward bills that give more and more and more power to Jacinta Allan and her ministers. They take power from local communities and they take power from local councils. They are putting in place a nasty, vicious and authoritarian approach to the building of infrastructure, and I say the community deserves more.

**Tom McINTOSH** (Eastern Victoria) (14:18): I am proud to stand and support the Transport Infrastructure and Planning Legislation Amendment Bill 2024. Wow, we have had quite a bit of commotion from the other side, which is what we expect from the Liberal Party – a whole lot of nothing. That was another classic example of that from Mr Davis.

It is this Labor government's experience in delivering transformative infrastructure projects that means we understand where we can streamline those processes to continue to get infrastructure to community, to work with local governments and work with communities to get that infrastructure delivered as quickly as possible. Anyone who recalls 2010 to 2014 – it does not matter who you talk to – when the Liberals were last in government recalls that nothing happened in the state, and the same goes for infrastructure. They cannot point to a project that they delivered. Under Nap Time and Dolittle nothing happened in this state for four years. In the 10 years that the Labor Party has been in government, we have gotten on and we have delivered. Whether it is in education, whether it is in health, whether it is in infrastructure – that being roads, rail, public transport – we have gotten on and delivered to connect our state and to underpin the economic productivity of our state, not just now but into the future. We see through data that when the Liberals were last in charge unemployment was something like double what we see under Labor. Regional unemployment – low; metro unemployment – low. People are in work. We know that if those opposite get in they are going to come in and they are going to cut, they are going to cut and they are going to cut. They do not care about future generations of Victorians and ensuring they have the infrastructure they need, they have the housing they need, they have the jobs – not just jobs, but jobs with good pay and fair conditions so that our families, our communities can have absolutely world-class quality of life.

It was interesting getting a lecture from Mr Davis over there about figures and finances given that before the last state election he could not even present his own party's costings. He was Shadow Treasurer. I do not know why he is Shadow Minister for Energy, Affordability and Security now, but anyway. As Shadow Treasurer he could not provide simple, high-level costings – 'Oh, I'll get back to you in a few moments. I'll get back to you in a couple of hours.'

Mr Davis has left the chamber. I am quite disappointed, so I might have to move to their lead. I think Mr Mulholland led the debate on this. Maybe it has already had a second go, but the classic *Edward Scissorhands*, if that got a second go, I reckon you could be a lead act for that, Mr Mulholland, because we know if you get in and you get your hands on the levers, you and the Liberal Party will cut, cut and cut, and Victorians will feel it. It is your economic policy to drive down wages. It is your economic policy not to invest in the infrastructure that all Victorians need. I am proud to be part of a government that has removed 84 level crossings. I am proud to be part of a government that has got on with the Metro Tunnel. The Sydney Liberals, they understand the value of a metro tunnel. They understand it. It is incredible. I will come back to the Metro Tunnel in a little bit and the benefits that it has not only to metropolitan Melburnians but those in the regions.

The West Gate Tunnel – the infrastructure and investment we are making is setting Victoria up for generations to come, investing in our future economic productivity, investing in the livability for future Victorians and all of us here today. It is a far cry – and I know sometimes I get a little bit of flack from those opposite for going back to the Kennett years – but I distinctly recall the railway lines being ripped out, train stations closing and the banks shutting their doors. The mood was one of depression. We look in the regions now and the mood is one of optimism. We just celebrated 20 years of a Labor government by reopening the Bairnsdale line. I was down there with Minister Williams recently. It was fantastic. Communities want infrastructure. Communities want governments that will invest in them, invest in their towns and invest in their communities and infrastructure so they can get on and

keep their local areas productive, connecting business, allowing people to get around and live their lives the best they can.

The Metro Tunnel is going to unlock capacity with the speed at which we move people around. We have made rail upgrades on every regional line in Victoria – coming into the city, being able to change stations. I cannot even keep track – is it 50 upgraded or brand new stations? These enable Victorians to connect into health centres, into centres of education and into various places around this city, connecting our great, great city not only for metropolitan Melburnians, who I think were the only ones that you lot thought about giving a discount on public transport fares at the last election, whereas we brought in the regional caps. We have got more regional Victorians on upgraded rail lines with new VLocity trains that were built right here in Victoria by Victorians, creating Victorian jobs, further boosting and stimulating our local economy and, with apprenticeships and traineeships, setting up the next generation of the skilled workforce in this state. Sorry to hark back to the 1990s, but that is something that you lot definitely did not believe in: ‘Sack them all. Get rid of the pipelines of trainees and apprentices.’ You got rid of them. That is exactly what happened. We have invested in our rail infrastructure, we have invested in our road infrastructure, we have supported a generation of workers getting trained in traineeships and apprenticeships, and we have made that an absolute point, whereas you lot could not care less. We have made sure that the construction of those trains, the maintenance out at Pakenham – Downer’s facility out there is the biggest in Australia, able to maintain and manage about 80 VLocity trains that will run on our new train systems.

I hope what I have been able to do in the short allotment of time I have had is to paint the stark difference between a government who will govern for all Victorians – metropolitan, regional, rural – provide the infrastructure that enables them to get on and live the best possible lives and set the economic position of this state to be one that is strong long into the future and those opposite, who are negative. The noalition want to talk down every single thing this government does. They never come to the table and support, whether we are talking about the West Gate Tunnel, whether we are talking about metro – it does not matter. Whatever infrastructure project it is, they will not do it, because your position is to do nothing – Nap Time and Dolittle, it continues on. Whether it was the Kennett era, when most of you were in student politics studying Reaganism and Thatcherism and how to disembowel society, that is fundamentally at your core.

We know that if you get the opportunity to have your hands on the levers of government, it will be dark, dark times for the Victorian people, because there are no values within the opposition that align with those of giving community and giving individuals and giving families a better quality of life. You do not have those values, and that is why you come to this place with no plan. That is why you go to Victorians with no plan. That is why Mr Davis, when he was Shadow Treasurer, stood up in front of the press pack days before an election and could not outline costings for your party, because it is not in your DNA to bring Victorians a plan. It is in your DNA to look around at your colleagues, if you call each other that, and see who you can knife, see who you can bring down, and take their position. That is why you have had leader after leader after leader, and that is why we have had Premier after Premier – regional premiers, I might add; four in a row from the regions of Victoria – who have led and invested in this state, invested in Victorians for Victorians. That is why I am so proud to support this bill. I look forward to hearing further contributions from my colleagues, and I am sure we will hear nothing but negativity and sniping from those opposite.

**David LIMBRICK** (South-Eastern Metropolitan) (14:29): I also would like to say a few words about the Transport Infrastructure and Planning Legislation Amendment Bill 2024. It seems that we have some grand claims from the government and some grand claims from the opposition as well, but I will try and focus on the bill.

Before I start I would like to just point out a few things that have happened since the last election. The Libertarian Party’s position before the last election was to oppose the Suburban Rail Loop (SRL), not because we do not like infrastructure – in fact I love infrastructure – but we were concerned that it did not stack up financially. The cost–benefit case – we were concerned that it did not stack up financially.

I still maintain that concern. I also share some of the concerns that were raised by Mr Davis. I am concerned about the state's credit rating. These are very serious issues.

However, we are in a situation now where advocating for simply knocking the project on the head would also be irresponsible because contracts have been signed, and as everyone in this state knows, we have a rather sordid history of cancelling things and then paying enormous sums of money for literally nothing, and we cannot simply advocate to do that either. So it looks like at least part of the SRL will go ahead, although I would urge the government to maybe do what it can to scale some of it back, to optimise it and to ensure that that it is as financially prudent as possible and maybe slow it down and tap the brakes on a few of these things, because as I have said previously, the government is sort of competing with itself for labour and resources in this state, and that does not seem like a smart thing to do either.

That brings us to the bill. One of the important things that this bill does is it talks a lot about compulsory acquisitions. Now, libertarians hate compulsory acquisitions – we do not like them at all. However, what this bill does is effectively allow the government a more granular option to acquire smaller parts or even just to gain access to something for the timeframe of building, so, for example, to have an easement on a property for a period of time and then have compensation to the property owner rather than acquire the property outright. Similarly, they can acquire parts of properties, and they could also acquire access underneath the property, none of which are possible now. To my mind, if we are looking at property rights, these infringements on property rights are less than total acquisition of the property.

Also, with regard to the financial impacts, I know that the government's only other option would be, if they cannot negotiate underneath the house or part of the house or access through the property – not necessarily houses; it could be anything – to just acquire the entire property. If they only needed it for access, then they would acquire the property and then sell it again after they no longer need the access, which seems like an extremely wasteful thing to do. So to my mind, having this more granular approach to what they are doing, despite the fact that I do not like the acquisition the first place, poses less of a property rights burden, and it is also cheaper for the Victorian taxpayer. So I think that is a good thing that it is doing that with regard to property rights.

With regard to some of the other parts about declaring the precincts and allowing staging of the projects, I think, as I just stated, that staging is a good thing, because it allows the flexibility to have a pause in between or potentially make smaller chunks of work that could be delivered and see if there are problems with it and maybe pull the plug on it or take a different approach or something if it is not working. I think that is a good thing. In fact in my background I worked a lot in project management. Some people will be familiar with agile methodology, and what that tries to do is have very, very small chunks of work and cycle them over very quickly so that if you are going to fail you fail very quickly and you know what went wrong and then you can try a different approach, rather than have some grand, huge project. Then what often happens is you find out when you get to the end that all these problems pop up and costs blow out and all these other things. I am not suggesting that the government use agile methodology for these construction projects, but certainly if they are managed properly – we will wait and see whether they actually end up that way or not; from what we have seen so far there have been a number of blowouts already, which is not good – I would encourage the government to use this idea of staging to keep things smaller, contracts smaller, so that if they have got a supplier, for instance, that is not performing, they can get rid of them and get another one. There are lots of options here that could be done that would make the project have less risk and potentially cost less money.

The Libertarian Party will not be opposing this bill. However, I would urge the government to scale back as much as possible on this spending so that we do not end up in the situation outlined by Mr Davis where we end up with a credit rating downgrade and find it far more expensive for the state to issue bonds.

**Trung LUU** (Western Metropolitan) (14:35): I rise to contribute to the Transport Infrastructure and Planning Legislation Amendment Bill 2024. The prospect of a local council no longer having the



power to protect your neighbourhood from high-rise developments that will fundamentally change the character of the community you live in for decades is real. The Allan Labor government intends to impose this reality on families in the west and throughout Victoria through this bill. As Liberals and Nationals, we cannot support the Transport Infrastructure and Planning Legislation Amendment Bill 2024.

In part 2, clause 36 of this bill seeks to dismantle local democracy by stripping councils along the Suburban Rail Loop corridor of planning powers. This centralisation of decision-making signifies a shift towards a command-and-control style of governance, exposing the government's approach to power – that is, a large, controlling state with minimal consideration of public accountability. This is a clear example of the Allan Labor government's approach to governance and authority, one that prioritises central control over the voices of locals and individual rights.

Not all Victorians want to be crammed into towering skyscrapers; what they want is freedom to choose the type of home that best suits their needs and lifestyles. As Liberals we firmly believe that it is for the market, not for the government and authority, to determine what type of housing people want and live in. It is not the role of the Allan Labor government to impose its vision of housing on people. Take Niddrie, for example, in my electorate. This bill has promised to erect multistorey buildings up to 20 storeys high, which will fundamentally alter the character of the community and the way of life of the people who call this area home. This is a form of development that we cannot support. This is a reactive development.

Responsible development involves building, upgrading and renewing suburbs to meet the needs of the growing population without losing the heritage and qualities that make those communities special. This could involve fostering townhouses and duplexes to create moderate density, offering more housing options without eroding the suburban atmosphere that areas like Niddrie provide families in the west. However, the Allan Labor government's approach to planning is far from responsible. As outlined, this bill focuses on aggressive densification through the creation of activity centres and priority precincts. The government asserts that the measures will lead to the construction of 300,000 homes by 2051. The imposition of such intense development in the areas raises significant questions. High-rise development is a part of the plan to transform suburban areas like Footscray, East Werribee and Sunshine into high-density urban centres, but it risks losing their unique characters.

The Allan Labor government is silencing local governments. Councils will no longer have the ability to reject reckless planning proposals along the Suburban Rail Loop corridor. However, they will still expect ratepayers to pay the same, if not higher, rates to fund and expand the public amenities that the developments will require.

The amendments to the Major Transport Projects Facilitation Act 2009 expand the definition of 'non-transport infrastructure'. This is quite alarming to me. Under this expansion the Premier and the minister will have the power to designate virtually any development, whether it is civic infrastructure, a public place or even residential and commercial buildings, as part of a precinct project. This allows the government to declare these projects without the need for traditional transport infrastructure, creating a vast, unchecked authority for the minister to bypass local councils and the entire planning process. This bill hands sweeping, undemocratic power to the government, leaving local communities voiceless and ratepayers without representation.

The proposed amendments to the Planning and Environment Act 1987 take a radical step away from responsible planning processes and practices. These changes allow development to proceed without traditional planning permits, provided they receive a 'permitted as of right' or have a permit that circumvents usual planning requirements. This grants the government almost unchecked discretion to approve high-rise residential and commercial developments in sensitive areas, areas that were never intended for such intensive growth. For communities that worry about overdevelopment, this bill will only emphasise those concerns as it pushes forward with forced densification, disregarding local needs and priorities.

Another deeply troubling provision in this bill relates to the compulsory acquisition of land and extinguishment of easements. New section 116 allows the government to extinguish easements through a notice of acquisition without even requiring the government to acquire the land. What does this really mean? What it means is that if this extinguishment of easement affects an individual's property, they could lose their property rights with no recourse for compensation. For hardworking Victorians, their homes represent their security, their roots, their future. However, this bill only serves to erode those values and rights. It puts their homes at risk without their consent. It takes away the local voice they have trusted to protect their interests. The essence of this bill is the government's attempt to deprive people of their property rights without providing sufficient protection. Property rights are a fundamental part of our society, and the bill's subjective approach to depriving landowners of their rights without compensation is a serious cause of concern.

I just want to refer to a quote regarding the critical role of property rights by former Prime Minister Paul Keating. He said:

There are no better measures real or symbolic of how well we are succeeding as a nation and as a society than the quality of our housing and the nature of our cities.

These words are just as relevant today as we examine the provisions of this bill. We must be cautious in allowing such an erosion of fundamental rights, as it not only threatens property ownership but also undermines the broader way of life for everyday Victorians.

This bill allows intrusive activities such as geotechnical surveys, ecological investigations and even drilling into private land, all without proper consultation with the landowner. Under clause 45, new section 201QO only requires seven days notice to carry out such work. Such overreach undermines the very essence of property ownership. When the government grants unchecked powers to agencies to enter and alter private property without consent, it directly threatens the sanctity of that which is most personal to Victorians: their home and their land, their castle. This bill risks eroding those protections, placing the interests of the state above the rights of individual citizens and setting a dangerous precedent for further encroachments on personal freedoms. It will strip away the rights of local communities and bypass their voice.

In closing, this bill represents a grave overreach of executive power, threatening property rights, disrupting communities and risking irreversible damage to the character of our suburbs. It forces through a poorly planned densification agenda and ignores the real-world impacts on Victorians. This bill lacks the clarity and safeguards needed to protect our communities and property owners. It prioritises political expedience over responsible planning. It strips away the rights of local communities, bypassing their voice. It disregards the input of local councils, property owners and ordinary citizens in favour of a top-down, heavy-handed approach that elevates a political agenda over the needs and concerns of the people.

**Moira DEEMING** (Western Metropolitan) (14:46): Victoria is in absolutely shocking debt; we all know this. It cannot be escaped that that is in no small part because the contracts we keep signing are based on poor business cases – business cases that this government received reports about from their own advisers that had big flaws in them. We have had ghost shifts, we have had blowouts, we have had delays and we have had cancellations. It is absolutely terrible, and we all want to avoid a downgrade in our credit rating. It is also due in no small part to the ridiculously bloated bureaucracy. I think this is a fantastic step towards saving money where we need to save money. It does not go as far as creating a department of government efficiency – that would be fantastic – but it is a good start in that direction. I think access over acquisition is a good principle and a good tool to have in your toolbox. It saves money and saves time and hassle for everyone involved.

I heard Thatcher and Reagan criticised over there. The implication was that when everyone on this side of the chamber was at uni that is who they were learning about. I was not, actually. I was with the people on that side of the chamber, and I do recall hearing about Mao and Stalin, I must be honest. I

would much rather have Thatcher and Reagan and Elon Musk and Vivek Ramaswamy, actually, for government efficiency. I am all for it. We have got debt, and it needs to be paid down.

I dislike the centralisation of powers as much as the next person on this side of the chamber, but all of the things that have been complained about today have already happened. We already lost our planning powers. We already lost our rights. That was back in 2021–22. If something is declared a project of state significance, basically the government can do whatever they like. This bill has nothing to do with planning, however. This bill is limited to delivery powers, the stage that comes after the project has already been through its planning approvals process, and none of that changes.

I was going to talk about the amendments, but I will not. I will just keep it short. Basically, I think we need to pay down this debt. I commend the government on this measure of efficiency in government departments, and I hope to see more of it.

**David ETTERS HANK** (Western Metropolitan) (14:48): I rise to make a brief contribution on the Transport Infrastructure and Planning Legislation Amendment Bill 2024. The bill seeks to amend the Planning and Environment Act 1987 to provide for the delivery of precinct projects utilising the project powers under the Major Transport Projects Facilitation Act 2009. I will say that the bill in its current form is somewhat perplexing, and some aspects seem intentionally vague. I will be seeking some clarity around certain provisions in the committee-of-the-whole stage.

Possibly the most perplexing aspect of this bill is why it is necessary at all. In Victoria's housing statement the government committed to:

... review and rewrite the *Planning and Environment Act 1987* to build a modern, fit-for-purpose planning system.

Surely the reforms we are seeing today would actually be included in the new act. So why then is the government seeking to amend the act now rather than wait a few more months until the review is completed? I do not imagine much is going to happen in the way of precinct development between now and early next year.

There also appears to be some ambiguity around the definition of 'precinct projects'. What sort of areas are likely to be declared precinct projects, for example? Major precinct developments are one thing, but could these powers not be used equally for small-scale precincts, and if so, how and where?

We have concerns about the very short notice periods needed to enter private land to carry out minor works. I would argue that a seven-day notice period is insufficient and would question the government's rationale for giving private property owners only seven days notice before someone can enter their property to start drilling holes and testing soil and so on for who knows how long. We are also concerned about the rights of review for property owners or occupiers being removed.

I want to be clear: we do not seek to block infrastructure development in this state, but we would like to see some better checks and balances around these reforms, and we are not convinced that there is sufficient justification for this expansion of powers and would like the minister to provide some concrete examples of how the powers could and will be used, as well as a better justification for the timelines that are proposed. However, perhaps some of these questions will be better addressed in the committee-of-the-whole stage, and I look forward to that occurring.

**Michael GALEA** (South-Eastern Metropolitan) (14:51): I rise to speak and to share a few words on the Transport Infrastructure and Planning Legislation Amendment Bill 2024. This is a bill which is about major projects in the legacy of a government that is delivering and has delivered countless major projects for the betterment of all Victorians. When you deliver major projects focused on helping people get to where they need to go for work, for recreation, for education, you help families, communities and businesses to thrive. This is a bill which represents the government's continued commitment to delivering the proper infrastructure and amenities in the right places all the way across the state of Victoria. The government is focused on ensuring that we deliver these infrastructure and

transport projects in Victoria across a broad housing strategy so that we can tackle the housing crisis, boost housing supply and also increase affordability. This is a bill which will help us to support these priorities, help to deliver the critical infrastructure that our state needs and facilitate further economic investment in Victoria. Investment in this sort of infrastructure means shorter travel times and improved safety. It means Victorians can get home sooner and safer. At the same time we are creating thousands of jobs for Victorian workers through the Big Build.

The bill in detail will propose various amendments to modernise the delivery powers under the Major Transport Projects Facilitation Act 2009 to ensure continued development and delivery of our state's primary transport and precinct projects. It will amend the Planning and Environment Act 1987 to reduce the time, costs and risks associated with developing state-led or state-facilitated precincts. This will be achieved by enabling the Premier to declare a precinct project of state or regional significance. Amendments will also provide the minister and public authority specified as being responsible for the development of a declared precinct project, with access to project delivery powers specified under the MTPF act. It will also amend that same act to expand the definition of 'non-transport infrastructure' to facilitate the delivery of major transport projects with associated precinct components. It will also expand the definition of 'transport project' in the act, enabling a declared project to include a program of works or separate projects. Other amendments are also proposed to the act's project delivery powers and related provisions to provide time savings, reduce costs and mitigate various other legal risks. Additionally, there are minor amendments to the Road Management Act 2004, the Transport Integration Act 2010 and the Suburban Rail Loop Act 2021 to support and ensure consistency with other amendments within this bill.

Precincts are a key part of this government's plan to meet future population demands and ensure that infrastructure is delivered where people live and work. The Allan Labor government is committed to supporting the development of priority projects to achieve our target of building 800,000 homes in Victoria for Victorians over the decade. It is important that they work on delivering these projects in a streamlined way, reducing the cost, the complexity and the time required. This will reduce the length of disruptions in local communities and ensure that the broader community can benefit from these projects sooner. We have already seen, under the existing provisions of the MTPF act, the benefits of delivery by the Allan Labor government of significant transport projects and the benefits that have flowed through them. The bill recognises the importance of delivering these priority precincts through the amendments to the Planning and Environment Act.

I think it is important, as we talk about what is one of the big, complex and important issues that we regularly discuss in this place – that is, transport – that we do so through the lens of what it actually means for everyday Victorians, especially those busy working Victorians, those aspirational Victorians, and how it helps them to get to their work more easily, to their social activities or to whatever else it might be of the very many economic, cultural and social opportunities that are opened up when you improve that accessibility to transport. You see it from the service level as well and from the record number of regional V/Line rail services that are now operating across the state each and every day. We have a regional rail network that is the envy of Australia, New Zealand and indeed many North American jurisdictions as well. We see as well, with regional fares being capped at the metropolitan rates, that for less than \$11 a day you can travel the length and breadth of the entire Victorian regional and metro rail networks. And we see that continuing investment delivering better patronage and better outcomes for people, which also means less cars on our regional roads, which is a very good thing.

We continue to see record amounts of economic growth in regional Victoria, spurred on and supported in part by initiatives such as this and the vast infrastructure initiatives that have gone into supporting and supplementing the V/Line network with the regional rail revival across all of the core lines of the network. This includes track duplications, signalling and speed upgrades, new bridges and the like and significant duplication in the Geelong area as well, with the new double track from South Geelong through to Waurn Ponds, again, opening up the freedom that comes through that flexibility and

frequency of services and increasing the value of those services to those local residents, to regional Victorians and indeed to all Victorians.

With the bigger projects that we have done, such as through the regional rail revival – when it comes to discussing transport infrastructure – that is the impact they can have. And in the case of the Barwon region down in Geelong – I am sure this will be of great interest to you, Acting President McArthur; I know we had some good discussions about buses in this place yesterday, and perhaps we can, in addition to our bus journey together, ride the new train service down on the wonderful newly duplicated track in southern Geelong as well – you see the benefits and frequency that is coming from that new timetable, which has been coming out in the second half of this year, and how that is opening up opportunities for people in that part of Victoria.

You see it as well across not just metro Melbourne but predominantly metro Melbourne with the impact of the government's level crossing removal program. We have now seen that more than 80 of the 110 total level crossings slated for removal have already been completed. When this now government, then opposition, first promised to remove 50 level crossings across metropolitan Melbourne over an eight-year period, we know those opposite ridiculed it. They said it was not feasible, it was not practical, it was not achievable; it was not going to happen. Well, not only did it happen but it actually happened far ahead of schedule, and from that we were actually able to broaden the scope of the project so we now do not have 50 level crossings that are being removed – we have 110. Indeed in my own region I have seen many great examples of that, whether it is my personal particular bugbear, Clyde Road in the suburb of Berwick, which was transformed as a result of that level crossing removal and will now be further transformed through another major transport infrastructure project, the Clyde Road upgrade, augmented by yet another project, which is the new O'Shea Road link, which is taking pressure off that road as well; or the many other level crossings in Narre Warren, in Hallam and on Thompsons Road in Merinda Park in the Cranbourne area, which had been a very significant bottleneck. With the terrific new sky rail we have seen bottlenecks removed, such as in Clayton, in Noble Park, all the way up the Frankston line and on those three core Metro train services which service my electorate, those being the Pakenham, the Cranbourne and the Frankston lines. By the end of this project we will see every one of those lines level crossing free. Every metro electric service that runs in the South-Eastern Metropolitan region, the vast region that I am privileged to look after, will have zero level crossings on that electric network, and that is a terrific thing to see with where we came from.

Just outside my electorate I recall that when I was attending university at Monash and living in Clayton the longest I waited for the boom gates when they were down at Clayton station was 17 minutes straight. Obviously, you had the traffic that was banked up, the pedestrians; you had a large amount of bus traffic as well. But you also had, with Monash Medical Centre just up the road, ambulances being held up in this traffic as well – potentially life-threatening delays. It is much the same situation in Berwick, and in Casey as well. We had the same issue with Casey Hospital being quite close to the Clyde Road level crossing, and as a result of that removal that access is now being improved as well.

**Evan Mulholland** interjected.

**Michael GALEA:** No, I am not. In the Clayton example we have much easier traffic flow through that junction now, supporting the excellent work that the healthcare staff at Monash Medical Centre and the various other health organisations affiliated with that site provide for Victorians, particularly south-easterners, every single day. Indeed the transport connectivity in that region is only set to further dramatically improve with the Suburban Rail Loop, and we are seeing works already well underway on site at Clayton, as we are indeed at other locations along the network. We are going to see that hub at Clayton station, where people will be able to come from all across the south-east on the Pakenham and the Cranbourne lines straight into Clayton. You will also be able to come in from the city and through the new Metro Tunnel, another big transport project also opening next year.

You will be able to come from the inner-western suburbs as well, change at Clayton, and it will be one stop to Monash University or three stops to Deakin University, along with the educational offerings and all the very many other employment options that you have in a precinct like Monash in particular, the largest education precinct in Australia, which is also, very significantly at the moment, a precinct that has no rail connection whatsoever. The inclusion of a station at Monash on their campus will serve not just Monash University itself but the synchrotron and the various medical and medicinal manufacturing sites that we have onsite, including one that was just opened earlier this year through the support of Minister for Medical Research Ben Carroll. We are seeing all these things coming to Clayton and Monash, but there is only so far it can grow and only so far it can grow without the backbone of a heavy rail connection. That is exactly what we are going to have with the new Suburban Rail Loop providing that easy access to Monash.

Whether you are coming from my electorate in the outer south-east, if you are coming on the Pakenham line, on the Frankston line, or indeed if you are coming from the eastern suburbs or central or western Melbourne through the Metro Tunnel, these transport projects are really providing supports for Victorians that are going to make accessibility and opportunity that much more attainable for all. That is a really critical thing, especially when you look at the fact that Melbourne is already one of the top three cities in the world for medical research. It is Boston, it is London/Oxford and it is Melbourne. We are already right up there. Unlocking the future potential of Monash in particular, at the heart of our south-eastern suburbs, is going to make a transformational difference and help us on that journey, just as much as the new Parkville station will when it opens next year in serving another really critical precinct of education, medicine and research just to the north of the city by providing that direct connection to the rail network and one-stop services, whether you are coming from the west, the north-west or indeed the terrific South-Eastern Metropolitan Region. This is what the impact of these projects is – it is unlocking these potentials. Medical research is a very important aspect of that. It is not the only aspect but is perhaps one of the best examples, because indeed as I say, we are one of the top three cities in the world for medical research, and these investments in the Metro Tunnel, in the Suburban Rail Loop and in all the various other smaller-scale projects happening right across metropolitan Melbourne and regional Victoria all feed into those agglomeration effects that will be able to be achieved from these already world-leading precincts, giving them every opportunity to step up and come to the next level.

For many, many reasons through the work of this government in transport infrastructure, be it in the south-east, be it in the west, be it in the north, be it in any part of regional Victoria or indeed inner-city Melbourne, we are making those investments in the roads, in the rail infrastructure and in the other supporting amenities and stations and other services to improve transport and accessibility for all Victorians. In order for that work to continue and for it to continue as effectively as possible, as I outlined for those various reasons in the first few minutes of my contribution today, this is a bill that should be absolutely supported. For those reasons I commend it to the house.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (15:06): I also rise to speak on the Transport Infrastructure and Planning Legislation Amendment Bill 2024, and I want to point out a number of things. This is a government that has been taking away people's voice. It has not been consulting with local people. It has not been talking to those who will be impacted. We heard a very impassioned speech earlier from Mr Welch. He talked about the impact it is going to have on his local area – beautiful suburbs and homes, lovely trees, parkland areas. People come to this country to have a better life. They come here with dreams and hopes, aspiring to have a home, maybe with a garden – something that they may not be able to have in the country that they came from. And we have some of the most beautiful suburbs.

Recently as part of a delegation from the Australasian Study of Parliament Group I went to Wellington, the city of my mother's birth. I had actually never been to Wellington before, and I was not there for very long. I could see the beauty of the natural surrounds, but let me tell you, what I noticed was that when it came to planning and when it came to changing the way the place looked based on

infrastructure and development in buildings, I feel that they have made a lot of poor decisions and choices that could have been done differently. Where there were old homes, in amongst them were ugly buildings that had been built. There were high-rises of medium density that had just sprung up in the middle of anywhere, taking away breathtaking views of the water. Lovely old homes had clearly been dismantled or had been put next to things that just simply did not suit the area.

I want to talk a little bit about some of the old cities of France, and it is relevant to this bill because in parts of Europe – and I picked France because I have a sister that spent a lot of time there – where they have the old historic buildings, they have allowed those old historic homes and shopfronts to remain and they have protected the heritage of them. They have put it around in such a way that it actually maintains the character and so that it is not infected by things like new buildings, and new cities are built around the old so that people can still go and enjoy what has been and see the history and celebrate the history. Let me tell you the reason I picked France. It is because we know that in amongst the history of France there was bloodshed, and yet people are prepared to keep these beautiful buildings that celebrate their history.

The bill concerns me first of all in the area of planning. We are taking away planning choices that are consultative. I look at this bill, and it worries me to see once again how much power we give to our ministers through these bills that come through this house. Just time and time again, more and more power, more and more say and less and less transparency are coming through this house and through the other place, where we are taking away people's ability to have a voice and to protect the things that they love about Australia. When it comes to things like the Suburban Rail Loop, what consultation took place? Even some of the think tanks turned around and said, 'There's just no way that we can actually look at this and seriously consider it as something that Victoria needs or that it can afford to spend money on.'

It is a diabolical situation when we have a state under this Labor government that is in significant debt. I mean, what are we paying – \$26 million a day in interest alone? What kind of government allows that to happen? And now we are going to have a bill like this which is going to allow transport and infrastructure to take place with, again, more power to a minister and also to allow the planning of homes to be brought into the whole structure of the minister's power. It is going to look at the Suburban Rail Loop, and it is going to look at housing. We know – I know – this is a pure gerrymandering exercise. If we are struggling to have democracy in this state already under this government with its draconian ways of going about things – like, for instance, the way it just recently named a reservoir in my electorate without even consulting the local people – and if we are going to allow more and more power to go to this government, we will have less and less choice, less and less democracy. What we are seeing with something like the Suburban Rail Loop is an entire situation where we have a gerrymandering exercise, literally putting up medium- to high-density buildings around an area to make sure that it captures a whole lot of electorates so that it will be a state that can never have a choice. We might as well be socialist, because we will just go completely under.

We literally need Victorians to start speaking up and going, 'This is ridiculous.' The Suburban Rail Loop is not just a waste of money, it is at a time when we cannot afford to spend the money. It is the most embarrassing situation to be in such a highly populated state, such a popular state for visitors, and not even have a train station at our airport. And yet we are going to put up a Suburban Rail Loop – are you kidding me? What kind of government is this? How diabolical is this state that it is prepared to put politics over policy? Everything this government does, make no mistake, is politics over policy. It does not matter what the people think. It does not matter what the people need. It does not matter what it is going to cost everybody. We are going to be paying for their mistakes for generations to come because of this draconian government. This government that locked down Victorians for an unprecedented amount of days, more than anybody else in the world, so that we have the high mental health issues that we have is still continuing to put stress on Victorians and on local people.

I also want to talk about the fact that we are looking at doing this, and yet I can say that in my region we have so many people that do not have access to appropriate public transport. Where is the station

in Clyde North? Where is the station in Cranbourne East? Still coming – still broken promises. We cannot even see any effort to make that possible. Talk, no action – no action where it counts, only where it counts in terms of gerrymandering to be able to take over the state so that Victorians have no choice. Make no mistake, this is not about building homes and having a Suburban Rail Loop that people asked for. This is about building a Suburban Rail Loop that nobody asked for, except maybe those who are stakeholders to make money off it. Nobody asked for it, and it is allowing people to put medium- to high-rise density in areas that are beautiful, historic areas with lovely suburban homes that are gracious places to live. People work hard to buy homes in those areas. It can take a very long time before they can move into some of those areas, and now we are going to take that away from them by putting monstrosities up, by putting things up that are going to take away from the beauty of the area, and on top of it we are going to make congestion impossible. It is not just about having a train station – do not think everyone is going to use the train station. We live in Australia; we are spread out everywhere. I can tell you as a person who lives in the south-east how much time I have to spend on the Monash Freeway; it is ridiculous. I can tell you that even with the roads being developed it is five, 10 years too late. We still have single lanes in Berwick on Clyde Road – what the heck – and we are going to spend our money on this?

Do you know that if we spend the money on the Suburban Rail Loop, we are not going to have the money for other things that we need in this state? Right now people are going without in order to pay for this debt and in order to pay for ludicrous decisions that get made by this state government because it simply has got completely out of touch with the Victorian people. It does not care about the Victorian people; that is the reality. If it did, it would not be making decisions that really only suit it politically and nobody else. We all pay for it. It is not good, it is not helpful. There might be a couple of uni students that go ‘Yay!’ but when they realise how much the cost of living has gone up in order to make this possible it is not ‘yay’; it is debt, debt, debt for decades and decades and generations to come. It is going to stitch everybody up in a situation where we cannot get out of it, and when they say, ‘Oh, cost of living, things that we couldn’t control,’ what a lot of rubbish. There are decisions being made in this house and in the other place. There are decisions being made that are impacting everyday Victorians on a regular basis, and this is just one of them. This is not okay.

As I said, we do not even have a train station in Cranbourne East. There has been a railway line in Cranbourne for however long, but we do not have a train station. That is the reality of it: we do not have one. We do not have a Clyde North station. And let me say that when it was closed a long, long, long time ago it was a rural area; it is now a suburban area with suburban growth, with new homes and new estates. In fact, if you look at how much the population has increased in the last 30 years in Cranbourne alone, it is phenomenal. We have no train station and people are gridlocked on roads simply trying to get to their kids. I have heard stories of people taking 30 minutes to get their kids to school or to the local McDonald’s or the local stores. Just to get them up the road and around the corner, it is taking them that long because they are gridlocked, because we do not have a station there. People have to drive to Cranbourne to get to the station or to Berwick to get to the station or to Narre Warren to get to the station, because Clyde North and Cranbourne East do not have stations.

**Michael Galea** interjected.

**Ann-Marie HERMANS:** Mr Galea, you are interrupting. This is your area, not just mine, and you should be advocating for your people, as I am right now, and the Suburban Rail Loop is not going to help them at all.

*Members interjecting.*

**The ACTING PRESIDENT (Jeff Bourman):** Order! Mrs Hermans to be heard in silence, please.

**Ann-Marie HERMANS:** Thank you, Acting President. I appreciate that. I want to go back to the purpose of the bill, and I think it explains how extraordinarily bad this is. The Transport Infrastructure and Planning Legislation Amendment Bill amends different acts to grant the ministers and authorities



delivering precincts and infrastructure programs greater power. Do we honestly need to give this government and its ministers greater power? Think about the decisions that they are making for everyday Victorians. We do not need to give them greater power. If anything, we need to have bills that are taking some of this power away and giving it back to the Victorian public so they can have a say about what is happening in their local areas. It is appalling to think that the lack of consultation that is going on is impacting everyday Victorians, but that is exactly what is happening under this Labor government. There is no consultation, or so little that it is ridiculous. It is laughable. What do they do? They go and have a little branch meeting and talk to their mates and say, 'This is what we are going to do.' They probably do not even consult the people, because let us face it: they are socialists. They want socialism. They want no choice. They just want a top-heavy situation where you have a little bit that has a whole lot of power and money and everybody else is poverty stricken and without a voice – that is socialism.

The Major Transport Projects Facilitation Act 2009 allows the Premier to nominate a transport infrastructure project as a declared project, but this is going to give the minister overseeing the project and the project authority in charge of its delivery substantial powers in relation to compulsory land acquisition – did you hear that? Compulsory land acquisition, commercial contracting, utilities and impacted roads interface and the extinguishment of existing easements, rights and caveats. That is right, the extinguishment of existing –

*Members interjecting.*

**Ann-Marie HERMANS:** On a point of order, Acting President, I cannot hear myself.

**The ACTING PRESIDENT (Jeff Bourman):** I uphold the point of order. It is getting very unruly in here. Mrs Hermans, with her last few seconds, will be heard in silence, please.

**Ann-Marie HERMANS:** I say to everyone that does not want their land to be taken by this government: you should be putting up a fuss because this government is out of control.

**Nick McGOWAN (North-Eastern Metropolitan) (15:22):** If it assists the Chair, I am only too happy to have any interjections whatsoever. In fact I am quite happy to discuss them at great length.

It is a pleasure to rise and speak in this particular debate, although it does strike me that there are some curiosities about what is now occurring in this place. I suppose the immediate curiosity is we are harking back somewhat to the previous housing statement in 2023, but that is not really true either, is it? It is not really true. This all goes back to, if you recall, the Labor Party some years ago – under I think it was Bracks, but I could stand corrected by the other side – which talked about a 20-minute city. Does anyone remember the 20-minute city? I do. That is what they talked about. Even at that time they talked about zones of 800 metres, so these are not new concepts. I suppose what is new about all this, this Orwellian, this sort of –

**Michael Galea** interjected.

**Nick McGOWAN:** Yes, it is a big word for this time of the afternoon, I know. This massive grab for additional power. It is something that in opposition the Labor Party of the day would often accuse maybe the Liberal Kennett government of. That is the sort of behaviour that is being exhibited today by the modern Labor Party, because we know the modern Labor Party hate workers. We know in particular they hate retail workers. It is a disgraceful position that they have, and I for one will not support them in their hatred of retail workers.

**Michael Galea:** On a point of order, President, on factuality and relevance, I ask Mr McGowan to come back to the bill that is at hand.

**The ACTING PRESIDENT (Jeff Bourman):** In fairness to Mr McGowan, there were a lot of interjections. I could not hear what he said, but I will ask Mr McGowan to stay relevant.

**Nick McGOWAN:** I will try to the extent that is possible for my small brain to remain as relevant as I can. But I was talking for a moment about workers in this state, because they are going to be the ones who have to build all these homes.

**Michael Galea** interjected.

**Nick McGOWAN:** I wish they were jobs for our workers. Unfortunately, they have left this state in droves. As we know, they have all gone to Queensland, they have all gone to New South Wales. I do not blame them for going to Queensland because that is a brand new horizon there – thank God for that. That is all we can say for them and their prosperity.

What is very interesting about this bill – and I think somebody has made a bit of a mistake on the other side. I do not quite know how this got past the relevant chief of staff, I do not quite know how it got past the cabinet table, but it did. It now gives to the Premier these powers, or some of these powers at least. What Premier in their right mind would use these powers? In politics, particularly on the Labor side, they have always had this differential. They have always allowed their planning minister to do all that sort of grubby work. That is what they like to do; they let the planning minister do the grubby work. In actual fact the planning act –

**Michael Galea** interjected.

**Nick McGOWAN:** Well, grubby work when it comes to the Labor Party. It is when they step into your neighbourhood –

**Michael Galea:** It is important work.

**Nick McGOWAN:** No, it is grubby work, because the Labor Party come into your neighbourhood, they make some sort of edict that this shall henceforth be a 20-lane highway, and gone are your rights of anything, got are your rights of appeal, gone is your right to public consultation – that is what they say. Then they say, ‘By the way, can you just sign this little document, and we’ll give you a nice little non-disclosure agreement here as well.’ So that will tie you up. It is like cuffing you, really. They will trample all over your rights to free speech, and this is their modus operandi. They are doing this everywhere. The North East Link Program is just another example where they have come in, ‘they’ being the Labor government of the day –

**A member** interjected.

**Nick McGOWAN:** Watsonia is a great example. Thank you for reminding me. Watsonia is a perfect example of where the government of the day came in, had the poor public over a barrel and said, ‘Unless you sign this document, we will not compensate you. We won’t give you shades for your windows. Even though there are lights with the power of the MCG blazing into your window giving you a nice little Donald Trump like suntan while you’re standing there at the same time, we still refuse to give you any curtains whatsoever unless you sign this non-disclosure agreement.’ I know the minister is shaking her head, and I share the minister’s disappointment at the government’s use of non-disclosure agreements; I know she would share that disappointment with me too, because the use of non-disclosure agreements is an abhorrent act. It happens time and again all too frequently, and the minister knows it. I would encourage the minister in her portfolio not to allow the use of any non-disclosure agreements whatsoever, because all they do is stymie the rights of the individual, and in many cases women, to be able to speak out.

**Harriet Shing** interjected.

**Nick McGOWAN:** I would happily have any non-disclosure agreements removed, but I can only speak for myself personally, Minister, as you know. Nonetheless, it is the pattern of this government to come in with their power grabs, apply their non-disclosure agreements and have their way with the local communities, having done no proper public consultation and having done no proper planning.

This brings me to a salient point. Time and again those elected representatives at local government level are being ignored. It is no coincidence that recently not only were there proposed changes to ResCode but there were also obviously these additional activity areas. They were brought about at precisely the time we had the local council elections and at precisely the time –

**Evan Mulholland:** Caretaker mode.

**Nick McGOWAN:** Thank you, Mr Mulholland – they went into caretaker mode. It was precisely the time they were unable to respond to the government's attack plan – let us call it that, because that is what it was, let us be honest. In almost every example the councils have done diligent work and diligent consultation with the local communities. They know where that growth should go. They know where they have done consultation and why there are some areas that are appropriate for development and other areas that are not appropriate for development. They also have seen forward, and I do not think the government has quite grasped this fact yet, or maybe they simply do not care; it is probably the latter. If overnight you are going to rewrite the whole population map of this state and say, 'We're all going to high-density. It's all going to be along the rail corridors' – and hard rail at that – then you actually need to provide the schools, you need to provide the maternity health care, you need to provide the hospitals and you need to provide all the other infrastructure, whether it be police stations, ambulance stations or fire stations. There is absolutely no evidence whatsoever that this government has bothered to do any of that at all.

In addition to not planning for that, they have not budgeted for it. None of these changes, none of these power grabs and none of these so-called plans for the future actually come with any monetary support whatsoever, and it will be the local councils, it will be local government, who are left to clean up the mess time and again. If the government is to have its way with these areas and have a position where we actually go from low to medium to even high density in a matter of years, what it will be seeking is a rapid turnover of that property. They will seek that rapid turnover for two reasons: one, so they can raise revenue from the exercise, because if this government have shown anything time and again, it is their propensity, their desire and their thirst for cash. They have a thirst for cash because of course they spend it like a drunken sailor. We know that.

**A member** interjected.

**Nick McGOWAN:** Well, semi-drunken – would you prefer that? A semi-drunken sailor – because they have such little regard for public money that no sooner do they see it come in the door than it is already out. In fact I do not think they see it come in the door anymore; it just bumps off the house altogether.

We have no finer example of that than the North East Link Program. That is a disastrous 10-kilometre stretch of freeway – although, it is not open. I think they have now just begun digging, but they may not have even begun digging. I am happy to see the evidence if they have. It started off in the vicinity of \$4 billion to \$6 billion. That is what they mused at, \$4 billion to \$6 billion. Having consulted widely with the local members, Mr Carbines in the other place, Ms Ward in the other place and Mr Brooks in the other place, of course, unfortunately, Ms Ward had her way. Instead of going through Eltham and where the powerline easement was for very many years and stretching over into Warrandyte and connecting properly into the Eastern Freeway, no, let us drag 70 per cent of that traffic in a direction it does not want to go. Let us take it back towards the city so that we will have it all sort of clustered up towards Bulleen. Let us bring them right back there where they do not want to go. What is more, it will not cost \$4 billion or \$6 billion anymore. No, no, at last count what was it, Mr Mulholland? Do you recall from memory?

**Evan Mulholland** interjected.

**Nick McGOWAN:** \$26.9 billion. The North East Link Program is actually making the Suburban Rail Loop look like it is half a bargain at this point – half a bargain, just half a bargain, Minister, not more than that. But at \$26.9 billion for 10 kilometres of tunnel – I mean, do the math. If this thing is

not lined with gold, we have been duded, ladies and gentlemen, we have absolutely been duded. It will actually have to stand as one of the most expensive pieces of ridiculous infrastructure in this state's history – ridiculous because it is in precisely the wrong location and ridiculous because that location was chosen for political reasons. It was called 'option C', and it was called that because no-one had the guts to do what was actually needed. At some point in our future we will have to have a further ring-road, as Mr Mulholland knows too well, that extends beyond the Western Ring Road to actually compensate for the \$26.9 billion – although by the time we finish, goodness knows, it is probably going to be in excess of \$30 billion.

This is the same government, do not forget, that not too long ago now – and member Lovell will recall this with some pain and agony. It will probably be triggering her now as I am speaking, but she will remember only too well when the previous government cancelled the contract to connect the Eastern Freeway – a billion dollars.

**Wendy Lovell** interjected.

**Nick McGOWAN:** Over a billion dollars. Let us say it is \$1 billion – let us say it is \$1 billion for argument's sake, right? We could have connected it for \$1 billion. It would have been the most cost-effective and would have stood tall as perhaps the best expenditure of public money in the history of Victoria had it gone ahead, because not only would it have done the job that it is supposed to do, it would have been done at such an economical rate by comparison to everything this Labor government has done since – everything. That was \$1 billion. For the North East Link Program we are talking about \$27 billion. It was \$1 billion to cancel it. They did not need to cancel it, though, as you know, and I know that. They did not need to cancel it. Of course they did not need to cancel it. But they did.

**Wendy Lovell:** They gave someone a billion dollars not to build a road.

**Nick McGOWAN:** We are in the habit in this state, as member Lovell knows, of not only cancelling contracts but of giving money to people and companies and corporations, which I am sure the Labor Party would love, because we know that they have no more love left for the workers of Victoria. But they clearly have a lot of love left for shareholders, because they are quite willing, time and again, to give money to shareholders for nothing – a billion dollars to the shareholders of those companies for absolutely zero, for them to walk away –

**Wendy Lovell** interjected.

**Nick McGOWAN:** To not build a road, that is very true. But then they spend of course hundreds of millions of dollars not to have a games – or put more specifically, hundreds of million dollars to gift the games to another country entirely. That is the record of this current Labor government.

I digress ever so slightly. My point previously was this: what government in their right mind would take the responsibility away from the Minister for Planning, who is supposed to do these kinds of things, and give it to the Premier? And then what Premier in his or her right mind would actually go, 'You know what, I'm going to now exercise this power and bring this political hit on myself.' Even the politics of it does not add up. What Premier would do that? There is a reason that time and again premiers, plural, of all parties have allowed the planning minister to do these sorts of jobs. There is a reason why the Planning and Environment Act 1987 is probably the most powerful act in the state of Victoria; it gives the Minister for Planning Orwellian power. It really does. We all know that. We have been around long enough. We are not silly enough to believe anything else. So why would this government now go and extend that and actually make that the remit of the Premier? Why would they do that, Minister? I do not know. I do not understand what the cabinet table discussion was that day. What little gem of an adviser or chief of staff thought, 'This will be good idea. Let's bring that problem into our office.' What were they thinking? Oh, my goodness, Premier. Premier, I think you have got to go back and say, 'Listen, you know what, I think I'll leave it with the planning minister.'

It is not like back in the days when poor old Mr Wynne inherited what Matthew Guy had done. All that Mr Wynne had to do was sit there and surf the board in. That is all he had to do. He did not have to do anything for years. He did not do a thing – he did not need to, because Matthew Guy, the former planning minister, had done all the work for him. He extended the growth boundaries; they had done all the hard yards. All Richard Wynne had to do was sit back, have a coffee, sip on his latte in inner-suburban Melbourne, wherever that was, and enjoy the sunshine.

**Evan Mulholland** interjected.

**Nick McGOWAN:** He did enjoy the sunshine. That is what he had to do. I do not know why the government has taken this path, because in all truth they did not need to. That is the bottom line. They did not need to. It is a massive grab for power. It is a bad political move because it was not necessary in the first place. They could do what they needed to do if they wanted to do it. They are insisting on doing this in just the same way they insisted on stripping workers of their rights under WorkCover. We have seen the consequences of that coming home to roost very quickly. Just a number of days ago in fact not only was Trades Hall speaking out, but a number of unions were saying how the decisions of this government have fallen not flat but have fallen flat on their face – that would be a better way of putting it.

What this Labor Party is showing is that it is actually abandoning its traditional supporters. It is abandoning the workers of this state. It is abandoning any commitment it might have had at any point in its history to consultation, to genuinely listening to the community or to consulting with the community before it acted. Because time and again they have shown a reluctance to actually listen to those who elected them. They are showing a reluctance to take on board what is being received from the community. They have certainly shown absolute contempt for local government and those who are elected as local councillors and who have done the hard yards when it comes to planning work. Worst of all perhaps, they have also showed contempt for actually planning the state in a way that is both orderly and in our best interests. I have not even begun to touch on the fact that even if they succeed in everything they seek to do, they are going to create towers of problems, towers of travesty, because in so many cases in my local community I see and am approached almost every week by people who cannot reconcile the difficulties they have within their body corporates –

**Michael Galea:** Outrageous that young people should be able to buy a home.

**Nick McGOWAN:** Say that again.

**Michael Galea:** Outrageous that young people should buy a home – is that what you're saying?

**Nick McGOWAN:** I am saying that I absolutely believe it is sad that the Labor Party of Victoria are abandoning the workers of this state and the retail workers of this state. It is a great regret of mine that they continue to do so.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (15:37): What a wideranging debate we have had today, and it has been an interesting flex of the ordinary rules as they apply to relevance, given that we have covered an enormous terrain ranging from France to Wellington and from the rules around what has happened for housing approvals through to what has been alleged to be a series of – and I will quote one of the opposition speakers – ‘land grabs’.

This gives me an opportunity in summing up, as it relates to this bill, to state what the bill actually does. The bill is intended to provide designated priority precincts with access to comprehensive delivery powers. These are delivery powers, not approval processes. When we talk about what this bill is intended to deliver – and I am looking forward to going into further detail about this in committee – I am hoping that the clarity that can be provided will assuage some of the concerns of those opposite about what the legislation put before this chamber as amended by this bill will do but also what it does not do, because we do need to distinguish between delivery and planning. We do

need to be able to unpack some of the concerns that have been raised by members in their contributions about acquisition of land and about the way in which that can occur already; the way in which it is proposed to occur under this bill; the settings and protections which will apply to the acquisition or use of land, including in relation to easements; and the way in which this is intended upon operation to provide a better measure of certainty and security but also efficiency in the delivery of projects under precinct areas as declared.

This is a bill which is about efficiency. It is a bill which is about addressing the challenges that we have under the Major Transport Projects Facilitation Act 2009 to enable us to deliver more of the iconic transport infrastructure projects and precinct projects cheaper and more efficiently without then having what might otherwise be an overreach through an abundance of caution by people seeking to use land and anticipating that a greater parcel of land may be used or may be needed despite it ultimately not being used. Priority precincts are about streamlining outcomes, reducing red tape and giving more certainty to the broader community, whether that is across local councils, whether that is with businesses or whether that is with communities. Again, this is about making sure that we can assist and facilitate many of the frameworks that already apply. This is about making sure that what we do already is able to operate in a consistent, in a cost-effective and in a transparent fashion.

There have been a number of amendments foreshadowed. I am looking forward to discussing those amendments and to answering any questions in the course of committee. But this is ultimately about developing the right infrastructure and amenities in the right places to support thriving and growing communities across the state and making sure that when and as we deliver those projects we can do so in a way that enables connection to vital transport infrastructure and amenities and makes sure that renewal areas can benefit from better land assembly and infrastructure coordination, increased integration with development and better value for the community.

That was quite the emphatic contribution there, Deputy President, and no doubt you are as enthusiastic about taking this into committee as I am. On that basis I do look forward to discussing the bill and I do look forward to answering questions and allaying a number of the concerns, however unfounded, that have been raised in the course of contributions in the second-reading debate.

**Council divided on motion:**

*Ayes (23):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

*Noes (13):* Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1 (15:49)**

**Katherine COPSEY:** Minister, I will ask at clause 1: does this bill change existing approvals processes for precincts?

**Harriet SHING:** I want to be really clear about the way in which this bill is intended to operate. It is about providing designated priority precincts with access to the delivery powers available under the Major Transport Projects Facilitation Act 2009 (MTPFA). It is really important, as I said in my

summing-up, to contrast this – that is, the delivery powers – with approvals processes. Approvals processes remain intact for the purposes of the safeguards and the decisions that are required to be taken. The declaration of a precinct is a decision that is taken by the Premier along with work by, with and from the relevant project minister – that is, a line minister – so if it were, for example, a housing project or a precinct, that would then involve work with the relevant minister for those purposes and the relevant authority. This enables access to those delivery powers under the MTPFA. As I said, they already exist. They do not provide any new precedents, but they enable existing powers to be used more efficiently and effectively. While the declaration of a priority precinct occurs under the Planning and Environment Act 1987, this does not impact existing planning approvals processes. The purpose is merely to declare a priority precinct as an approved project, which enables access to those delivery powers.

**Katherine COPSEY:** Minister, was this bill developed to facilitate the activity centres that have been recently announced by the government?

**Harriet SHING:** No. The bill was developed for the development of priority precincts.

**Evan MULHOLLAND:** Minister, just for your convenience and the chamber's convenience, I am going to ask all my questions on clause 1. Clause 22 makes changes to activities that are typically managed under the Land Acquisition and Compensation Act 1986. The clause appears to provide government or those authorised to occupy and carry out works on private land in declared precincts by giving 30 days notice. Why is the notice period so low?

**Harriet SHING:** Clause 22 of the bill provides for a power that enables entry onto and the carrying out of works on land for projects that are declared under the Major Transport Projects Facilitation Act and that are intended to be acquired. The proposed provisions contain a requirement for a project authority to notify the occupier or owner of the land 30 days before exercising the powers. That 30-day notice period is actually longer than what is available under other similar provisions that allow for temporary occupation already within the MTPF act. For example, the existing temporary occupation power under section 165D only requires seven days notice, so this timeframe, being 30 days, strikes an appropriate balance in providing those protections to affected persons, such as land owners and occupiers, and the need to deliver those complex major transport projects. Additionally, the proposed powers in clause 22 provide for numerous protections for affected land owners and occupiers, including those as they relate to rent for occupation of land and pecuniary loss or expense resulting from the occupation, along with compensation and obligations around the use of land as outlined for the other matters.

**Evan MULHOLLAND:** In clause 45 new section 201QO, for your convenience, provides for seven days notice to enter private and council land to undertake, among other things, soil boring, geotechnical and site survey work, ecological, archaeological and utilities surveys and contamination investigations. Seven days seems to be very, very short indeed for the notice period. People might be away on holiday, businesses might be off. It is an extremely small amount of time. Why is that? Why is it such a short amount of time? Seven days seems a short amount of time for anyone to just be able to come onto your property.

**Harriet SHING:** This is actually about the distinction between those invasive works on the one hand, which is where the longer period comes in, and the less invasive work such as surveying, to be conducted on a property –

**Evan Mulholland** interjected.

**Harriet SHING:** Well, 30 days, as I said, is longer than many of the other provisions in the Major Transport Projects Facilitation Act already. It is significantly longer. This is where, again, the scale of duration, being seven days, relates to those much less invasive works. If, for example, you have got a surveyor on the property, it would be that sort of work under the geotechnical assessments that you have just referred to in your question.

**Evan MULHOLLAND:** The bill also inserts a new section 116A into the Major Transport Projects Facilitation Act, which allows a project authority to extinguish easements using a notice of acquisition but does not require the government to acquire the land. What compensatory regime will the government employ for those that have had any rights extinguished?

**Harriet SHING:** Compensation is set and determined by the valuer-general, and that is in accordance with an established formula. Then there can also be discussion between the parties. If there is disagreement, there is the capacity for that matter to be the subject of proceedings.

**Evan MULHOLLAND:** Proposed new section 201QB in the Planning and Environment Act states that in the context of a precinct project:

... a development or proposed development ... is not prohibited by or under an applicable planning scheme if—

it is permitted as of right; or

it may be undertaken without a planning permit (whether or not the planning scheme requires other approvals or consents to be obtained before it may be undertaken); or

it may be undertaken with a planning permit (whether or not a planning permit may be granted or refused).

What counterbalancing measures are included within the broader planning framework to balance out the rights of communities to have a voice?

**Harriet SHING:** This is actually about planning processes being able to be exercised by the Minister for Planning but also by affected parties. There are still capacity options for people who are not satisfied with decisions that have been taken by the planning minister, and in some instances under this bill, and I am sure we will get to them, there are opportunities for VCAT to be involved. But in any event, the Supreme Court has the opportunity to hear and determine questions of law.

**Evan MULHOLLAND:** Proposed new section 201QD of the Planning and Environment Act 1987 does not seem to mandate the notification of landowners, land occupiers, councils, road authorities and infrastructure managers prior to the declaration of a precinct project. Will communities only learn about declarations after they have been made?

**Harriet SHING:** Community engagement is actually a really significant part of decision-making that is embedded into a number of different places in the course of any kind of development. So when we talk about the systems that will develop precincts and develop projects, like anything else there are planning approvals processes, environment effects statement (EES) requirements, planning scheme amendments and planning permits. They are all about engaging with communities and providing those opportunities for community voice, to coin a phrase used by one member of your benches in the course of contributions, to be heard as part of that work in making decisions.

**Evan MULHOLLAND:** So just confirming that there is no requirement to notify affected landowners, authorities or managers prior to the declaration of a precinct project.

**Harriet SHING:** The declaration occurs alongside all of the other work which is actually about notification. It does not necessarily arise in the context of the declaration itself, but all of those other steps are inherent in the work around development of the sorts of subject matter that these precincts involve.

**Evan MULHOLLAND:** I just want to clarify for *Hansard*: could it be that under this legislation and in the application of this legislation a declaration of a precinct project is made without consulting those relevant stakeholders I just mentioned?

**Harriet SHING:** The declaration, as the bill makes clear, is made by the Premier alongside the relevant project minister and authority, but again, this is about making sure that all of the other processes, including all of the other processes I just outlined that involve that community engagement,



continue without being disrupted. So that is where the community engagement and consultation comes in. Every part of the development of a precinct that relates to the sorts of subject matter covered by an EES, planning scheme amendments and planning permits is actually part and parcel of community engagement in and of itself.

**Evan MULHOLLAND:** I guess the point is there is actually no formal way of appealing or consulting after the declaration is made. You are saying that there will be some consultation, but that obviously cannot change the declaration at all. So is that a confirmation that there is no mandated engagement process prior to the declaration?

**Harriet SHING:** The Premier has the capacity to make that declaration alongside the relevant project minister and the relevant authority, and it is from that process that the relevant planning processes and what that means for approval processes will enable that community consultation to occur, as is already the case.

**Evan MULHOLLAND:** I just have one more. New section 201QB(2) also states that the Premier must not make a precinct project declaration unless the Premier:

has assessed the development or proposed development, or works program or proposed works program, as a development or program that is of economic, social or environmental significance to –

the State; or

a region of the State.

Can you advise how exactly that is defined?

**Harriet SHING:** You mean how a region is defined, or how its social –

**Evan MULHOLLAND:** Yes, just to explain that section with particular reference to ‘the state or a region of the state’. I just want a definition or an explanation on that section in application.

**Harriet SHING:** It is probably easiest, Mr Mulholland, if I give you practical examples. Arden is one of those examples. When we think about Arden being a key area for housing delivery, that requires the provision of, for example, suitable drainage, and we know that when it comes to easements, we are talking about drainage, sewerage and carriageways, for example. The current delivery tools are not actually fit for purpose, and access to the Major Transport Projects Facilitation Act will reduce that complexity. Other areas include Fishermans Bend and Sunshine, again by reference to what may be an intersecting number of those social, economic or environmental projects of significance.

**David ETTERS HANK:** Minister, one of the purposes of the bill is to amend the Planning and Environment Act to provide for the delivery of precinct projects utilising the project powers under the Major Transport Projects Facilitation Act 2009, and I have a few questions about that particular purpose. Firstly, the government made clear in its housing statement that there will soon be an entirely new planning and environment principal act. Part 3 of the bill that we are considering today pre-empts the new principal act. Can I ask: why is it necessary that the Planning and Environment Act 1987 be amended now, rather than waiting a couple of months for the new principal act?

**Harriet SHING:** The review of the Planning and Environment Act is, as you know, one which is necessarily of a very, very broad remit. The act itself contains a number of frameworks. It is 30 years old, so it is no longer fit for purpose, and one of the things that we know we need to do is review that entire framework for the purpose of a more contemporary application of systems to the way in which those matters are addressed. The delivery powers that are covered in this bill do not actually themselves appear in the Planning and Environment Act. The amendments to the Planning and Environment Act as part of this bill are to unify the parts of that act that make reference to the Major Transport Projects Facilitation Act.

**David ETTERS HANK:** Should we assume then that the government is not intending to replicate part 3 of the bill in the new planning and environment act when it surfaces?

**Harriet SHING:** As I said, those delivery powers covered in the bill do not appear in the Planning and Environment Act, but it will be re-enacted as part of the new act. That is the intention, as has been stated.

**David ETTERS HANK:** If it is going to be in the new planning act, can I go back to my original question, which is: why are we doing this now rather than waiting a couple of months when the new act will be before the Parliament?

**Harriet SHING:** Because this is to enable the more efficient delivery of projects that are the subject of a precinct declaration. That is about delivery rather than the planning processes that sit within planning approvals within those planning amendments and, for example, environment effects studies.

**David ETTERS HANK:** Before we get into this more in discussion around clause 45, the declaration of precinct projects appears to be unable to be reviewed on application to the tribunal or the courts or even by way of a disallowable instrument in either house of the Parliament. Why has the government chosen to remove all of those checks and balances?

**Harriet SHING:** This is not about removing checks and balances in the context of distinct precincts. The distinct precincts, as the subject of declarations, enable those delivery processes to become more efficient, and they streamline the way in which that can occur. They reduce a number of the inefficiencies and the excesses and the uncertainties for people involved in the development and delivery of precincts. The counterbalance to that remains the existing planning processes that are not displaced by this bill.

**David ETTERS HANK:** If we accept then that there is an absence of those checks and balances, which I think we can do –

**Harriet Shing** interjected.

**David ETTERS HANK:** Okay, I will go back to that. Let us go back to the last question then. Has the government effectively precluded any of those checks and balances being available in the Transport Infrastructure and Planning Legislation Amendment Bill?

**Harriet SHING:** Those checks and balances, as they relate to planning processes, are not displaced by the delivery processes in this bill. I think we might be going around in circles.

**David ETTERS HANK:** I think we are going around in circles, but thank you, Minister. It is an enjoyable circle. Given the absence of these checks and balances, howsoever constructed, I think the Parliament should know the government's intention about what sorts of projects will be declared as precinct projects. Can the minister give a full picture about what sorts of areas are likely to be declared as precinct projects?

**Harriet SHING:** Mr Ettershank, I do appreciate the exchanges that we are having here in the course of trying to alleviate concerns, including those that have been raised by the opposition in the second-reading debate. I just want to be really, really clear that while the declaration of a priority precinct occurs under the Planning and Environment Act, it does not impact upon existing planning approval processes. The purpose is merely to declare a priority precinct as an approved project, which enables access to those Major Transport Projects Facilitation Act delivery powers. One of the areas, for example, is Fishermans Bend. That is a major urban renewal area. It is right on the doorstep of our CBD. The existing delivery powers available for priority precincts are currently disaggregated, and I am sure we will get to the other parts of the bill that seek to harmonise these in a way which is resulting in more efficiency, but they may in their current form create a measure of administrative complexity that to our mind is avoidable and preventable complexity. So under the proposed amendments to the Fishermans Bend precinct there will be able to be benefit from better land assembly and infrastructure coordination. For example, if there is access to the Major Transport Projects Facilitation Act delivery powers, we will see a reduction in complexity of administrative overhead of acquiring land. It will

create the power to temporarily occupy land and alter drainage, which could offset the need for some compulsory acquisition.

It is then also about making sure that we have a measure of certainty that the role of the state in delivering infrastructure is less vulnerable to ambiguity in areas where a declaration of precinct is in place – that is, that we have a range of measures in place to ensure that we are not, for example, leading to perverse incentives for developers to acquire more land than they think they might need because they are doing that pre-emptively rather than a process for access to, for example, an easement or parts of land for the purpose of building and development which is ultimately much smaller than that which might otherwise be acquired.

**David ETTERS HANK:** I want to come back to the Fishermans Bend example. That is the biggest development proposal in Australia, and I guess there are potentially a lot of much, much smaller projects that are much closer to people's homes, figuratively as well as literally. Perhaps I will just ask the question: is there any limit on how small a precinct project can be?

**Harriet SHING:** In having given you the Fishermans Bend example of that area, which is a centralised, condensed location for any number of different things – whether that is employment or housing or infrastructure – the area there has not been the subject of any declaration, just to be really, really clear. One of the things that is a fetter to the way in which the declaration can occur is that it has to fit within the landscape of being of economic, social or environmental significance to the state or the region of the state. So that is the essential criterion. What I am sure we will get to in the course of further discussion about this bill is also what it means to have assets or land added to the scope of the area that has been the subject of the declaration. For example, when we talk about adding a car park to a level crossing removal area, that is the sort of thing where we might have an additional part of the precinct to which that will apply, but that is only because it would otherwise not be of sufficient size to attract its own declaration.

If you have a bundling, for example, of a number of car parks at stations, with the expansion of level crossing removal and access to the public transport network which we have announced, then that is something which again does not make sense. It does not stack up. So there is a question of scale here, but when we talk about economic, social and environmental significance, that is something which invites a conclusion of the necessary scale that justifies it in the first place. But for that scale, the process of efficiency would not arise in the same way for smaller footprints, for smaller projects or for lesser scope.

**David ETTERS HANK:** I am not sure if that entirely answered it. Perhaps if we take your example of the car park, I think the government announced recently that the car park next to the Footscray station would make a nice future housing site. Would that fall within the scope to be deemed to be a precinct project even though Footscray station itself is obviously not a designated project?

**Harriet SHING:** I am not in a position to be able to provide you with specialist expert decisions on the sorts of hypothetical scenarios for approvals frameworks, but again, scale is one part of this, and the essential criterion is economic, social or environmental significance to the state or to a region of the state. That is the benchmark. The extent to which that might apply is going to be a matter which needs to be taken into consideration in the circumstances of each matter. But when we compare and contrast the sort of example that you have just suggested – that is, a proposal for a housing project next to Footscray station – with the example that you outlined earlier, Fishermans Bend, and you correctly referenced that that is one of the largest, if not the largest, proposed precinct developments in the nation, you can see that we have got very, very different ends of the spectrum there.

**David ETTERS HANK:** I am just trying to construct this as we go here. So if we have got that potential precinct project and we have got that criteria of significant social, environmental and suchlike impact, what is the provision open to citizens or any entity to dispute whether or not that is in fact a significant area, as you mentioned, Minister?

**Harriet SHING:** As in: what is the scope for inreach into the declaration? Is that what you are saying? Sorry, can you just flesh that out a bit for me?

**David ETTERS HANK:** If the Premier says, ‘Yes, okay, we’re going to make this a precinct project,’ and it fits that significant environmental, financial or economic et cetera criteria, what provision exists for a citizen or an organisation to dispute that it is in fact a significant area?

**Harriet SHING:** Mr Ettershank, this is a bill which provides purely for a delivery process under the Major Transport Projects Facilitation Act. All of the planning processes that apply for the purpose of development remain intact. That is the process whereby there is engagement and opportunity for contest in the event of dispute, including as that might arise under quasi-judicial tribunals like VCAT or indeed questions of law to be raised with the Supreme Court. There are also processes as they relate to compensation or to rent in relation to acquisitions as set by the valuer-general, which may also be the subject of negotiation.

**David ETTERS HANK:** Did the government consider the potential risk in not more clearly defining what can be declared a precinct project? For example, should a future government of any partisan character wish to use the unreviewable, undisallowable powers to declare an area to be a precinct project, what is stopping them from doing that?

**Harriet SHING:** I would suggest that by reference to the nature of democracy we do have a political approach to the way in which governments formulate policy offerings and develop legislative processes. From there we have a legislative process such as the one that we are in at the moment. This is then about the primary objective around scope and the primary criterion being social, economic or environmental significance. That is the measure by which that determination can occur. Ultimately, the Premier – that is, the leader of the state – is accountable for that decision, and this is a bill that provides a measure of clarity that that ultimately sits with the Premier of the day and that that is work that is then undertaken by the relevant line minister, the portfolio minister. In the case of a housing development, for example, that would sit with the relevant minister responsible for that housing, and the Premier is ultimately responsible to the community for that decision as it relates to a declaration.

**David ETTERS HANK:** I guess I want to sort of pick this one a little bit as I still have a bit of a PTSD from three rounds of the east–west tunnel fight. There is a lot of complexity here, and the issues that we are canvassing could also be scrutinised again when the new planning and environment principal act emerges. Minister, can you provide an update on when that new principal act is likely to be published in draft and available for parties to consider it?

**Harriet SHING:** That particular act is currently under review. It sits within an entirely separate part of the department. I appreciate your reference. I think you said PTS as it relates to the east–west link. I think that you –

**David ETTERS HANK:** PTSD.

**Harriet SHING:** Well, it is not necessarily a disorder as it is classified under the *Diagnostic and Statistical Manual of Mental Disorders*, but we can go to that question another day. This is one of those areas, though, where again uncertainty in development and the vulnerabilities that communities have felt around the way in which development has occurred is actually one of the principles that the Major Transport Projects Facilitation Act is intending to address, and this is where this process for delivery and what that delivery approval looks like again sits alongside that planning approval process. But that act that you have referred to is under review, and it is under an entirely separate part of the department in question. Again I am sure that the department or officials can have a look at what they might be able to provide you by way of general information, but it is not actually within the scope or the contemplation of this bill here today.

**David ETTERS**HANK: I thank the minister, and I appreciate the more erudite version of no, which would be otherwise perfectly reasonable. I do have some further questions that I would like to pursue relating to clauses 22 and 45, but I might deal with them as we get to that point.

**Nick McGOWAN**: Just to pick up on my colleague's questions in respect to the precinct projects, why is it that these powers will now be shared with the Premier? Why not just simply leave most, if not all, of these powers in the new act with the planning minister as opposed to the Premier?

**Harriet SHING**: There will be a number of different areas where a precinct may fall as it relates to different ministers. The Premier is ultimately the one who sits at the centre of accountability to the community. It will not always be the planning minister, and therefore it is appropriate. And this has driven the drafting of the bill in its current form, that the Premier declares that project or precinct, as I have indicated to Mr Ettershank and also to Mr Mulholland in his questions, and then appoints a responsible minister. That responsible minister is a minister connected to the subject matter of that precinct declaration alongside an authority also equipped to be similarly across the detail.

**Nick McGOWAN**: I suppose perhaps I am naive, but that is always what the cabinet process has been about – bringing ministers together, getting their input and having the relevant minister, usually the planning minister, drive such projects. It seems like another level of complexity to be actually giving the steering wheel, as it were, to the Premier sometimes and on other occasions to the planning minister and in many respects then codifying the behaviour between the two, because this bill actually outlines instances where the planning minister must consult with the Premier. Notwithstanding that, when it speaks of the precinct projects in particular here – Mr Ettershank was also referring to the capacity for challenge to what is essentially a declaration via the Premier of developments of state or regional significance – is there a capacity for any Victorian to challenge legally these proposed declarations of both state and regional significance for projects?

**Harriet SHING**: Mr McGowan, I will take you up on perhaps a couple of your remarks at the outset of your question. When we talk about precincts, as I indicated earlier, they may well fall most appropriately to a number of different ministers in a number of different instances. For example, the planning minister may of course be part of the process whereby he or she is designated as the relevant minister for the purpose of that precinct and the declaration so that the Premier makes that decision and from that that relevant minister is appropriately charged with the remit for the work that is undertaken there within the scope of those existing planning approvals, frameworks and processes, such as environment effects studies, planning amendments, planning approvals, processes et cetera. It might also, for example, be the Minister for Education, where there is an education precinct. This was something which came up in a number of the contributions made by people in the course of the second-reading debate. But ultimately this is a system which replicates the process for major transport projects, which are declared by the Premier.

**Nick McGOWAN**: Perhaps I might not have been so clear. I may have had the answer in that, but is it correct to say then that once the Premier has declared the development or proposed developments of state or regional significance there is no mechanism to challenge that declaration? I am reading from the explanatory memorandum here.

**Harriet SHING**: This is about declaration of precincts, and there is not a mechanism for challenge provided for in the bill. The mechanisms for challenge exist in a number of other areas as they relate to the approvals processes, and it is the approvals processes which guide the way in which the development of a precinct to realise its objectives is undertaken. Again, as I have indicated in response to other questions, there are opportunities to proceed with a challenge to those processes in a number of different frameworks.

**Nick McGOWAN**: I will have one last go. I understand that it is in respect to the precinct projects. I understand that, Minister. But what the memorandum here says and the bill says in the detail is that, as I read it, there is no way for any Victorian to challenge the Premier's declaration that a particular

development or proposed development is of significance, be it state or regional, and therefore will be a precinct project. Am I correct in saying that? Because that certainly seems to be the case.

**Harriet SHING:** Development of a precinct is not the same as approval of a development. I think that is where our ambiguity may have arisen in this exchange, Mr McGowan. What I would say is that the planning, environment effects, approvals and amendments processes continue intact, but this is about making sure that we have a mechanism that enables the Premier to make that declaration. Just again, by way of example, an environment effects statement process has at its heart a public hearing. That is one of a number of different examples about how there are rights to be exercised by people or by bodies around the implementation of proposed decisions. This is a delivery process. The planning processes sit in the system that they have sat in for a considerable amount of time. Within those frameworks exist a number of mechanisms, such as that public hearing that I just referred to.

**Nick McGOWAN:** But in order for the Premier, in this case, to make a declaration that it is a precinct project, the Premier must have had to go through a process to satisfy her or himself that it is a project of regional or state significance. My question is in respect to that decision: is that a decision that can be appealed?

**Harriet SHING:** I just want to perhaps unpack this to its practical application. If, for example, somebody engages with a planning process with the intention of challenging the validity of a particular decision or having input into a proposed course of action, any further opportunity, or any opportunity such as the one which you have talked about around a declaration, would in fact be redundant, because a challenge to the nature of the declaration as to whether a precinct is of social or economic or environmental significance is in fact much more comprehensive, much more general as far as delivery processes are concerned, than the planning processes, which are the subject of and are able to be the subject of appeals processes or contest.

**Nick McGOWAN:** My colleague Mr Mulholland asked earlier this afternoon a number of questions in respect to notification, in particular both the seven- and the 30-day notification periods, albeit for different aspects, one being a notification for temporary works like minor surveying and perhaps drilling and the other one being a more permanent occupation. What is the method of notification of those notices under either the act or the regulations that is envisaged?

**Harriet SHING:** There is a written notice process whereby written notice is given to the landowner or to the occupier in question, but in practice there is a range of communication that occurs before that seven-day period kicks off. That is doorknocks or phone calls, attempts to contact and engagement with people. The intention is not to spring this on people. The written notice is there, but it sits alongside what ordinarily occurs: a range of different processes to engage with people about what that means, including the presence that will occur, for example, on that early surveying work on site within that seven-day period.

**Nick McGOWAN:** When will notices be taken as served in that case? The older I get, the more cautious I am about these matters, because even though it might be a written notice, it might be in the form of an email versus a letter. You and I both know that the two take different periods of time to be delivered and that an email may go unnoticed whereas a letter may not. This does have real life consequences for people in the routine of their lives, particularly as only seven days, as Mr Mulholland pointed out, is a very short period of time. Someone could perhaps easily miss an email. But certainly I would appreciate an answer to that question.

**Harriet SHING:** Thanks, Mr McGowan, for that question. It speaks to the challenges of communication across any number of different media. You have referred to not necessarily picking up an email. There are also people who have not necessarily picked up mail from their postboxes. There is a written notice, so that is a hard copy, printed notice. However, as I have indicated, there is a practical approach taken to this sort of engagement. It is intended to provide people with a measure of certainty, and that is why phone calls, doorknocking, face-to-face engagement and opportunities for

people to understand what this means are inherent to the work that occurs, consistent with existing powers under the Major Transport Projects Facilitation Act.

It is also about making sure that people understand the nature of the power within that seven-day period that is sought to be exercised – that is, exploratory surveying work or investigation work to be undertaken. This is about, again, the relatively unobtrusive or non-disruptive nature of the work that is proposed to be undertaken, and that is as distinct from the 30-day period which has been discussed in earlier questions.

**Nick McGOWAN:** When you say ‘non-intrusive’, I take it from the seven days that would not then include any form of drilling – in the instance where seven days notice is provided. Is that correct? I would think drilling, for example, would be quite intrusive in a property.

**Harriet SHING:** When we talk about investigative work, that may include drilling. Again, surveying and investigative work are part of the species of works that may be able to be undertaken there. There is a relevant section that I will take you to, which is section 264. Notice can be given by delivering that personally; by leaving it with someone older than 16 at the usual or most recent place of business; by sending it by post addressed to the person at the usual or last known place of residence or business of that person; by sending it to the address advised for notices; or by sending it by email if the person has consented. As I said, this is about a number of different approaches. The purpose of this communication is to provide people with certainty. Again, a range of different steps are available, and that is applied in circumstances that give the most pragmatic opportunity for that information to be received.

**Nick McGOWAN:** I could probably take much more time on this, as I am getting more and more concerned the more questions I ask, Minister. But thank you for the answer nonetheless. I am concerned by part of your answer to that question only because it involved a 16-year-old, and as you and I might know, you give something to a 16-year-old –

**Harriet SHING:** Older than.

**Nick McGOWAN:** Sixteen or older I think is what you said, but I am happy to stand corrected. But if you give something to a 16-year-old, there is every chance the parent may never receive what they have received. So for that parent, that may well be one hell of a shock. I just do not understand why we would, in legislation, make any 16-year-old responsible for the receipt of a notice like that. Why it ought not be an adult troubles me somewhat significantly.

That segues into my last question for the purposes of this particular part of the bill, and that is: once the notice has been received by a Victorian, do they have a period in which they can appeal that decision or that notice, either the seven or the 30 days?

**Harriet SHING:** Appeal what part of the notice?

**Nick McGOWAN:** That they can contest the notice – other than going to court.

**Harriet SHING:** Do you mean contest the substance of the notice or the form of the notice?

**Nick McGOWAN:** The substance of the notice.

**Harriet SHING:** Okay. No, there is no right of appeal in relation to the substance of that notice and the intention to undertake that work. This is where, again, the bill is about getting that access able to be provided. It is about harmonising that work with the Major Projects Transport Facilitation Act that existed. If the notice is, however, served unlawfully, then that could be contested, for example, in the Supreme Court. So the usual rules as they apply for the form, as distinct from the substance – which is why I asked the question – would remain intact. But the decision to exercise that power for early exploratory or investigative works within that seven-day period would not. There are a range, though, of counterbalancing factors involved in the access to or use of that land in a way that is not

dissimilar to the deployment of easement access for certain purposes where there is broader disruption to the owner or the occupier of surrounding land.

**Clause agreed to; clauses 2 to 21 agreed to.**

**Clause 22 (16:45)**

**David ETTERS HANK:** You have sort of covered this, but I will just fish a little more. There is a very short notice period given to landholders to occupy and carry out works on their land. Can I ask what the rationale is for only giving 30 days notice when the lead-in time for development is presumably much, much longer – you have talked about the long planning process that goes before this. And why is the government bypassing the usual time-considerate compulsory acquisition processes?

**Harriet SHING:** As I have indicated, the clause that you have referred to provides for a power that enables entry onto and the carrying out of works on land in project areas that are intended to be acquired, and the proposed provisions contain a requirement for a project authority to notify the owner or occupier 30 days before exercising those powers. The 30-day notice period is longer than what is available under other similar provisions that allow for temporary occupation that already exist within the MTPF act. For example, the existing temporary occupation power under section 165D only requires seven days notice, so 30 days is considered to strike an appropriate balance to provide protections to affected persons alongside the need to deliver complex major transport projects.

In addition to that, there are numerous protections that are provided for as they relate to affected landowners and to occupiers – rent for the occupation of land, pecuniary loss or expense resulting from occupation, compensation and obligations around the use of land – as I have outlined in my answer to other questions. This is about providing a balance. We do want to make sure that we have that balance in place with a measure of certainty, again, that is greater than a number of the other provisions in the legislation as they relate to other temporary occupations.

**David ETTERS HANK:** I am just going to probably run past the second part of that question, which is: why is the government bypassing the more time-considerate compulsory acquisition processes?

**Harriet SHING:** I am concerned that you may have conflated two issues around compulsory acquisition on the one hand and early access to a site for the purposes of determining scope, for example, of the project.

**David ETTERS HANK:** My apologies if I have been unclear there, Minister. I might be misunderstanding here. The 30 days notice would still apply, would it not, in the context of an acquisition under the proposed bill. So I guess my question in that context would strike to: why this clause rather than the existing land acquisition options which exist, which are more time-considerate?

**Harriet SHING:** Thank you, Mr Ettershank; that is perhaps a little clearer. This is about a project authority being able 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 on which the permanent infrastructure is constructed. So 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. Currently, when infrastructure needs to be constructed for a project, a project authority must compulsorily acquire an interest in the land based on the anticipated location of the infrastructure before construction kicks off, so any land that is surplus to project requirements must then be declared surplus under the Major Transport Projects Facilitation Act before the project authority can sell, lease or otherwise dispose of its interest in the acquired land. This is about reducing uncertainty for all those parties where there may be a need to construct works on these lands, and it is providing landowners with greater certainty that the minimum necessary land will be permanently acquired rather than a larger parcel that may be acquired to accommodate a margin of change to the footprint during



finalisation of the design and construction. So in essence this is not about bypassing a process. It still needs to be conducted through the land acquisition process for that land that is acquired.

**David ETTERS HANK:** Minister, I think Mr Limbrick alluded to the fact before that it is desirable that you do not have to buy the whole house if you just want the back thunderbox or whatever.

**Harriet SHING:** Mr McGowan would quite like a back thunderbox.

**David ETTERS HANK:** I think we all agree that that idea that you can simply take a more strategic approach to land acquisition is highly desirable, and I agree with what you say there. I am assuming, though, before you demolish the aforementioned thunderbox and dig a hole that in fact you are going to acquire the land, so that would in itself become subject to a process. Maybe I am missing this, but as I understand it, the current provisions for the acquisition of land, notwithstanding that they are less strategic, are more time considerate than the proposed changes in the bill.

**Harriet SHING:** Time considerate?

**David ETTERS HANK:** You are allowed more time to acquire. I would just try and get that point, if we could get some clarity on that, please.

**Harriet SHING:** This is about the way in which occupation can occur, where there is a later intention to acquire, or potentially to acquire, an interest in that land. This is also, again, where we have a system that is not being bypassed. You do still need to go through that land acquisition process for that land that is acquired. I would be very cautious about encouraging any conclusions that this is in fact circumventing any processes that relate to land acquisitions or to the way in which those land acquisitions are determined, the way in which rent or compensation is determined and the way in which legal process operates as it relates to those matters.

**Evan MULHOLLAND:** I move:

1. Clause 22, page 16, line 23, omit “30” and insert “90”.

I covered this in my contribution earlier, but we are seeking to amend new section 165Q to increase the mandatory notice period from 30 days to 90 days to give landowners greater certainty. It was certainly covered to an extent in the committee about how that is a short period of time. Currently the Major Transport Projects Facilitation Act gives a project authority the ability to enter, occupy and use land within the project area for the approved project if the project authority intends to compulsorily acquire at least part of the land on which the permanent infrastructure is to be constructed and if the project authority is satisfied it is not reasonably practicable to precisely identify the area of land on which permanent infrastructure will be constructed before the works for the construction of the permanent infrastructure are commenced. Increasing the mandatory notice period from 30 days to 90 days would give landowners greater certainty.

**Harriet SHING:** The government will not be supporting the coalition’s amendment. This is about making sure that we can proceed with reducing costs and delays, and it is also about ensuring that we are sequencing the development and the delivery of precincts and interests in the right way. We want to make sure that authorities are in a position to undertake works and also to understand the scope of what an interest or potential interest will look like. It has then been the basis for amendments to enable this to occur more quickly. We want to make sure also that it is clear as to how this can be done. It is about understanding that this work can only be undertaken, as I said, where there is an interest to later acquire an interest in the land which supports constructed permanent infrastructure. And these provisions contain a requirement for a project authority to notify the occupier or owner of the land 30 days before exercising the powers, which is what we have gone through already.

If the timing is increased to 90 days, the Victorian Infrastructure Delivery Authority or project authorities would either acquire the parcel of land or use other existing powers, and without this pathway the entire parcel of land may need to be acquired before works are undertaken. This goes to

Mr Ettershank's quite colourful description of a thunderbox at the back of a house, which I think references Mr Limbrick's reference to a thunderbox at the back of a house, being acquired before works were undertaken, and once finished, the surplus land could be divested, which would increase the number of transactions for both the project authority and the landowners. This is where the protections in clause 22 are numerous. They include notice requirements, a condition report, advance works notice, draft notice of intention to acquire, obligations on the project authority in relation to the exercise of powers, rent for occupation of land and pecuniary loss or expense resulting from the occupation, compensation and obligations around the use of land, including make-good provisions.

**Katherine COPSEY:** The Victorian Greens will not be supporting this amendment. We take on board the extensive discussion that has happened through committee and the government's advice that the 30-day notice period exceeds what is commonly available under existing legislation for similar entry powers.

**David ETTERS HANK:** I thank the minister for the clarification. We do support a longer notice period in this clause, and Legalise Cannabis will be supporting the amendment to clause 22.

**Council divided on amendment:**

*Ayes (15):* Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendment negatived.**

**Clause agreed to; clauses 23 to 44 agreed to.**

**Clause 45 (17:06)**

**David ETTERS HANK:** Proposed new section 201QB of the Planning and Environment Act gives the Premier the power to:

... declare a development or proposed development, or a works program or proposed works program, to be a precinct project.

That new proposed section goes on to restrict the Premier from making such a declaration unless the Premier is satisfied that the development or works program is not prohibited by or under an applicable planning scheme. That sounds very comforting and I think strikes to the minister's previous comments about the separation of this bill from existing planning processes. However, I just note that the planning minister already has the power, literally at the stroke of a pen if she so wishes, or some future planning minister so wishes, so this does not actually seem like much of a restriction at all. So my question is: what if something goes wrong? What if the declaration impinges on the rights and interests of a private landholder or a municipal authority and there is no ability for that private landholder or municipal authority to do anything about it? What then?

**Harriet SHING:** What then in relation to the declaration, or what then in relation to a decision around the approval process? This bill is only about a delivery process akin to that under the Major Transport Projects Facilitation Act, and as I said and as we have canvassed extensively in this debate, all of those other planning processes remain intact. The primary consideration, as I indicated, is for the Premier to determine that this is a precinct or a development of social, economic or environmental significance and to be required to consider a number of factors. That is the primary factor involved in these matters.

**David ETTERS HANK:** Perhaps I have expressed myself poorly. The way in which the bill is drafted is designed to give a level of comfort that the Premier in applying her mind, or some future Premier in applying their mind, for less pure purposes – other purposes – would have this restriction of the existing planning scheme in place. So the Premier could not approve a new precinct without reference to the applicable planning scheme, which, as you talked to before, is the product of a long process of consultation. But of course the planning minister literally can with the stroke of a pen amend any planning scheme, effectively bypassing that – and I have personally experienced this. The planning minister has sweeping powers to make those changes, which would nullify that potential safeguard. So if that planning minister's discretion was exercised in that way and it was wrong or it was inappropriate, it is still going to deny that safety net that the act purports to provide. So my question strikes to: if you are a council that has been done wrong or an authority that has been done wrong or a landholder that has been done wrong, what then?

**Harriet SHING:** There is a lot in what you have just explored, Mr Ettershank. Ultimately, the work that a planning minister does is the subject of that planning minister's powers. I cannot speak to the purposes or the motivations of any planning minister into the future, nor can I speak to what the substance of the planning framework and approvals scheme might look like. But this is also about the existing capacity for matters to be considered as they relate to questions of law, and any questions of law that might apply as a consequence of a contest – notwithstanding that, for example, the planning minister can call in matters which then are not able to be determined de novo by VCAT, for example – and rights as they relate to questions of law remain intact. So this is where, again, I cannot speak to what might happen in the future, but this is about those existing processes, amendments and approvals such as the EES, which includes a public hearing process, being intact and that the Premier's considerations are chiefly informed by social, economic or environmental significance and reducing costs and delays. It is ultimately about making sure also that we have a measure of consistency with the Major Transport Projects Facilitation Act and the scheme under which that operates, as I have indicated in a number of other instances already.

**David ETTERS HANK:** I am going to move on. Most planning scheme amendments are disallowable instruments. Why isn't this new higher power, the precinct project declaration power, not also proposed to be a disallowable instrument? Why is Parliament denied the right to revisit or review such a decision? I am happy to clarify that: the bill specifically excludes a whole range of appeal mechanisms, including disallowance motions in either house.

**Harriet SHING:** So this is ultimately back to the point that I discussed earlier in response to questions from Mr McGowan. This is the same as that system which operates under the Major Transport Projects Facilitation Act. The Premier has the power under that framework to make that declaration, and this is then a replication of that process. The Premier is then ultimately accountable to the community as it relates to the decision by reference chiefly to projects or precincts of a social, economic or environmental significance to the state or to a region.

**David ETTERS HANK:** I might try this from an elliptical point of view, because I think we are possibly talking at cross purposes here. But it could be that I am just not getting it.

**Harriet SHING:** Or me. I could not be getting it, who knows? It is very late in the day.

**David ETTERS HANK:** It is late in the day, and it is late in the week. Perhaps if we look at it through a different lens. Section 38 of the Planning and Environment Act 1987 provides that the only planning scheme amendments that are not disallowable instruments are those prepared by the Suburban Rail Loop Authority, as I understand it. If this bill were to pass, neither planning approval nor project delivery will be able to be checked by elected representatives in this place for land in the vicinity of the Suburban Rail Loop, for example. Without these checks and balances, very little room is left for government error, so my question is: what happens if you get it wrong in that context?

**Harriet SHING:** Again, I am trying to perhaps meet you where you are. Those matters are still the subject of those approval processes under the planning framework. There are still rights of contest that apply under those processes, which sit underneath a declaration. Where there are decisions taken within the planning approvals process, those rights are not disrupted, those rights are not negated. The consequence of a precinct declaration is to enable that delivery framework. It is not to disturb the framework of planning processes and what they mean in the way in which an appeal or a contest might otherwise be exercised.

**David ETTERS HANK:** The net effect, though, would still be to extend the net for possible developments that are immune from disallowable instruments. That would be the effect, surely? It would just cast a broader net, other than just as it currently stands, which is only Suburban Rail Loop Authority decisions.

**Harriet SHING:** But not appeal. You can still take them to court.

**David ETTERS HANK:** I am talking about disallowance motions here.

**Harriet SHING:** Yes.

**David ETTERS HANK:** I am sorry if I am not getting this.

**Harriet SHING:** No, that is okay. Ultimately, the Premier in making that declaration is accountable to the community. There are rights that exist under the planning approvals framework and those decisions include public hearings on matters of law that can be heard and determined by, for example, the Supreme Court. Those rights remain intact. But ultimately, this is a declaration that sits with the Premier as the first minister of the state of Victoria.

**David ETTERS HANK:** Minister, if precinct projects are in areas where specialised planning controls have already been put in place to remove the notice and review provisions of the Planning and Environment Act – that is, third-party rights held by landowners have already been removed and the landowner is powerless to do anything about it – are you saying that basically seven days notice is adequate to enter that property and start geotechnical drilling, for example?

**Harriet SHING:** Are you referring to the existence of an easement as it relates to access to a property or to use of property? Or are you referring to entry onto property for the purpose of access where an interest might be contemplated to be taken in the course of project delivery?

**David ETTERS HANK:** I guess I would start off by taking an easement as an example. I would assume that in that case specialised planning controls have already been put in place.

**Harriet SHING:** Yes.

**David ETTERS HANK:** My question then strikes to – if you have got that situation, is seven days really an adequate notice period? I am sort of coming to the amendment, I suppose, that will be moved in this regard.

**Harriet SHING:** The declaration in and of itself does not actually affect any form that developments might take. Those developments are determined by planning processes and by instruments such as precinct structure plans, so the bill does not affect any of those processes. I covered this earlier around the nature of easements being for sewerage, for drainage and for carriageways. This is then an existing interest that applies to land, and that interest does not inform the value of that land. What it does do is enable access, but that easement process is then something which exists for the purpose of access for certain purposes. But project authorities would in practice work with land owners and occupiers to ensure that they are appropriately notified before land is entered. It is not dissimilar to what happens when, for example, works are intended to be undertaken on drainage on or adjacent to a property, with a portion of that drainage being on a property. That notification is ordinarily given.

Mr McGowan has talked at length before about whether a 16-year-old could be trusted with a letter, but in practice people do a considerable amount of work, with letterbox drops and letters, emails, if there is consent to provide that, and doorknocks. This is about making sure that again people are aware of what is happening. Easements are not an area of law where interruption to quiet enjoyment is taken lightly. For the very fact that it involves a measure of disruption, however small that might be, that leads to a practical application of the principles of engagement with people who are affected by that disruption. So this is where, again, it is about working with landowners to ensure that that appropriate notice occurs before that land is entered.

**Evan MULHOLLAND:** Previously in the second-reading debate, I explained these amendments, so I am going to save the chamber a bit of time and just move my amendments. I move:

2. Clause 45, page 55, after line 33 insert –
  - “(6) A person or body referred to in section 201QE(2)(a) may apply to the Tribunal for review of a declaration made under subsection (1).
  - (7) After hearing an application for review under subsection (6), the Tribunal may –
    - (a) set aside the declaration; or
    - (b) modify the declaration; or
    - (c) confirm the declaration.”.
3. Clause 45, page 57, line 13, before “A precinct” insert “(1)”.
4. Clause 45, page 57, after line 17 insert –
  - “(2) Despite subsection (1), a precinct project declaration does not take effect unless –
    - (a) notice of the declaration has been given to –
      - (i) owners and occupiers of land within the project area; and
      - (ii) road authorities, municipal councils, and infrastructure managers that will be materially affected by the precinct project declaration; and
    - (b) the notice has been publicly available for a period of at least 30 days, during which persons may make written submissions to the Premier; and
    - (c) the Premier has published a response to the body of submissions made.
  - (3) In this section –
 

*infrastructure manager* has the same meaning as in the **Road Management Act 2004**;  
*road authority* has the same meaning as in the **Road Management Act 2004**.”.

**David ETTERS HANK:** I would just indicate, as per some of the previous questions on this amendment, that Legalise Cannabis Party will be supporting the proposed amendment.

**Katherine COPSEY:** The Greens will not be supporting this amendment. I think it has been ventilated extensively throughout debate that the bill leaves existing planning processes and appeal mechanisms relating to approvals intact.

**Harriet SHING:** The government will not be supporting Mr Mulholland’s amendments as moved, which will come as a surprise no doubt to him and to his colleagues. I have outlined the reasons for the government’s position in this regard, but I do thank people for their engagement, asking questions and seeking clarification about the effects of this bill as intended.

#### **Council divided on amendments:**

*Ayes (15):* Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

*Noes (20):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield,

Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendments negatived.**

**Evan MULHOLLAND:** I move:

5. Clause 45, page 64, line 10, omit “7” and insert “14”.
6. Clause 45, page 64, line 14, omit “7” and insert “14”.

For the benefit of the chamber, I explained this – it is in *Hansard* – during my second-reading debate contribution, which I am sure you were all listening to, so I will leave it at that.

**David ETTERS HANK:** Legalise Cannabis will be supporting the amendment.

**Katherine COPSEY:** The Greens understand the intent of the amendment and in principle would like to see notice periods that are adequate. We accept, though, the government’s justification in this place that they are seeking to create consistency with the existing notice periods under the act.

**Harriet SHING:** Mr Mulholland, it will come as no surprise to you that I listened assiduously to your comments and to your contribution in the course of the debate, and the government will not be supporting your amendments for the reasons already stated in the course of this committee stage.

**Council divided on amendments:**

*Ayes (15):* Melina Bath, Gaele Broad, Georgie Crozier, David Davis, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

*Noes (20):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendments negatived.**

**Clause agreed to; clauses 46 to 53 agreed to.**

**Reported to house without amendment.**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:34): I move:

That the report be adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:34): I move:

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

I want to thank everybody who has been part of the extensive consultation and discussion about its terms and the debate that has taken place here today.

**Council divided on motion:**

*Ayes (24):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copey, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-

Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (13):* Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.**

**Read third time.**

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

### **Roads and Road Safety Legislation Amendment Bill 2024**

#### *Clerk's corrections*

**The PRESIDENT (17:41):** Under joint standing order 6(1), I have received a report from the Clerk of the Parliaments informing me that she has made a correction to the Roads and Road Safety Legislation Amendment Bill 2024. The report is as follows:

Under Joint Standing Order 6(1), I have made a correction in the Roads and Road Safety Legislation Amendment Bill 2024, listed as follows:

Clause 42D, as inserted by the Council's amendment No 6 and agreed to by the Assembly, inserts new subsection 58BA into the *Road Safety Act 1986*. I have replaced the four references to '*Roads and Roads Safety Legislation Amendment Act 2024*' with '*Roads and Road Safety Legislation Amendment Act 2024*'.

The corrections ensure the new subsection refers to the name of the Act.

### **Aged Care Restrictive Practices Substitute Decision-maker Bill 2024**

#### *Introduction and first reading*

**The PRESIDENT (17:43):** I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to provide for the appointment of restrictive practices substitute decision-makers for the purposes of the Aged Care Act 1997 of the Commonwealth and to make related amendments to the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes.'

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:43): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

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

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:43): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this statement of compatibility with respect to the Aged Care Restrictive Practices Substitute Decision-maker Bill 2024 (the Bill).

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

**Overview of the Bill**

The purpose of the Bill is to provide for the appointment of restrictive practices substitute decision-makers for the purposes of the *Aged Care Act 1997* of the Commonwealth (the **Aged Care Act**).

In response to the 2021 Royal Commission into Aged Care Quality and Safety, the Commonwealth Government amended the Aged Care Act to require residential aged care providers to seek informed consent from substitute decision makers to the use of restrictive practices, where a care recipient in residential aged care lacks capacity to make that decision. The amendments were introduced to better protect the rights of people in aged care and create a more rigorous regime for the use of restrictive practices, including that they only be used as a last resort.

As part of the amendments, the Aged Care Act, now requires residential aged care providers to ensure that restrictive practices are only used in relation to residents in accordance with the *Quality of Care Principles 2014* (the **Quality of Care Principles**).

The Aged Care Act sets out requirements for the use of any restrictive practices. The amendments require that informed consent to the use of the restrictive practice be given by the care recipient; or if the care recipient lacks the capacity to give that consent, the restrictive practices substitute decision-maker for the restrictive practice. Accordingly, if a care recipient lacks capacity to give informed consent to the use of a restrictive practice, that consent must be obtained from “a restrictive practices substitute decision-maker”.

Restrictive practices substitute decision-maker is now defined in regulation 5B of the Quality of Care Principles, as a ‘person or body that, under the law of the State or Territory in which the care recipient is provided with aged care, can give informed consent’ to the use of a restrictive practice. To date, there has not been any law to appoint such a person. An interim arrangement, allowing for a legislative hierarchy of decision makers for the authorisation of restrictive practices under the Quality of Care Principles and to give states time to provide for state appointments of restrictive practices substitute decision-makers is currently scheduled to be automatically repealed on 1 December 2024 although the Commonwealth government has committed to extending this arrangement, with a view to repealing it in 2026.

The Bill provides for the appointment of an individual in Victoria that satisfies this definition.

Victoria’s role in regulating the use of restrictive practices in aged care is limited to defining who can give informed consent to the use of restrictive practices in relation to a care recipient who lacks capacity – that is, who can act as a restrictive practices substitute decision maker for a care recipient.

The Bill creates standalone legislation to establish a hierarchy of decision makers who can act in Victoria as restrictive practices substitute decision-makers in residential aged care, in line with requirements under the Aged Care Act, before the Commonwealth’s interim arrangement expires. It is intended that this will include a framework for identifying a restrictive practices substitute decision-maker, some oversight arrangements in relation to restrictive practices substitute decision-maker, and provision for the Victorian Civil and Administrative Tribunal to make certain orders.

*Part 1 of the Bill*

Clause 3 of the Bill provides relevant definitions, many of which are done by reference to the Aged Care Act or the Quality of Care Principles, for example, restrictive practices and behaviour support plans.

Clause 4(1) of the Bill provides that a person has “decision-making capacity” to make a decision to which the Bill will apply if the person is able to:

- understand the information relevant to the decision and the effect of the decision;
- retain that information to the extent necessary to make the decision;
- use or weigh that information and the person’s views and needs as to the decision in some way, including by speech, gestures or other means.



An adult is presumed to have decision-making capacity, unless there is evidence to the contrary. That is, a person's rights to freedom of movement, to privacy and freedom from medical treatment, for example, are to be not engaged by this Bill, unless there is evidence that prompts consideration of whether that person may not have decision making capacity to make decisions about, for example, whether to consent to restrictive practices being used in relation to them

Further, a person is taken to understand information relevant to that decision and the effect of that decision where they are given an explanation of the information in a way that is appropriate to their circumstances, whether by using modified language, visual aids or any other means. In this way, the Bill seeks to best protect the rights to recognition as a person before the law, to freedom from discrimination on the basis of disability and protection of the law without discrimination. That is, a person should not be discriminated against in the assessment of them as to their decision-making capacity.

#### *Part 2 of the Bill*

Part 2 of the Bill provides for the nomination and appointment of restrictive practices substitute decision-makers.

Clause 5 provides for a person to nominate an eligible adult to act as a person's restrictive practices substitute decision-maker if the person has decision-making capacity at the time of making the nomination (as defined in clause 4) and understands the nature and effect of the nomination.

Clause 5 provides for certain requirements to be met for a valid nomination, such as the nomination being in writing and signed by the person making the nomination

An eligible person nominated as a restrictive practices substitute decision-maker cannot be an employee or agent of an approved provider that provides aged care to the person making the nomination, nor be a person that has been involved in the preparation of a behaviour support plan for the person making the nomination. In addition, an eligible person cannot be a person who is subject to a current family violence intervention order in relation to which the person making the nomination is an affected family member (within the meaning of the *Family Violence Protection Act 2008*) or a person who has been found guilty of committing an offence against the person making the nomination (other than a finding of guilt where the conviction has become spent under the *Spent Convictions Act 2021*).

Clause 6 provide that a person may revoke their nomination of restrictive practices nominee, if they have decision-making capacity at the time of the revocation and understand its nature and effect. Again, there are procedural requirements to a revocation to protect the integrity of that process.

#### *Part 3 of the Bill*

Part 3 of the Bill provides for the appointment of restrictive practices substitute decision-maker. Where a care recipient has nominated a person as their restrictive practices substitute decision-maker, the nominated person is then, by virtue of clause 7, appointed as the care recipient's restrictive practices substitute decision-maker under the Bill, if the nominated person is reasonably available, willing and able to make restrictive practices decisions on behalf of the care recipient.

If a care recipient does not have a restrictive practices substitute decision-maker (as a result of nominating someone under the Bill who is reasonably available to be appointed), clause 8 of the Bill provides a hierarchy of persons, in a close and continuing relationship with the care recipient, that will be appointed as their restrictive practices substitute decision-maker for the making of a particular restrictive practices decision. As with a nominated person, the person appointed pursuant to clause 8 must be reasonably available, willing and able to make restrictive practice decisions on behalf of the care recipient.

Under clause 9 of the Bill, a person may apply to the Victorian Civil and Administrative Tribunal to be appointed as the restrictive practices substitute decision-maker for a care recipient, if the care recipient does not have one under clause 7 or clause 8.

VCAT may appoint a person as a restrictive practices substitute decision-maker for a care recipient where that person has an ongoing personal or professional relationship with the care recipient and is reasonably available, willing and able to act as a restrictive practices substitute decision-maker on behalf of the care recipient.

#### *Part 4 of the Bill*

Part 4 of the Bill provides for the consent to the use of restrictive practices.

Restrictive practice substitute decision-makers will make restrictive practice decisions under section 15FA(1)(f) of the Quality of Care Principles. However, where there is no restrictive practice substitute decision-maker for the purposes of clauses 7, 8 or 9, clause 10 provides that an approved aged care provider may apply to VCAT for consent to the use of a restrictive practice in relation to a care recipient in their care if the restrictive practice is set out in the behaviour support plan for the care recipient.

*Part 5 of the Bill*

Part 5 of the Bill provides for the making of other Orders. Clause 11 enables an eligible applicant to apply to VCAT for an order in relation to whether a care recipient has decision-making capacity, or not, or had or did not have decision-making capacity at the time of a nomination or revocation of a nomination.

An eligible applicant will also be able to apply to VCAT, under clause 12, for an order in respect of the validity of a nomination or revocation of restrictive practices nominee or the appointment of a restrictive practices substitute decision-maker. The Bill expressly provides that VCAT may declare a nomination to be invalid if it finds that the person who made the nomination was induced to do so by dishonesty or undue influence, or through the use of threats, violence or abuse. In this way, the Bill provides protection against the exploitation of care recipients.

*Part 6 of the Bill*

Part 6 of the Bill provides additional provisions for VCAT to determine matters under the Bill, including the parties to a proceeding before VCAT on an application under clauses 10, 11 or 12 and the notice that is required to be given to such parties. In this way, the Bill ensures that relevant perspectives are heard and taken into account, consistently with the Charter, in determining whether a person has decision-making capacity and whether VCAT should, or should not, consent to restrictive practices.

*Parts 7 – 10 of the Bill*

Part 7 of the Bill provides for certain offences in relation to the decisions to be made under the Bill. These are an offence of inducing another person to nominate a restrictive practices nominee, by dishonesty, undue influence or through the use of threats, violence or abuse and an offence to knowingly make a false or misleading statement in relation to another person's restrictive practices substitute decision-maker nomination.

Further, transitional provisions, in Part 9, provide for some nomination or appointments under the interim Commonwealth arrangements in the Quality of Care Principles to continue under the Bill.

In Part 10, there are also consequential amendments to Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* to provide a new Part 2AA – Aged Care Restrictive Practices Substitute Decision-maker Act 2024, that will provide for representation and the constitution of the Tribunal for a rehearing.

**Charter considerations**

Under the Charter, I am required to make this statement setting out whether, in my opinion, the Bill is compatible with human rights and if so, how it is; and, if, in my opinion, any part of the Bill is incompatible with human rights, the nature and extent of the incompatibility. In this statement, I address the human rights implications of decisions under the Bill rather than the human rights implications for posterior decisions, made by aged care providers, under the Aged Care Act in relation to the use of any restrictive practice.

For the reasons I discuss, I consider that the Bill has achieved its aim of better protecting and promoting the human rights of people receiving care in the use of restrictive practices, by enabling a care recipient to nominate a restrictive practices substitute decision-maker and for the appointment of that person to consent, or not consent, to proposed restrictive practices.

The application of a restrictive practice on a person, especially where that person lacks capacity to understand the nature and reason or reasons for that practice, and cannot consent to its imposition on them, is likely to engage and may limit that person's human rights. However, those decisions are made under the Aged Care Act and Quality of Care Principles, which, together sets out a range of protections against the unlawful limitation on human rights so that aged care recipients can experience the full enjoyment of their rights, including if restrictive practices are to be used in relation to them.

This Bill's focus is limited to identifying who can provide consent to a proposed restrictive practice or practices. While the identification of those persons may engage the rights of the person being nominated as a restrictive practices substitute decision-maker and may also engage the rights of the care recipient, that engagement of rights differs from how those persons' rights may or may not be engaged or limited by subsequent decisions to consent to and apply restrictive practices under the Aged Care Act and Quality of Care Principles, or other Commonwealth or Victorian legislation.

Foundationally, the purpose of this Bill is to identify and appoint a person who may then consent to restrictive practices to be used in relation to a care recipient, where that person does not have capacity to do so. If a person's capacity may be declining, the Bill creates a regime for a person to nominate, in advance, a restrictive practices substitute decision-maker. In making this nomination, a person may also set out their preferences or values in relation to restrictive practices.

If a care recipient later lacks capacity to make a restrictive practices decision, the Bill ensures that a restrictive practices substitute decision-maker will be separate from the aged care provider that will impose those restrictions and so the process creates a secondary check on the use of any proposed restriction.

As much as possible, the Bill will enable a person that might be best placed to know a care recipient's known values and preference in relation to restrictive practices, given their close and continuing relationship with the care recipient, to be that care recipient's restrictive practices substitute decision-maker. The Bill provides that a person nominating a restrictive practices substitute decision-maker will be able to record their values and preferences. The Bill will require VCAT to consider a person's known values and preferences in relation to restrictive practices if VCAT is requested to consent to the use of restrictive practices with respect to the person.

This regime will occur within the context of the Commonwealth requirements. Under the Aged Care Act the use of restrictive practices must be proportionate and the least restrictive measure required in the circumstances. This is consistent with the permissible limitation on human rights under 7(2) of the Charter.

I am confident that the requirements under the Aged Care Act and the Quality of Care Principles, including as amended in response to the Aged Care Royal Commission, in relation to the use of restrictive practices better protects the human rights of aged care recipients in Victoria.

Specifically, under regulation 15FA of the Quality of Care Principles, restrictive practices must:

- only be used as a last resort to prevent harm to the care recipient or other persons; and after consideration of the likely impact of the use of the restrictive practice on the care recipient;
- to the extent possible, best practice alternative strategies must have first been used before the restrictive practice is used;
- the alternative strategies that have been considered or used must have been documented in the behaviour support plan for the care recipient;
- the restrictive practice to be used must only be to the extent that it is necessary and in proportion to the risk of harm to the care recipient or other persons;
- the restrictive practice is used in the least restrictive form, and for the shortest time, necessary to prevent harm to the care recipient or other persons;
- informed consent to the use of the restrictive practice, and how it is to be used (including its duration, frequency and intended outcome), has been given by:
  - the care recipient; or
  - if the care recipient lacks the capacity to give that consent – the restrictive practices substitute decision maker for the restrictive practice (which is to be addressed by this Bill);
- the use of the restrictive practice is in accordance with that informed consent;
- the use of the restrictive practice complies with any provisions of the behaviour support plan for the care recipient that relate to the use of the restrictive practice;
- the use of the restrictive practice complies with the Aged Care Quality Standards set out in Schedule 2;
- the use of the restrictive practice is not inconsistent with the Charter of Aged Care Rights set out in Schedule 1 to the *User Rights Principles 2014*; and
- the use of the restrictive practice meets the requirements (if any) of the law of the State or Territory in which the restrictive practice is used.

These requirements are consistent with the protection of the Victorian Charter rights.

#### **Rights engaged**

Although the purposes of the Bill are beneficial and aim to promote the dignified care of care recipients, provisions in the Bill are likely to engage the following Charter rights in relation to both the rights of restrictive practices substitute decision-makers and the rights of care recipients and their families: equality (s 8); the rights not to be subjected to cruel, inhuman and degrading treatment (s 10(b)) or medical treatment without consent (s 10(c)); freedom of movement (s 12); privacy (s 13(a)); freedom of thought, conscience, religion and belief (s 14); the right to the protection of families and children (s 17); cultural rights (s 19); liberty (s 21); the right to humane treatment when deprived of liberty (s 22); the right to a fair hearing (s 24) and the right not to be tried or punished more than once (s 26). In my view, the Bill is compatible with the enjoyment of these rights, which I also consider are not limited by the Bill.

*Equality*

Section 8(3) of the Charter provides that every person is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that laws and policies are applied equally, and do not have a discriminatory effect. Discrimination under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute in s 6 of that Act, which includes a lack of capacity (within the meaning of disability under the EO Act).

Where a person lacks capacity to make decisions about whether to consent to a restrictive practice being applied to them, the Bill provides for who might be able to make that decision. In this way, it may directly discriminate against people on the basis of their disability. Direct discrimination occurs where a person treats a person with an attribute unfavourably because of that attribute. The provisions will enable restrictive practices substitute decision-makers to make decisions about people without capacity differently from other people on that basis, however those decisions occur under the Aged Care Act. To the extent that there might be a limitation on the right in s 8(3), any limitation would not be occasioned by the Bill. In certain circumstances, where a person does not have a restrictive practices substitute decision-maker, VCAT may decide whether to consent to restrictive practices, and in making that decision may treat that person differently to other people on that basis. In making decisions under the Bill, VCAT would be obliged to give proper consideration to the rights protected by the Charter and to consider a person's right to freedom from discrimination and whether any limitation on that right is reasonable and justified.

*Cruel, inhuman or degrading treatment*

The application of a restrictive practice to a person may amount to cruel, inhuman or degrading treatment within the meaning of the human right protected by the Charter. The provisions in the Bill provide for the appointment of a person to consent to such restrictive practices. A restrictive practices decision may engage but does not, in my view, limit this right, as the separate decisions on consent and when and how to apply a restrictive practice is made pursuant to the Commonwealth Aged Care Act (and Quality of Care Principles). Those subsequent decisions may occasion conduct that engages this right, including by amounting to inhuman or degrading treatment. This will depend on all the circumstances, including the duration and manner of the treatment, and its physical or mental effect on the care recipient, and the purpose for which the restraint was imposed.

While the appointment of a restrictive practices substitute decision-maker does not limit this fundamental right, I acknowledge the relationship between the appointment (under this Bill) and the later consent to and potential use of restrictive practices (under other legislation). As I have explained, the Aged Care Act requires that behaviour support plans set out proposed restrictive practices and also imbeds requirements on when and how they are used, where those requirements are, in my view, consistent with the protection of and lawful limitation on human rights in the Charter. It will be important that a restrictive practices substitute decision-maker is supported to make an informed decision on whether to consent and to weigh the benefits and risks of any proposed restriction.

*Protection from medical treatment without consent*

Section 10(c) of the Charter provides that a person must not be subjected to medical treatment without their full, free and informed consent. The right is concerned with personal autonomy and dignity. Restrictive practices are not medical treatment (*HYY (Guardianship) [2022] VCAT 97*). In my view, the Bill does not engage or limit this right, however, I appreciate that if a restrictive practices substitute decision-maker consents to a restraint, that restraint may be deployed to enable the medical treatment of the care recipient without their consent. The Bill's provisions may facilitate the use of restraints, including to provide medical treatment. However, the specific decision to use a restraint to enable medical treatment is not one that is made under this Bill. It would be conflating those decisions, to consider that the Bill's provisions limit the right to freedom from medical treatment without consent, even if that may occur pursuant to consequential decisions under different legislation.

*Freedom of movement*

Similarly, the application of restrictive practices (such as an environmental or chemical restraint) to a care recipient under the Aged Care Act may engage or even limit a care recipients' rights to freedom of movement, in s 12 of the Charter. Once again, however, the engagement of that right would occur pursuant to the Commonwealth legislation. I am conscious of the implications of this Bill on that right.

The right provides protection from unnecessary restrictions upon a person's freedom of movement. It extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest (*Gerhardy v Brown* (1985) 159 CLR 70, 102, cited in *DPP v Kaba* (2014) 44 VR 526, [100])

Relevantly, the right to freedom of movement will be engaged where a person is required to move to or from a particular place or is prevented from doing the same, is subjected to strict surveillance or reporting obligations relating to moving or directed where to live. Some of the ways that restrictive interventions are likely to be used will limit people's freedom of movement.

*Rights to privacy, family and home*

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family or home unlawfully or arbitrarily interfered with. Section 13(a) contains internal qualifications; namely, interferences with privacy only limit the right if they are unlawful or arbitrary. An interference will be lawful if it is permitted by a law which is clear, 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. This requires a broad and general assessment of whether any interference on a person's privacy extends beyond what is reasonably necessary to achieve the lawful purpose being pursued (*Thompson v Minogue* [2021] VSCA 358, [55], [56]).

The fundamental values which the right to privacy expresses are the physical and psychological integrity, individual and social identity, and autonomy and inherent dignity, of the person.

The 'family' aspect of s 13(a) is related to s 17(1) of the Charter, which states that families are entitled to protection by society and the State. However, whilst the two rights overlap, they are not co-extensive. Section 13(a) is a negative obligation that only prohibits unlawful or arbitrary interferences with family; whereas s 17(1) is a positive obligation on society and the State.

The 'home' aspect of s 13(a) refers to a person's place of residence (*Director of Housing v Sudi* (2010) 33 VAR 139, [32]). What constitutes an interference with this aspect of the right to privacy is to be approached in a practical manner and may cover actions that prevent a person from continuing to live in their home (See *Director of Housing v Sudi* (2010) 33 VAR 139).

All three aspects of this right are engaged by the Bill, both in relation to the rights of restrictive practices substitute decision-makers and care recipients. The appointment of a restrictive practices substitute decision-maker may engage that person's right to privacy, as it encroaches on their personal sphere and private relationship with the care recipient and requires them to publicly engage with aged care providers, on behalf of the care recipient in relation to restrictive practices. This is in the context of restrictive practices being measures which can be confronting and challenging to understand and the process of weighing and balancing their benefits and risks is not easy. The decision to consent to a restrictive practice in relation to a loved one is incredibly hard, it engages with their own belief system and requires them to weigh the benefits and risks of imposing a restraint, which in usual circumstances would be an affront to a person's dignity and to which the person cannot consent. It is a human decision and a very hard one.

The imposition of a restraint may also affect the ability of families to gather with each other, including the care recipient, and the ability of the care recipient to reside in residential aged care which is their home.

At the same time, the appointment of a restrictive practices substitute decision-maker engages a care recipient's right to privacy, as it removes from them their opportunity to make decisions about how they are treated. This may also occur in the context of that person not understanding that their capacity to make such decisions is impaired. These experiences are profoundly sad, the loss of a person's mental capacity can occur in the context of disease, trauma or other harm. This impacts the person and their family, including each of their rights to privacy and protection of the family.

However, in my view, the measures in the Bill are compatible with the right to privacy and do not limit the right to privacy. As mentioned above, the right in s 13(a) of the Charter will only be limited where an interference with privacy is unlawful and arbitrary (*Thompson v Minogue* [2021] VSCA 358, [57]). The clauses of the Bill which authorise interference with a person's privacy, family or home by the use of compulsory treatment measures will be lawful, by virtue of the clauses themselves being clear, precise and appropriately circumscribed, and not arbitrary, because the protective purpose and safeguards upon the use of the compulsory treatment measures will ensure that their use is proportionate to the legitimate aims sought to be achieved.

Other Charter rights that may similarly be engaged or limited, by the subsequent decisions to impose restraints, include the rights to freedom of religion or belief (s 14 of the Charter), freedom of movement (s 16 of the Charter) and cultural rights (s 19 of the Charter), where chemical, physical and environmental restraints may limit a person's capacity to demonstrate their religion or belief as part of a community, to peaceful assembly and association and to engage in cultural activities. The foundational and elemental rights to liberty (protected by s 21 of the Charter) and humane treatment when deprived of liberty (protected under s 22 of the Charter) may also be engaged and may be limited by the imposition of a restrictive practice on a care recipient.

I have also considered whether the provisions in the Bill that exclude a person subject to a current family violence intervention order in relation to the care recipient, or a person who has been found guilty of committing an offence against the care recipient (clause 5(5) – definition of “eligible adult”, 8(4) and 9(2)(c)(iii) and (iv)) from being a restrictive practices substitute decision-maker engage the rights to privacy (s. 13 of the Charter), the right to families and children (s. 17 of the Charter) and the right not to be tried or punished more than once (s. 26 of the Charter). The right to privacy includes the right not to have family members from being restrictive practice substitute decision-makers for their family member may interfere with family dynamics in that the person who would ordinarily take on the role of a restrictive practice substitute decision-maker is prevented from doing so. However, such a restriction is lawful and not arbitrary, as the restriction is included for a protective purpose and has been included to promote the care recipient’s right to life. Similarly, I am of the view that the right to the protection of families in section 17(1) of the Charter is not limited as these limits on the persons who may act as restrictive practice substitute decision-makers for a person promote the safety of vulnerable adults in the family unit.

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. This right is engaged by the provisions of the Bill which prevent a person who has been found guilty of committing an offence against a person from being appointed as the person’s restrictive practices substitute decision-maker (Spent convictions under the *Spent Convictions Act 2021* are not considered for the purposes of this provision). In my view, this right against double punishment is not limited by these provision because the exclusion of such persons from the role of restrictive practices substitute decision-maker has a protective purpose rather than a punitive one, as it is intended to protect vulnerable aged persons.

Having regard to these factors, I consider the Bill to be compatible with Charter rights.

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

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:44): I move:

That the bill be now read a second time.

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

This Bill will resolve a legislative gap that exists following amendments made to the *Aged Care Act 1997*. In 2021, the Commonwealth government introduced new legislative requirements for residential aged care providers to seek informed consent from substitute decision makers to authorise the use of restrictive practices where a resident lacks capacity.

As an interim measure, the Commonwealth introduced a temporary hierarchy to guide the identification and appointment of a decision maker. The Commonwealth’s temporary hierarchy includes various decision-makers, identified based on proximity and personal connection to the aged care resident.

In Victoria, this temporary hierarchy has been in place since 2022, and has been relied on by aged care providers, aged care residents, and their supporters. This hierarchy was set to be automatically repealed on 1 December 2024. However, the Commonwealth government has committed to extending this arrangement, with a view to repealing it in 2026. Once this temporary arrangement is ultimately repealed, Victoria will need its own legislation in place to avoid creating a legislative gap whereby there is no substitute decision-maker identifiable under Victorian law.

Victoria currently does not have legislation that explicitly identifies and authorises substitute decision makers to consent to the use of restrictive practices in residential aged care. It is imperative that that we address this gap to ensure that there is a clear framework in Victoria to ensure aged care residents receive appropriate behavioural supports in accordance with the *Aged Care Act*.

This Bill will address this by establishing a clear framework for identifying who can act as a “restrictive practices substitute decision-maker”, by prescribing a hierarchy of decision-maker based largely on close and personal relationship to the aged care resident. This approach also builds in appropriate safeguards to protect the rights and interests of people living in residential aged care.

This hierarchy is only engaged when the aged care resident does not have capacity to provide consent for themselves. Under the *Aged Care Act*, providers will be expected to seek informed consent from the aged

care resident first – and only seek out a substitute decision-maker if the aged care resident does not have capacity.

The Bill will allow aged care providers to identify substitute decision makers through a hierarchy. Under this Bill, decision-makers will be identified in the following order of precedence:

1. substitute decision-makers nominated in advance and in writing by the aged care resident;
2. a next of kin which is to be identified based on someone who has a close and continuing relationship with the aged care resident; and
3. a decision maker appointed by VCAT should no other decision maker be available; and if no such person exists, and as a last resort, VCAT can act as the decision maker.

This hierarchy embeds a person-centred approach, by prioritising the person that an aged care resident has identified in advance through a nomination.

If a nomination is not in place, or the nominee is not willing and able to act as decision maker, aged care providers will need to identify a decision-maker in accordance with the subsequent tiers of the hierarchy. Providers cannot move to the next tier of the hierarchy simply because a decision-maker withholds consent. A decision to provide or withhold consent by a valid substitute decision-maker must be respected.

The decision maker must be someone willing to and able to act at the time a decision is required, and cannot be employed by the provider, or have been involved in the development, implementation or review of the aged care resident's Behavioural Support Plan, as an employee or agent of the aged care provider. A substitute decision-maker also cannot be someone that is subject to a current family violence intervention order relating to the aged care recipient, or if that individual is found guilty of committing a crime against the aged care recipient.

The Bill will ensure older people have as much autonomy as possible around decisions that concern them through the nomination function. Nominations by aged care residents must also be made in accordance with requirements prescribed in the Bill (such as to be in writing, and witnessed appropriately), to ensure that there is clarity and consistency around who these decision makers are. Aged care residents will be able to document their preferences for the decision-maker to consider these when making decisions.

New criminal penalties will also be created that will make it an offence for someone to coerce a nomination, or to fraudulently act as if they are a nominee.

The Bill will make minor amendments to the Victorian Civil and Administrative Tribunal Act 1997 to empower the Tribunal to act in an oversight capacity for the appointment of substitute decision-makers, and to act as a decision-maker of last resort should there be no other decision-maker reasonably identifiable.

Aged care residents will be assumed to have capacity to make, change or withdraw a nomination, unless it is demonstrated otherwise. The Victorian Civil and Administrative Tribunal will have jurisdiction to determine whether an individual has the capacity to make, change or withdraw a nomination; and whether an individual is willing and able to act as a substitute decision-maker.

Aged care providers must adhere to the Commonwealth's requirements regarding determining whether an individual has capacity to provide informed consent for the use of restrictive practices, or whether they require a substitute decision-maker.

Aged care providers must make decisions and act in accordance with Commonwealth legislation, including the Aged Care Act and the Quality of Care Principles. This includes section 15FA of the Principles which requires providers to only use restrictive practices as a last resort, in the least restrictive form, for the shortest amount of time possible; and only using restrictive practices after less restrictive strategies have been attempted first.

Under section 15HA of the Principles, providers must assess the aged care resident's behavioural support needs, and if restrictive practices are required, document this assessment and details of the proposed use of restrictive practices within a Behavioural Support Plan. This Behavioural Support Plan must be prepared in accordance with the Aged Care Act and the Quality of Care Principles 2014.

Aged care providers must, under section 15HG of the principles, consult with the substitute decision-maker when preparing, reviewing or revising the use of restrictive practices. In practice, substitute decision-makers can ask the aged care provider questions to satisfy themselves that they understand what they would be consenting to, and whether it meets the Commonwealth's requirements for appropriate use.

Substitute decision-makers will be able to exercise their discretion to consent, or withhold consent, for the use of the restrictive practices. Aged care providers must allow substitute decision-makers to consider the giving of consent without coercion or duress.

This Bill does not change how aged care providers can use restrictive practices in emergencies, such as in cases of immediate threat to life or harm. Aged care providers must still uphold their responsibilities under the Aged Care Act and the Quality of Care Principles, including on mandatory reporting and notification of the emergency use.

When the Commonwealth progresses with its new Aged Care Act, it is expected that these requirements will continue to be prescribed in legislation. Aged care providers will continue to have these obligations placed on them as the Commonwealth progresses with its reforms.

Independent advocacy and support services will continue to have a role in assisting substitute decision-makers to make decisions about their loved ones living in residential aged care – including decisions related to financial matters, living arrangements and medical treatment decisions. As required, Victorians will continue to be able to seek help from organisations such as Victoria Legal Aid, the Older Persons Advocacy Network and Senior’s Rights Victoria, as appropriate.

The hierarchy provides certainty and consistency to both aged care providers and aged care residents, by aligning closely with the process used in existing Victorian legislation around medical treatment decision-making, whilst ensuring the use of restrictive practices remain regulated appropriately under the Commonwealth’s jurisdiction.

However, this Bill is a standalone piece of legislation, that will operate separate to, but alongside, other legislative frameworks for substitute decision-making (such as the Medical Treatment Planning and Decisions Act and the Guardianship and Administration Act). Having standalone legislation ensures that Victoria has an appropriate framework in place that is compatible with the requirements of the Commonwealth Aged Care Act for a substitute decision-maker to provide informed consent.

Any Behavioural Support Plans that are currently active and consented to at the time of commencement will still be considered valid and will not require new consent to be given. Any Behavioural Support Plan that is created or amended after commencement of this Bill will require consent to be given, with the decision-maker to be identified in accordance with this Bill. This includes any Behavioural Support Plans that are updated as part of regular review.

The Bill provides for a transition from the Commonwealth’s temporary hierarchy to the new one. Any individual who has been nominated as a substitute decision-maker in compliance with the Commonwealth’s temporary instrument will have that appointment recognised as being an appointment by a nominee under the Bill. This will ensure that any appointments made by aged care residents prior to the commencement of the Bill will remain in place, and ensuring people’s choices around who they trust to make decisions for them are preserved.

The hierarchy will be familiar to the sector, aged care providers and family and friends of aged care residents. All decisions made by substitute decision makers will be in accordance with the current and new Aged Care Act, the Quality of Care Principles, the Charter of Aged Care Rights, and the Aged Care Quality Standards to ensure the rights of aged care residents subjected to restrictive practices are safeguarded.

By enabling the Bill, the Victorian Government will ensure people entering or living in residential aged care can make decisions about their future care. Knowing that should the time come, a trusted loved one will be able to act in their interest. This Bill will also ensure all residential aged care providers are able to be compliant with the requirements of Commonwealth legislation.

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (17:44): I move:

That debate on this bill be adjourned for one week.

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

### **State Taxation Further Amendment Bill 2024**

#### *Introduction and first reading*

**The PRESIDENT** (17:44): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Duties Act 2000**, the **First Home Owner Grant and Home Buyer Schemes Act 2000**, the **Land Tax Act 2005**, the **Payroll Tax Act 2007**, the **Sale of Land Act 1962**, the **State Taxation Acts and Other Acts Amendment Act 2023**, the **State Taxation Amendment Act 2024**, the **Taxation Administration Act 1997**, the **Unclaimed Money Act 2008** and the **Valuation of Land Act 1960**, to make consequential amendments to other Acts and for other purposes.’



**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:45): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

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

That the second reading be taken forthwith.

**Motion agreed to.**

### *Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:45): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the State Taxation Further Amendment Bill 2024:

In my opinion, the State Taxation Further Amendment Bill 2024 (**Bill**), as introduced to the Legislative Council, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.

#### **Overview**

This Bill makes a number of amendments to the *Commercial and Industrial Property Tax Act 2024*, the *Duties Act 2000* (**Duties Act**), the *First Home Owner Grant and Home Buyer Schemes Act 2000* (**FHOHBS Act**), the *Land Tax Act 2005* (**Land Tax Act**), the *Payroll Tax Act 2007* (**Payroll Tax Act**), the *Sale of Land Act 1962*, the *State Taxation Acts and Other Acts Amendment Act 2023*, *State Taxation Amendment Act 2024*, the *Taxation Administration Act 1997*, the *Valuation of Land Act 1960* (**Valuation Act**) and the *Unclaimed Money Act 2008*. Consequential amendments are also made to the *Fire Services Property Levy Act 2012*, the *Local Government Act 1989* and the *Windfall Gains Tax Act 2021*.

Many provisions of the Bill do not engage the human rights listed in the Charter because they either do not affect natural persons, or they operate beneficially in relation to natural persons. Further, many technical amendments made by the Bill, including amendments to the Valuation Act relating to objections, do not engage the human rights listed in the Charter as they do no more than clarify the intended operation of provisions already enacted.

#### **Human rights issues**

The rights under the Charter that are relevant to the Bill are the right to property, the right to privacy and the right to recognition and equality before the law.

#### **Right to property: section 20**

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

#### *Payroll Tax Act: Period for reassessment in the case of underpaid wages*

Clause 45 of the Bill amends the Payroll Tax Act to permit the Commissioner of State Revenue (**Commissioner**) to make a reassessment of payroll tax more than five years after the date of the original assessment where a tax default has occurred due to wage theft. This may engage the right to property to the extent that natural person employers who have engaged in wage theft may be liable to pay reassessments of payroll tax in respect of periods which currently cannot be reassessed.

The imposition of payroll tax is not arbitrary because it is precisely formulated in the Payroll Tax Act. It is a self-assessing tax. The legislation is adequately accessible, clear and certain, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Extending the Commissioner's power to issue reassessments beyond the current five-year period in instances of wage theft permits the Commissioner to compel payment of amounts of tax for which the person was already liable under the Payroll Tax Act. Furthermore, natural persons who are issued with a

reassessment in those circumstances will have the protections provided by the TA Act including rights of objection, review, appeal and refund of overpaid tax.

*Duties Act and Land Tax Act: foreign purchaser additional duty and land tax absentee owner surcharge*

Clause 32 amends the Duties Act to ensure that certain foreign persons' liability to the foreign purchaser additional duty (FPAD) which arose and/or was assessed during the period 1 January 2018 to 8 April 2024 is imposed as it was intended to be imposed.

Clause 42 similarly amends the Land Tax Act to ensure that certain foreign persons' liability to the land tax absentee owner surcharge (AOS) which arose and/or was assessed during the period 1 January 2018 to 8 April 2024 is imposed as it was intended to be imposed.

These clauses are intended to address a risk that the existing provisions of the *Duties Act* and the *Land Tax Act* which imposed FPAD or charged AOS were invalid by reason of an inconsistency with the *International Tax Agreements Act 1953* (Cth), which gives the force of law to certain non-discrimination clauses in international tax treaties.

To address that issue, in April this year the Commonwealth amended the *International Tax Agreements Act 1953* (Cth) by the *Treasury Laws Amendment (Foreign Investment) Act 2024* (Cth). The Commonwealth amendments clarify the uncertainty about the interaction of State laws with the international tax agreements, by ensuring that State laws imposing certain taxes (including the AOS and FPAD) prevail in the event of any inconsistency with the international tax agreements. The Commonwealth amendments apply to taxes payable on or after 1 January 2018 or in relation to tax periods ending on or after 1 January 2018. The amendments proposed in the Bill are intended to align with the Commonwealth amendments and ensure that the Victorian taxes are imposed as they were intended to be imposed.

Where clauses 32 and 42 apply, they will operate to impose a new duty or land tax upon the same persons and events, at the same time and in the same amount, as if FPAD or AOS had been validly charged. The practical effect is that if a person had already paid FPAD or AOS and the imposition of those taxes is found to be invalid, their payment will satisfy their liability under the new provisions. If a person owed but had not paid FPAD or AOS, they will be obliged to pay the same amount under the new land tax or duty.

These clauses may engage the right to property to the extent that they require certain foreign natural persons to pay the new duty or land tax, in circumstances where they may arguably have had a claim in respect of any past payments of duty or land tax that had not been validly charged by reason of the inconsistency.

To the extent that natural persons' property rights are affected by the above amendments to the Duties Act and the Land Tax Act, they are in accordance with law and so the right in section 20 is not limited. Even if the right were limited, any limit can be reasonably justified under section 7(2) of the Charter because it is clearly articulated, sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly, and not arbitrary. The duty and land tax is imposed in terms that ensure that the rights and liabilities of all persons will be the same as if the past imposition of these taxes had been validly charged. The provisions confirm that land tax and duty is payable in accordance with what the State had always intended, and ensures citizens of all foreign countries are placed in the same position under Victorian law.

There are no less restrictive means reasonably available to achieve the purpose of enabling the proper administration of the FPAD and AOS.

**Right to privacy: section 13**

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

*Land Tax Act: Exemption for housing provided for the relief of poverty*

Clause 40 of the Bill introduces section 78D into the Land Tax Act which provides that in order to obtain a land tax exemption in relation to housing provided for the relief of poverty, the owner of the land must apply to the Commissioner for the exemption and provide the Commissioner with any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt.

To the extent that the collection of any personal information from a natural person in relation to these land tax exemption applications may result in interference with a natural person's privacy, any such interference will be lawful and not arbitrary as these provisions do not require that a person's personal information be published. Further, these provisions only require the provision of information necessary to achieve the purpose of determining eligibility for the land tax exemption which is exclusively in the taxpayer's possession. Therefore, there are no other reasonable means available to achieve this purpose.

**Right to recognition and equality before the law: section 8**

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Discrimination, under section 6 of the *Equal Opportunity Act 2010*, includes discrimination on the basis of a person's nationality.

*Duties Act and Land Tax Act: foreign purchaser additional duty and land tax absentee owner surcharge*

Liability to pay FPAD differentiates based on whether a person is a foreign natural person, which is a person other than an Australian citizen or a permanent resident of Australia (which includes a New Zealand citizen).

Liability to pay AOS differentiates based on whether a person is an absentee owner, which is a person other than an Australian citizen or a permanent resident of Australia (which includes a New Zealand citizen), who does not ordinarily reside in Australia and is either absent from Australia on 31 December immediately preceding the tax year or is absent from Australia for more than six months in the year prior to the year of assessment, for which land tax relates.

As discussed above, where clauses 32 and 42 of the Bill apply, they will operate to impose a new duty or land tax upon the same persons and events, at the same time and in the same amount, as if FPAD or AOS had been validly charged. The practical effect is that if a person had already paid FPAD or AOS and the imposition of those taxes is found to be invalid, their payment will satisfy their liability under the new provisions. If a person owed but had not paid FPAD or AOS, they will be obliged to pay the same amount under the new land tax or duty. The Charter implications of the original absentee owner surcharge provisions were addressed in the Statement of Compatibility accompanying the State Taxation and Other Acts Amendment Bill 2015. Given that FPAD and AOS differentiate between taxpayers' liability on the basis of a person's citizenship, clauses 32 and 42 of this Bill may limit a natural person's right to equal protection of the law without discrimination.

However, any limitation on those rights would be reasonable and justified in accordance with section 7(2) of the Charter because the amendments are required for the proper administration of the charges, and consequently necessary to achieve the underlying purpose of collecting surcharge rates of land tax from absentee owners of land, which is to improve housing affordability for Victorians and to fund vital infrastructure by increasing the cost of holding land for foreign persons in the Victorian residential housing market. Differential treatment of foreign natural persons is necessary to achieve this purpose. The Bill ensures that this purpose can be achieved by enabling the proper administration of the FPAD and AOS, and further ensures citizens of all foreign countries are placed in the same position under Victorian law, limiting the extent of any discrimination between citizens of different foreign countries. There are no less restrictive means reasonably available to achieve these purposes.

**Conclusion**

For these reasons, in my opinion, the provisions of the Bill are compatible with the rights contained in sections 8, 13 and 20 of the Charter.

**Hon Jaelyn Symes MP**  
**Attorney-General**  
**Minister for Emergency Services**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:45): I move:

That the bill be now read a second time.

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

The State Taxation Further Amendment Bill 2024 amends the *Duties Act 2000* (Duties Act), *First Home Owner Grant and Home Buyer Schemes Act 2000*, *Land Tax Act 2005* (Land Tax Act), *Payroll Tax Act 2007* (Payroll Tax Act), *Sale of Land Act 1962*, *State Taxation and Other Acts Amendment Act 2023*, *State Taxation Amendment Act 2024*, *Taxation Administration Act 1997* (TAA), *Valuation of Land Act 1960* (Valuation of Land Act) and *Unclaimed Money Act 2008*.

This Bill enacts measures to improve the operation of Victoria's taxation laws and the land valuation process. In line with government policy, these amendments maintain a strong and sustainable taxation system. Amendments in this Bill to the Valuation of Land Act will also improve the integrity and effectiveness of the valuation system, ensuring it operates as intended. This Bill further amends the *Unclaimed Money Act 2008* to make a statute law revision.

*Bulk billing general practitioners*

This Bill introduces a payroll tax exemption from 1 July 2025 for bulk-billing general practice (GP) medical businesses. Following extensive consultation with the primary care sector and work to align settings across the country, in May 2024 the Government announced payroll tax relief for Victorian GP businesses for outstanding or future assessments to contractor GPs up to 30 June 2024. This relief was provided through my *ex gratia* powers as Treasurer. Also announced was a further 12 months of payroll tax relief on contractor GP payments through to 30 June 2025 for any businesses that had not already received advice and begun paying payroll tax for their contractor GPs. The new exemption in this Bill covers employers paying wages to contractor or employee GPs providing bulk-billed consultations. The exemption is a partial exemption, based on the proportion of total payments paid by patients or the relevant funding provider for medical services provided by GPs that are payments for bulk-billed or fully funded medical services. Fully funded medical services include payments in relation to veterans' entitlements, payments from the Transport Accident Commission or workers compensation schemes. This will ease pressures on GPs and give certainty to primary care businesses and the broader sector, supporting GPs and the important work they do looking after Victorians.

*Commercial and industrial property tax subsequent transactions*

This Bill extends the duty exemptions for certain subsequent transactions of land in the commercial and industrial property tax reform scheme (CIPT scheme), which commenced on 1 July 2024. Under the CIPT scheme, duty is gradually being abolished on commercial and industrial land and replaced with an annual commercial and industrial property tax. Once land enters the CIPT scheme – generally through a dutiable transaction or relevant acquisition affecting a 50% or more interest in the land – subsequent transfers and acquisitions of the land are exempt from duty. However, subsequent transactions in relation to dutiable leases, fixtures, economic entitlements or dutiable goods are currently not exempt. This Bill exempts transactions of dutiable leases, fixtures or economic entitlements related to land in the CIPT scheme, where appropriate duty was previously paid on or after the land entered the scheme, and also exempts the transfer of dutiable goods transacted as part of an arrangement. A full exemption applies if duty was previously paid on the whole land. If full duty has not been paid, the Commissioner of State Revenue (Commissioner) will have discretion to fully or partially exempt a subsequent transaction based on several legislative factors. This amendment upholds the Government's commitment during passage of the CIPT Act to work with industry stakeholders to introduce an exemption for these transactions. The amendment takes effect from the day after Royal Assent.

*Land tax charitable housing exemption*

This Bill amends the Land Tax Act to exempt housing owned or managed by a charitable institution and provided to occupants in connection with the charitable purpose of relief of poverty, from the 2025 land tax year. The *State Taxation Amendment Act 2024* previously introduced standalone exemptions for social housing or emergency housing. The exemption introduced in this Bill will assist charitable housing providers that would not meet the eligibility criteria for the new social housing exemption, including where the provider manages housing that is not allocated to residents registered with the Victorian Housing Register but is nonetheless provided for a charitable purpose. The new exemption will also extend to vacant land owned by charitable institutions and declared by its owner to be held for such future use and occupation.

*Foreign purchaser additional duty and absentee owner surcharge*

This Bill amends the Duties Act and Land Tax Act to ensure that the liability of foreign purchasers and absentee owners of land from certain countries to pay foreign purchaser additional duty (FPAD) and absentee owner surcharge (AOS) for the period 1 January 2018 to 8 April 2024 are imposed as they were intended to be imposed. The TAA is also amended to provide that certain FPAD and AOS assessments made under that Act are taken to have the same force and effect as if made in respect of the new taxes. These amendments are intended to address a risk that the existing provisions of the Duties Act and the Land Tax Act which imposed FPAD or charged AOS were invalid by reason of an inconsistency with the *International Tax Agreements Act 1953* (Cth), which gives the force of law to certain non-discrimination clauses in international tax treaties. On 8 April 2024, Commonwealth amendments in the *Treasury Laws Amendment (Foreign Investment) Act 2024* (Cth) took effect to clarify an uncertainty about the interaction of State laws with the international tax agreements, by ensuring that State laws imposing certain taxes (including the AOS and FPAD) prevail in the event of any inconsistency with the international tax agreements. The Commonwealth amendments apply to taxes payable on or after 1 January 2018 or in relation to tax periods ending on or after 1 January 2018. The amendments proposed in the Bill are intended to align with the Commonwealth amendments and ensure that the Victorian taxes are imposed as they were intended to be imposed. Where the amendments apply, they will operate to impose a new duty or land tax upon the same person and events, at the same time and in the same amount, as if FPAD or AOS had been validly charged. The practical effect is that if a person had already paid FPAD or AOS and the imposition of those taxes is found to be invalid, their payment will satisfy their liability under the new provisions. If a person owed but had not paid FPAD or AOS, they will be obliged to

pay the same amount under the new land tax or duty. The amendments confirm that land tax and duty is payable in accordance with what had always been intended, ensure citizens of all foreign countries are placed in the same position under Victorian law and protect the significant State revenue collected from FPAD and AOS taxpayers.

*Grants, concessions and exemptions for pensioners and first home buyers*

This Bill amends the Duties Act to enable the pensioner and concession card duty reduction to apply to the purchase of a home by the guardian of a person with a legal disability who is an eligible concession cardholder, or to the purchase of a home by the trustee for a special disability trust where the principal beneficiary is an eligible cardholder. The Bill makes equivalent amendments to the first home buyer duty concession and exemption in similar circumstances, where the purchaser is a trustee of a special disability trust and the principal beneficiary is an eligible first home buyer. These amendments will support guardians and trustees (including trustees for special disability trusts) in purchasing housing for a person with a legal disability, or the principal beneficiary in the case of an special disability trust, where the person meets eligibility criteria for a duty concession or exemption but cannot access them due to the purchase being made under a guardianship or trust arrangement. Consistent with these amendments, the *First Home Owner Grant and Home Buyer Schemes Act 2000* will also be amended to allow the trustee for an special disability trust to apply for the First Home Owner Grant on behalf of the principal beneficiary of the special disability trust who is a first home buyer. The amendments take effect from the day after Royal Assent.

*Vacant residential land tax – holiday home exemption*

This Bill amends the holiday home exemption from vacant residential land tax (VRLT) as it applies to company or trustee owners from 1 January 2025, such that a relevant natural person with an Australian principal place of residence (PPR) may ‘directly or indirectly’ hold at least 50% of the shares or beneficial interests in the company or trustee owner to qualify for the exemption. Currently the exemption only applies if interests are held directly by a person or persons with an Australian PPR. This Bill also extends the exemption so it can continue after the death of the landowner or the sole shareholder of a company owner, provided a relative of the deceased satisfies relevant requirements for the exemption. This ensures a deceased person’s family can continue to benefit from the exemption while the administration of the estate is being processed, on the basis that the land is used as a holiday home. Finally, a change of trustee will be permitted without losing eligibility for an exemption due to the existing requirement that the same trustee must have continuously owned the holiday home since 28 November 2023. This recognises that changes of trustee may occur for legitimate reasons such as the retirement of the former trustee. The amendments commence from the 2025 land tax year.

*Vacant residential land tax – other amendments*

This Bill contains several further amendments to the *State Taxation Acts and Other Acts Amendment Act 2023* and *State Taxation Amendment Act 2024* (2023 and 2024 Acts) regarding the operation of VRLT. Firstly, the Bill clarifies that a 1% concessional VRLT rate applies to newly developed residential land from 1 January 2025 if the land was previously exempt from ‘vacant residential land tax’, rather than the existing wording of ‘land tax’. From 1 January 2025 the VRLT rate is progressive, where it applies at 1% of capital improved value (CIV) for the first year of VRLT liability, 2% for the second consecutive year and 3% for the third and subsequent years. Newly developed residential land will be eligible for a VRLT exemption for up to 3 tax years after which a 1% concessional rate will apply each subsequent tax year until the land changes ownership or is no longer subject to VRLT. Secondly, the Bill clarifies that land that has been unimproved residential land for the 5 years preceding 2026 (that is, from 2021) will be liable for VRLT from 1 January 2026. This removes any ambiguity in the existing wording relating to whether the 5-year timeframe covers the period before the commencement of VRLT amendments in the *State Taxation Acts and Other Acts Amendment Act 2023*. Thirdly, the VRLT exemption from 1 January 2026 for unimproved residential land contiguous to an owner’s PPR will be extended to include the PPR of a qualifying person with a disability and the PPR of a tenant or permitted occupant of the owner. Lastly, the Bill also ensures that land located in Victoria’s alpine resort areas will be excluded from the imposition of VRLT, commencing from 1 January 2025. Due to the cyclical and seasonal demand for accommodation in alpine resort areas, lands located in these areas are likely to be considered vacant for VRLT purposes. However, the imposition of VRLT on lands located in Alpine resort areas would be inconsistent with the purpose of VRLT, which is to encourage owners of vacant residential homes to make them available for use as long term accommodation.

*Friendly societies*

This Bill fully abolishes the land transfer duty exemption available to friendly societies and restricts the insurance duty exemption from 1 January 2025 to certain traditional friendly societies. Historically, friendly societies were mutual organisations which, by voluntary subscription, provide for the needs of their members and members’ families in times of medical or financial hardship. The Duties Act currently provides a broad

exemption for any transfer of dutiable property to, or insurance undertaken by, a friendly society. However, the existing provisions are available to any entity that was historically registered as a friendly society in Victoria before 1 July 1999 when State-based regulation of friendly societies was abolished. This means friendly societies that have demutualised or come under commercial control since 1999 can theoretically benefit from exemptions on high-value commercial transactions, when they were always intended to be confined to traditional societies. As the land transfer duty exemption is infrequently claimed and no longer appropriate to offer in modern circumstances, the Bill fully repeals this exemption. The Bill also narrows the insurance duty exemption from 1 January 2025 to traditional friendly societies, meaning those that have maintained both a mutual membership base and dominant activities falling within the scope of beneficial objects outlined in the former Friendly Societies (Victoria) Code: for example, the provision of health and welfare benefits, or financial and investment services. Friendly societies may still benefit from other duty exemptions where they are eligible, such as the charity exemption, and the exemption for friendly societies under the Land Tax Act will also continue to apply.

*Apportionment of land tax under contracts of sale of land and term contracts*

This Bill amends the definition of sale price in the *Sale of Land Act 1962* to clarify that this amount includes GST. The *Sale of Land Act 1962* prohibits the apportionment of land tax under contracts for the sale of land entered into on or after 1 January 2024. This is limited to contracts where the sale price is below a prescribed threshold amount, currently \$10 million (and indexed every calendar year). The amendment removes ambiguity in the definition and meets the policy intent that the threshold amount is intended to include GST payable on the supply of the land. The amendment will commence on the day after Royal Assent.

*Valuation of Land Act 1960 review*

The Bill makes necessary amendments to give final effect to the transition of responsibility for rating and taxing valuations from local councils to the Valuer-General. In addition, it makes minor amendments to improve the operation of the Valuation of Land Act 1960 by removing anomalies, correcting unintended outcomes, ensuring it is up to date with current practices and there is finality and certainty of the valuation record.

Since the 2023 general valuation cycle, the Valuer-General has been the sole valuation authority for all 79 councils in Victoria. The temporary provisions that were put in place in 2018 to support the transition from valuations being conducted by the relevant municipal council are being removed and updates made to ensure all responsibilities associated with making valuations have been appropriately transitioned to the Valuer-General. Minor consequential amendments are also being made to the *Fire Services Property Levy Act 2012*, the *Land Tax Act 2005*, the *Taxation Administration Act 1997* and the *Local Government Act 1989* to replace references to 'valuation authority' with references to the 'Valuer-General'.

Ensuring the valuation objection and review process results in the correct valuation is critical to the integrity of the valuation system. To ensure a valuer, Tribunal or Court can consider all the relevant evidence when reviewing a valuation and determine the correct valuation, the Bill replaces the grounds of objection that a value is too high or too low with a single ground of objection that the value is 'incorrect'. This change will come into operation on 1 January 2025 and apply to all objections lodged on or after that date, irrespective of when the valuation was made.

Additional amendments to the objection, review and appeal provisions will ensure that reviews are based on the grounds of objection and the valuation objected to, and that an objection lodged in respect of a valuation used to assess land tax or windfall gains tax is limited to those bases of valuation used to calculate the tax. The amendments ensure that initiation of a review does not re-enliven the right to object to other bases of valuation that have no relationship to the assessment being challenged.

The amendments also ensure that the Valuer-General can appoint another valuer to consider an objection if the original valuer is unavailable, preserve the validity of the general valuation if it is returned late, and clarify that the timeframe for exchanging information on an objection starts when the valuer receives an objection, not when it was lodged with the valuation authority.

The Bill also amends the Valuation of Land Act 1960 to ensure the legislation remains clear, up to date and best supports the administration of the valuation framework in Victoria. This includes amendments to align the Act with updated administrative practices for serving valuation notices, informing the State Revenue Office about objection outcomes, and referring valuation objections to the Valuer-General. The amendments also address anomalies in the legislation and ensures consistent language and definitions are used across principal Acts. This includes referring to notices of valuation as being 'served' rather than 'given', providing consistent rules for when service of a notice of valuation is effective, aligning the definition of Australian Valuation Property Classification Code (AVPCC) with the *Fire Services Property Levy Act 2012* and amending provisions which deem a person to be aggrieved by a valuation, regardless of whether they are dissatisfied with the valuation.

*Wage underpayments*

The Bill amends the Payroll Tax Act to extend the period in which the Commissioner may reassess an employer's payroll tax liability more than 5 years after the initial assessment was made if an employer has underpaid wages. The existing TAA limits reassessments to 5 years after the original assessment in most circumstances. Sometimes this prevents the Commissioner from reassessing and collecting payroll tax from employers who have not paid wages or underpaid wages, including where underpayments occur over several years or only come to light many years after the fact. This change ensures that employers who underpay wages remain accountable for unpaid payroll tax including any associated penalty tax and interest. This amendment takes effect from the day after Royal Assent.

*Land tax excluded trusts and clubs*

This Bill amends the Land Tax Act to expand the definition of an excluded trust. Excluded trusts are not subject to the trust surcharge rate of land tax and the definition currently includes trusts with certain clubs, or their members, as the sole beneficiary or beneficiaries. In 2020, the former concession for clubs was expanded so that non-racing clubs became eligible for a full exemption, while racing clubs continued to receive the concession. However, consequential amendments were not made to the definition of 'excluded trust' to reflect these changes. This Bill amends the definition to include a trust whose sole beneficiaries are non-racing clubs or their members. The definition of 'excluded trust' is also expanded to include trusts whose sole beneficiaries are non-profit sporting, outdoor recreational, outdoor cultural or similar outdoor organisations, which are also eligible for an exemption under the Land Tax Act. The amendment takes effect from the day after Royal Assent for the 2025 land tax year.

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (17:45): I move:

That debate on this bill be adjourned for one week.

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

**Statute Law Repeals Bill 2024***Introduction and first reading*

**The PRESIDENT** (17:45): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to repeal certain redundant or spent provisions in Acts.'

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:46): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

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

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:46): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I table a statement of compatibility for the **Statute Law Repeals Bill 2024** (Bill).

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

**Overview**

The Bill will repeal redundant and spent provisions in Victorian legislation to ensure Victorian legislation remains accurate and up to date.

In particular, the Bill will include amendments to the following Acts:

- *Australian Consumer Law and Fair Trading Act 2012*;
- *Docklands Act 1991*;
- *Filming Approval Act 2014*;
- *Greenhouse Gas Geological Sequestration Act 2008*;
- *Marine (Drug, Alcohol and Pollution Control) Act 1988*;
- *Road Safety Act 1986*; and
- *Yarra River Protection (Wilip-gin Birrarungmurron) Act 2017*.

Since the Bill repeals provisions that are already redundant or spent, it does not have any substantive legal effect. On this basis, I consider that the amendments under the Bill do not engage any rights under the Charter.

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

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:46): I move:

That the bill be now read a second time.

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

The Bill before the House, the Statute Law Repeals Bill 2024, is a mechanism for reviewing Victoria's statute books to ensure Victorian statutes remain clear, relevant and accurate.

The Bill will repeal redundant and spent provisions in Victorian legislation to ensure Victorian legislation remains accurate and up to date.

The Bill will include amendments to the following Acts:

- *Australian Consumer Law and Fair Trading Act 2012*;
- *Docklands Act 1991*;
- *Filming Approval Act 2014*;
- *Greenhouse Gas Geological Sequestration Act 2008*;
- *Marine (Drug, Alcohol and Pollution Control) Act 1988*;
- *Road Safety Act 1986*; and
- *Yarra River Protection (Wilip-gin Birrarungmurron) Act 2017*.

I commend the Bill to the House.

**Georgie CROZIER** (Southern Metropolitan) (17:46): I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.****Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Bill 2024***Introduction and first reading*

**The PRESIDENT** (17:46): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Tobacco Act 1987** to establish a licensing scheme for tobacco retailers and wholesalers and make related and other amendments, to make consequential amendments to the **Confiscation Act 1997**, the **Drugs, Poisons and Controlled Substances Act 1981** and the **Spent Convictions Act 2021** and for other purposes.'



**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:47): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

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

That the second reading be taken forthwith.

**Motion agreed to.**

#### *Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:47): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Bill 2024 (the **Bill**).

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

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

This Bill:

- amends the Tobacco Act 1987 (the **Act**):
  - to establish a licensing scheme for tobacco retailers and wholesalers;
  - to repeal provisions relating to e-cigarettes and specialist tobacconists; and
  - to provide for forfeiture of prohibited products; and
- makes consequential amendments to the *Confiscation Act 1997* (**Confiscation Act**), the *Drugs, Poisons and Controlled Substances Act 1987* and the *Spent Convictions Act 2021* (**Spent Convictions Act**).

The purposes of this Bill are to:

- safeguard the suitability of licensed retailers and wholesalers of tobacco products;
- promote and enforce retailer and wholesaler compliance with controls on the lawful sale and promotion of tobacco products under the Act; and
- uphold the integrity of the tobacco retailer and wholesaler licensing scheme by deterring unlawful conduct.

#### **Human rights issues**

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

- The right to privacy and reputation (section 13);
- The right to freedom of expression (section 15);
- The right to property (section 20);
- The right to a fair hearing (section 24);
- The right to the presumption of innocence (section 25(1)); and
- The right not to be tried or punished more than once (section 26).

#### ***Licence application processes***

The Bill establishes a tobacco business licensing scheme to regulate the lawful supply of tobacco products. Accordingly, new Part 3AA of the Act, inserted by clause 8 of the Bill, sets out the application processes for obtaining, renewing, varying, relocating, and transferring a licence. Licence applications must contain prescribed particulars, such as specified details of the applicant's associates, which includes prescribed relatives. The Regulator may additionally request that the applicant provide a criminal history check and any

other documents or information relevant to assessing the suitability of the applicant to obtain, relocate, transfer and renew a licence (new sections 34A(1)–(3)), 34H(2)–(4), 34I(2)–(4) and 34ZS(2)–(4)).

Division 6 of Part 3AA sets out the process by which the Regulator must determine licence applications. Before granting or refusing a licence, relocation, transfer, variation or renewal application, the Regulator may conduct inquiries with government agencies in Victoria or in other Australian jurisdictions in relation to the criminal history of the applicant or any of their associates and must consider any objections or representations made by the Chief Commissioner of Police (new section 34W(3)(a), (c) and (6)). Under new section 34X, the Regulator may refuse to grant a licence or transfer application if they consider the applicant or an associate of theirs not to be a suitable person to carry on or be associated with a tobacco supply business.

Section 34Z deals with suitability matters and provides that a person found guilty – within the preceding 5 years – of a suitability offence (as defined in amended section 3) or an indictable offence (other than an indictable offence that is a suitability offence) or who is, in the Regulator’s opinion, linked to or tends to be linked to, unlawful tobacco activity or organised crime activity, are not a suitable person to carry on or be associated with a tobacco supply business under the licence. Section 34Z(2) provides that the Regulator may take into account any spent conviction in relation to an offence specified in section 34(1) disclosed to the Regulator under the Spent Convictions Act that is recorded not more than 5 years before the date that the Regulator requested the information from the relevant law enforcement agency.

#### *Right to equality and right to freedom of association*

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

‘Discrimination’ under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute in section 6 of that Act. Relevantly, ‘spent convictions’ and ‘personal associations’ with a person who is identified by reference to a spent conviction, are attributes protected under sections 6(pb) and 6(q) of the EO Act. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute.

Accordingly, the power to refuse to grant a licence to an applicant on the basis that the applicant, or their associate, has a spent conviction may constitute direct discrimination against a person with a protected attribute and therefore engage the right to equality under s 8(3) of the Charter.

Section 16(2) of the Charter provides that every person has the right to freedom of association with others. This right has been broadly construed to include private associations and is not confined to participation in formal groups. Therefore, this Bill may engage this right by denying a person a licence on the basis of their personal or business associations.

Consequently, it is necessary to consider the proportionality or justification of the limitation on this right, by reference to its purpose. In order to justify limiting a Charter right, the purpose of the limitation must relate to ‘pressing and substantial’ social concerns, and be aimed at achieving legitimate values and interests. The more pressing and substantial the purpose, the greater the limitation it will justify.

The Bill seeks to address the pressing and substantial social concern of infiltration of the tobacco industry by serious and organised crime, and the practice of placing business assets in the names of family members. This practice has also been linked with financial abuse of domestic partners where criminal activity takes place within businesses under the names of domestic partners. These amendments are thus aimed at achieving the legitimate purpose of safeguarding the suitability of licensed retailers and wholesalers of tobacco products. Given the immediate and escalating risks in the tobacco industry, there is a strong public interest in this purpose. Accordingly, any limitations on the rights to equality and free association occasioned by the licencing scheme established in the Bill are necessary to fulfil a legitimate and pressing purpose that cannot be achieved by less rights-limiting means. I therefore consider that the Bill is compatible with the right to equality in section 8 of the Charter.

#### *Right to privacy and reputation*

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked. An interference with the right to privacy and reputation 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.

New Part 3AA of the Bill requires the provision of prescribed information, including an applicant or associate’s criminal history, to the Regulator in support of a licence application (new sections 34A(1)–(3)),

34H(2)–(4), 34I(2)–(4) and 34ZS(2)–(4)). To the extent that the prescribed information includes personal information, these provisions may interfere with a person’s right to privacy under section 13(a) of the Charter.

This being so, any impacts on the right to privacy are not unlawful or arbitrary. This is because the interference with privacy is authorised under legislation and is for the purpose of enabling the Regulator to make informed decisions about the appropriateness of a person to carry on a tobacco supply business. New sections 34A, 34H, 34I and 34ZS are clear and accessible and reasonably necessary to facilitate the Regulator’s regulatory functions. Further, the information required by the Regulator is limited to information necessary for, or relevant to, the an assessment of whether a licence applicant is a suitable person to carry on a tobacco supply business, and serves the important purpose of enhancing the fitness and propriety of persons participating in the tobacco industry and addressing unlawful activity.

Further, as there is a diminished expectation of privacy by persons seeking to participate in a regulated industry and that applicants will have given their consent for their information to be verified and shared within the confines of the relevant provisions, any interference with the privacy interests of applicants is limited. I therefore consider that the Bill is compatible with the right to equality in section 13 of the Charter.

#### *Criminal history*

As noted above, various applications under the Act require the applicant to provide criminal history checks to the Regulator (new sections 34A(1)–(3)), 34H(2)–(4), 34I(2)–(4) and 34ZS(2)–(4)). Further, before granting or refusing a licence, relocation, transfer, variation or renewal application, the Regulator may conduct inquiries with government agencies in relation to the criminal history of the applicant or any associates of the applicant (section 34W(3)(a) and (6)). Criminal history checks may disclose pending criminal investigations, current unproven criminal charges, convictions and findings of guilt as well as charges that have been struck out, withdrawn, set aside or where the person has been found not guilty.

New section 34ZZ further set outs the process by which the Regulator may, on their own motion, review licences. In so doing, the Regulator is empowered to conduct any inquiries they think fit, including from the licensee or their associate, the Chief Commissioner of Police or other government agencies in relation to the criminal history of the applicant or their associates (section 34ZZ(3)–(4)). The Regulator may further request any documents or information that they consider appropriate, including a criminal history check of the licensee; and any of their associates.

#### *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. This right is one of the most fundamental rights in the Charter, and accordingly, will require a sufficiently important objective to justify being limited.

While the right has been found to only apply to criminal proceedings (and not, by contrast, to other proceedings such as regulatory decisions), it does afford an accused a right to have the benefit of the doubt, and to be treated in accordance with this principle. It is suggested that the right incorporates duties on others to refrain from prejudging the outcome of a trial – including to abstain from actions that affirm the guilt of an accused.

While Victorian case law has yet to consider in more detail the broader application of this right beyond criminal proceedings, there is a reasonable argument that the above mentioned provisions that allow the Regulator access to a person’s criminal history which may disclose pending criminal investigations or current unproven criminal charges may constitute a limit on the presumption of innocence if this information forms the basis of a decision to deny an application. As such, these provisions could be characterised as effecting an act of pre-judgment of an accused, or at least depriving them of their right to the benefit of the doubt.

However, I consider that the licencing decisions by reference to potential involvement in criminal conduct is justified because the effective operation of the licensing scheme is necessary to protect the integrity of the industry and combat illegal tobacco activity. I therefore consider that the Bill is compatible with the right to be presumed innocent in section 25(1) of the Charter.

#### *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. However the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person’s conduct which has previously been the subject of criminal proceedings, or vice versa.

It might be argued that new section 34X(1)(a) of the Act, which provides for the refusal of a licence application on the basis of past convictions including spent convictions, constitute a limit on this right. This is because the provision could be characterised as effecting a form of ‘punishment’. Similarly, the suspension

and cancellation of a licence where the licensee or associate is found not to be a suitable person may be considered to be a double punishment if the finding is based on, or informed by, past charges or convictions.

However, in my view, these new sections do not engage this right as the making of licencing decisions by reference to past involvement in criminal conduct is not to be characterised as imposing a form of punishment, for the following reasons.

- The mere fact that a law operates to directly impose a detriment on a particular person does not make it punitive. Rather, the authorities show that the criteria by reference to which the detriment is imposed, and also the *purpose* for which it is imposed, are central to determining whether the imposition of a particular detriment is properly characterised as punitive.
- The purpose of the provisions is not punitive but protective, aimed at safeguarding the suitability of licensees, and the integrity of the licence scheme and tobacco supply industry. As the tobacco industry has been widely infiltrated by criminal organisations, it is important to ensure that the supply of tobacco products is subject to strict regulatory oversight.

Therefore, regulatory decisions on the basis of an applicant's criminal history are not punitive in their purpose but protective in nature. Therefore, in my view, they do not amount to double punishment for the purpose of section 26, and this right is therefore not limited.

#### ***Powers to suspend and cancel licences and disqualify persons***

Division 4 of new Part 3AA, inserted by clause 8, regulates the suspension and cancellation of licences. New section 34Q, inserted by clause 22 of the Bill, authorises the Regulator to suspend or cancel a licence on various grounds set out in section 34P(1), including where the licensee, or an associate, are found to no longer be a suitable person to carry on or be associated with a tobacco supply business under the licence for reasons that may include being found guilty of a suitability offence or an indictable offence that in the Regulator's opinion is linked to or tends to be linked to unlawful tobacco activity or organised crime activity (section 34Z). If the Regulator has cancelled a licence under new section 34Q, the Regulator may also disqualify that person from holding a licence for up to five years (new section 34ZU). New section 34W further authorises the Regulator to refuse a licence renewal application.

#### ***Right to privacy***

Although the Charter does not include an express 'right to work', there is case law which suggests that the right to privacy may include 'a right to work of some kind' where there is a sufficient impact upon the personal relationships of an individual or on their capacity to experience a private life, for example by curtailing their ability to earn a living and maintain their identity through employment.

It is possible that for a person who operates a tobacco supply business, the suspension, cancellation or refusal to grant renewal of their licence, or their disqualification from holding a licence, may significantly curtail their ability to earn a living and maintain their identity through employment. Accordingly, on a broad reading, the right to privacy may be engaged by a decision to suspend, cancel or disqualify a person, or a decision not to renew a licence. However, for the right to be limited, any interference must be unlawful and arbitrary. The question of arbitrariness depends upon the proportionality of any interference with privacy.

In my view, any impacts on the right to privacy are not unlawful or arbitrary. This is so because the provisions granting the power to suspend or cancel a licence are subject to a range of safeguards, such that any limits on rights are precise and carefully circumscribed. Division 4 sets out a detailed procedure for the determination of suspension and cancellation applications. For example, where an application is made by the Chief Commissioner of Police or a mortgagee of a licenced tobacco premises, the licensee must be provided with a copy of the application and where relevant, a 'show cause' notice (sections 34N, 34O and 34P). Further, a decision to suspend or cancel a licence must only be made in accordance with the criteria set out in section 34P(1), which includes a finding of such matters as the licensee or their associate is no longer a suitable person to carry on or be associated with a tobacco supply business under the licence, or the breach of a licence condition by the licensee. Similar safeguards apply to disqualification decisions (section 34ZT). Therefore, these provisions are aimed at ensuring that only suitable people are permitted to operate tobacco supply businesses, which serves a legitimate and important purpose, particularly given the incidence of unlawful and organised crime activity in the supply of tobacco products and the central role of licensees to supply of these products. Finally, suspension, cancellation and disqualification decisions are all subject to internal review (clause 5, subsection 3(e) and (g)) and VCAT appeal processes (new section 34ZL).

Finally, a tobacco supply licence is a privilege that attracts special responsibilities and duties. The power to suspend or cancel a licence due to a licensee's failure to comply with its requirements and conditions is an important regulatory function that protects the integrity and safety of the industry.

Accordingly, I consider that any interference arising from the Regulator's powers to suspend or cancel licences or disqualify persons from holding licences would not be arbitrary.

*Right to 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 administrative decision-makers with the power to determine private rights and interests in the broad sense. As administrative decisions that affect existing rights attract the application of the right to a fair hearing, powers to cancel or suspend an existing licence are likely to engage this right.

The fair hearing right is principally concerned with the procedural fairness of a decision, which in the context of these types of administrative decisions, generally requires prior notice of a decision, informing interested parties of the matters that may be relevant to a decision, and giving them a 'reasonable opportunity' to present their case and respond to adverse information.

I am satisfied that the fair hearing right is not limited, because section 34P provides for show cause notice requirements, which must include the ground(s) for the decision and an outline of the facts and circumstances forming the basis of the Regulator's belief that the ground(s) exist (subsections (2)(b) and (c)). Additionally, the Bill affords licensees a reasonable opportunity to respond (subsections 34P(2)(e) and (3)) and with a right of internal and VCAT review of the decision (sections 34ZJ and 34ZL).

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

It might be argued that new section 34Q of the Act, which provides for the suspension or cancellation of a licence where the licensee or associate is found not to be a suitable person, constitutes a limit on this right if the finding is based on, or informed by, past convictions including spent convictions. The argument might be put on the basis that the provision could be characterised as effecting a form of 'punishment'.

However, in my view, this new section does not engage this right as the making of licencing decisions by reference to past involvement in criminal conduct is not to be characterised as imposing a form of punishment, for the same reasons as outlined above.

Further, the nature of the detriments being imposed (eg, licence suspension or cancellation) is not of a nature traditionally associated with a criminal sanction. Penalties and sanctions imposed by a regulator do not usually constitute a form of 'punishment' for the purposes of this right. Further, no conviction flows from these outcomes nor is a person liable for subsequent sanctions of a criminal nature, such as a fine or imprisonment. The detriment does not interfere with a person's liberty or bodily integrity (or even pre-existing property rights), it is just directed to whether an applicant will continue to enjoy a privilege (ie, a licence).

Finally, licence suspension and cancellation on the basis of criminal history are limited to serious offences, such as indictable offences that in the Regulator's opinion may be linked to unlawful tobacco activity or organised crime activity (new section 34Z(1)(b)), and other specified offences that reasonably put into question a person's suitability to carry on a tobacco supply business (eg, indictable offences relating to fraud or dishonesty: subsections 3(c) and 34Z(1)(a)) (see 'suitability matters' as defined in new section 34Z).

***Immediate suspension in relation to suspected illicit tobacco offences***

Pursuant to recommendations arising from the PAEC inquiry into Vaping and Tobacco Controls, the Bill introduces a new process providing for the immediate suspension of a licence (for up to 90 days) if the Regulator forms a reasonable belief that a licensee has committed an offence relating to the possession or supply of a commercial quantity of illicit tobacco, and may continue to possess or supply illicit tobacco in or from the licensed premises (clause 8, new section 34R).

*Right to a fair hearing*

As new section 34R allows a person's licence to be immediately suspended without a show cause process, this amendment may further engage the right to a fair hearing.

However, as outlined above, the fair hearing right is principally concerned with the procedural fairness of a decision, such that the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited. The Bill affords licensees a right of internal and VCAT review of a decision to immediately suspend a licence (sections 34ZJ and 34ZL).

Further, immediate suspension serves an important purpose of providing a timely mechanism for preventing further criminal activity in circumstances where the Regulator reasonably believes that a licensee has committed an offence and may continue to do so. It is an important mechanism for realising the Bill's purpose of ensuring retailer and wholesaler compliance with the lawful sale of tobacco products.

I further consider section 34R to be a proportionate response as immediate suspension is confined to preventing activities reasonably considered to be an offence in circumstances where delayed regulatory action would not have the immediate protective effect of preventing an imminent risk of continued offending.

Therefore, to the extent that this provision limits the fair hearing right, it serves a legitimate objective and is thus reasonably justified. Accordingly, I am satisfied this provision is compatible with the Charter.

*The right to be presumed innocent*

Section 34R(2) authorises the Regulator to immediately suspend a licence under section 34R regardless of whether the licensee has been charged with an illicit tobacco offence, proceedings have been initiated against the licensee in respect of such offence, or the licensee having been convicted of such offence. As the provision allows for a regulatory action on the basis of an unproven offence and therefore can be characterised as effecting an act of pre-judgment of an accused, or at least depriving them of their right to the benefit of the doubt, the provision engages and may limit the right to the presumption of innocence in section 25(1) of the Charter.

However, there is a clear and direct relationship between the limitation and stated purpose – the immediate suspension of a licence directly correlates to the stated purpose of safeguarding the suitability of licensed tobacco retailers and wholesalers and the integrity of the tobacco retailer and wholesaler licensing scheme. Given the immediate and escalating risks in the tobacco industry, there is a strong public interest in this purpose.

Moreover, immediate suspension is limited to serious offences related to the possession or supply of a commercial quantity of illegal tobacco, where the Regulator reasonably believes the licensee may continue to offend.

It is my view that if the immediate suspension of a licence under new section 34R of the Act limits the right to be presumed innocent under section 25(1) of the Charter, such limits are justifiable.

***Search and seizure powers***

Division 3 of new Part 3AAB of the Act introduces a suite of powers that enable licensing inspectors to enter, inspect and search licensed tobacco premises, any vehicle used in connection with these premises, or other premises, and to seize any document or thing after entry. These powers provide a hierarchy of options that scale in the extent of their interference with rights:

- at the lower end of the scale are powers to enter a licensed tobacco premises open to the public, or to enter with consent (sections 35I and 35J);
- at the higher end are those powers that can only be exercised pursuant to a search warrant (section 35L).

Where a licensing inspector enters a premises or vehicle, they may exercise the powers specified in new sections 34K. These powers differ, depending on the basis on which a person's entry is authorised, but broadly include powers to search the premises; inspect or require the production of any document, equipment, product, goods or other thing for the purpose of inspection; copy or take an extract from documents; request information from persons at the premises, and seize any document, equipment, tobacco product, vaping goods or other thing in certain circumstances.

Warrants can be issued by a Magistrate where there are reasonable grounds to believe that there is likely to be on the premises any document, equipment, tobacco product, vaping goods or other thing that may be evidence of a licensing offence (section 35L). Where entry is authorised by warrant, a licensing inspector or police officer may also seize things not mentioned in the warrant if they reasonably believe certain matters exist (section 35O). They may also use or seize electronic equipment at the premises in certain circumstances (section 35P).

*Right to privacy*

These powers engage the right to privacy in section 13 of the Charter, which protects against unlawful and arbitrary interferences with a person's privacy or correspondence. However, a number of safeguards apply to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. In particular:

- licensing inspectors must only exercise powers of entry during normal business hours or any other time the premises are open to the public (unless the licensing inspector reasonably suspects that a licensing offence is being or has been committed, or otherwise provided for under a warrant, or by consent) (section 35I);
- licensing inspectors may only exercise powers (other than under a warrant) for the purpose of monitoring compliance with a relevant provision or if the inspector reasonably believes that a licensing offence is being or has been committed (section 35K(1));
- when consent is required to exercise a power, licensing inspectors must explain certain matters including the person's right to refuse to consent, and seek a signed acknowledgment of consent (section 35J);

- licensing inspectors and police officers must comply with retention and return limits in accordance with section 35Q for anything seized under section 35K or under a licensing search warrant; and
- when exercising powers of entry under a warrant, licensing inspectors or police officers must generally announce that they are authorised by warrant, give a person at the premises the opportunity to allow entry, and provide a copy of the warrant to the occupier (if present) (sections 35M and 35N).

As such, a broad range of safeguards apply to ensure the powers may only be exercised in a reasonable and proportionate way that protects the privacy of individuals as much as possible. The powers serve the important purpose of enabling licensing inspectors to effectively monitor and enforce compliance with the Act. The powers are appropriately tailored to reflect the source of the authority to enter premises and exercise associated powers, with the most significant powers being reserved to circumstances where a Magistrate has granted a warrant. Further the powers will primarily be restricted to entry onto commercial premises, at which there is generally a lesser expectation of privacy.

Although the powers involve some interference with the privacy of the licensees, I consider that the interference is neither unlawful nor arbitrary and is therefore compatible with the right to privacy in section 13 of the Charter.

#### *Right to property*

While property is not defined under the Charter, it is likely to include personal property interests recognised under general law. As the new seizure powers authorise the removal of anything found on the premises, these powers may engage property rights under section 20 of the Charter.

However, the provisions empowering the seizure of any document, equipment, tobacco product, vaping goods or other thing do not limit property rights, as any interference with property occasioned by these provisions would be undertaken in accordance with the provisions of the Bill, which are accessible, clear and sufficiently precise. For example, a licensing inspector may only seize anything on the premises if they consider it necessary for the purpose of obtaining evidence of the commission of a licensing offence (subsection 35K(2)(d)) and must provide a receipt for the thing seized as soon as practicable (subsection 35K(4)). Under a licensing search warrant, the power to seize anything not named in the warrant is subject to various conditions: specifically, a licensing inspector or police officer must believe on reasonable grounds that the seized thing is of a kind which could have been included in a warrant, will afford evidence of a licensing offence and is necessary to seize to prevent its concealment, loss or destruction or its use in the commission of that offence (new section 35O). Further, any deprivation of property is reasonably necessary to achieve the important objective of obtaining evidence of the commission of a licensing offence.

Therefore, any deprivation of property will be ‘in accordance with law’ and will therefore not limit the Charter right to property.

#### *Information use and sharing provisions*

New section 35C, inserted by clause 12, authorises the Regulator or a licensing inspector to collect, use and disclose information about an applicant or licensee, or their associate, for the purpose of performing the functions of the Regulator or licensing inspector under the Act and for other specified purposes. The provision also authorises the Chief Commissioner of Police to disclose to the Regulator any information, including personal information and law enforcement data, that they consider is reasonably necessary to enable the Regulator to perform their functions under the Act.

Additionally, new sections 34T and 34U of the Act, inserted by clause 8, enable the sharing of information, including personal and sensitive information between the Regulator and Chief Commissioner of Police for the purpose of objections or representations in relation to licence applications. Specifically, the Regulator must provide a copy of a licence or transfer application and may provide a copy of suspension, cancellation, relocation and variation applications, to the Chief Commissioner of Police (sections 34T and 34V). Sections 34U and 34V permit the Chief Commissioner to object and/or make written representations to the Regulator in relation to these applications. New section 34W of the Act enables the Regulator to use information provided by the Chief Commissioner when determining licence applications.

#### *Right to privacy and reputation*

By authorising the disclosure of what may be personal and sensitive information, these provisions engage the right to privacy and reputation of applicants and licensees under section 13 of the Charter. However, these amendments are carefully confined to their statutory purpose, to enable the Regulator to exercise their regulatory functions in respect of the licensing scheme and preclude unsuitable licensees, applicants and their associates from carrying on or being associated with a tobacco supply business. Therefore, the proposed disclosure of information does not extend beyond what is reasonably necessary to achieve the legitimate aim of the Bill, such that it is reasonable and proportionate to the Bill’s important objectives.

Accordingly, I consider that these provisions strike an appropriate balance between protecting the privacy and reputation of applicants while ensuring that the Regulator has sufficient information to perform its regulatory functions, including determining the outcome of licence applications and reviews. In my view, the information sharing powers are proportionate to the purpose of the limitation and therefore, will not be an arbitrary or unlawful interference with privacy.

#### ***Protected information provisions***

Clause 8 inserts new section 34ZA, which sets out a new regime for the use and disclosure of ‘protected information’ as defined in amended section 3 of the Act. Protected information includes any information that is likely to jeopardise the safety of another person; reveal an intelligence gathering method, investigative technique or covert police practice; or may prejudice any investigation or criminal proceeding.

The Bill provides that protected information may be withheld from the Regulator if the Chief Commissioner of Police makes an objection, representations, or licence suspension or cancellation application that relies partly or wholly on protected information. Further, if the Regulator makes a licence application decision based on protected information, and provides the applicant with reasons for that decision, they must not disclose the protected information to the applicant (new sections 34ZA(3) and 34ZI). Instead, the Regulator must state only that their decision is based on advice from the Chief Commissioner of Police.

#### ***Freedom of expression***

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. The right to freedom of expression in section 15 of the Charter has been interpreted as encompassing a right to access information in the possession of government bodies, particularly where an individual seeks information on a subject in which they have a legitimate interest. Accordingly, these provisions may impose a limit on the right to freedom of expression under s 18 of the Charter by limiting a person’s right to access information on matters that concern them.

However, section 15(3) provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality. The protective information provisions in the Bill are necessary to achieve important objectives such as the protection of the safety and privacy of individuals, the integrity of police investigations, and the administration of justice. I, therefore, consider that any limitations imposed are either within the internal limits of the right in s 15(3) or reasonably justified and proportionate in accordance with section 7(2) of the Charter.

Therefore, while there are restrictions upon the ability to access protected information that is provided by the Chief Commissioner of Police and is relevant to application decisions, those limits are reasonably necessary to protect the rights of others and the administration of justice, and are therefore compatible with the right to freedom of expression.

#### ***Right to fair hearing***

As applicants and licensees will be precluded from accessing protected information on which adverse licence decisions may be based, the protected information provisions may engage the right to fair hearing.

Although an applicant is not privy to the entire case against them insofar as the decision is based on the protected information, the Bill provides a range of protections to facilitate procedural fairness. New section 34ZM permits a person whose interests are affected by a decision that is based on advice from the Chief Commissioner of Police to apply to VCAT for review of the Regulator’s decision. In such proceedings, VCAT must appoint a special counsel to represent the interests of the applicant to the extent that those interests relate to the protected information on which the decision is based (new section 34ZO). The Bill sets out a detailed process for the hearing of these review proceedings that balances the need to maintain the confidentiality of protected information with the rights of the applicant to a fair hearing (Division 9 of new Part 3AA). Accordingly, I find that any limitation to this right resulting from new section 34ZA is proportionate and reasonably justified.

#### ***Evidentiary presumptions in unlicensed sale of tobacco offence***

Clause 35 of the Bill inserts new section 33A, which introduces an offence to sell tobacco products without a licence. The provision contains a presumption that the fact that there are more tobacco products on the premises than are reasonably required for the occupier’s use, is evidence of the sale of those products by the occupier.

Clause 29 of the Bill inserts new section 39A, which provides that proof of the delivery of tobacco products is evidence of money or other consideration having been given for the tobacco products and that proof that a transaction in the nature of a sale of tobacco products took place is evidence of the sale of tobacco products.



*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. These provisions engage this right because they operate to deem certain evidence as proof of the 'fact' that an individual has committed an element of an offence and thus reduce the prosecution's burden to provide evidence in relation to these facts. These presumptions can be rebutted by the defendant adducing evidence to the contrary, when the burden will shift to the prosecutor.

To the extent that these evidentiary presumptions limit the right in section 25(1) of the Charter, any such limit is, in my view, reasonable and justified given the important protective purpose of clauses 29 and 35 of the Bill. As the offences involve acts, being the unlicensed sale of tobacco, that would be difficult for the prosecution to establish in the absence of the presumptions, these provisions are necessary to ensure the effective administration of the licence scheme designed to prevent the unregulated sale of tobacco. The clauses establish facts that are probabilistically likely to be the case (ie, the fact that there are more tobacco products than are reasonably required for the occupier's use means it is highly likely that it is for the purposes of sale) and enable these offences to be efficiently prosecuted. Accordingly, I do not consider there are any less restrictive means reasonably available to achieve the legislative purpose.

Further, 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. I consider these presumptions to be a reasonably necessary and proportionate response to address the high incidence of unlawful and organised crime activity in the tobacco industry, and enforce the compliance with the licensing scheme.

Therefore, I am of the view that any limitation on the right to be presumed innocent in section 25(1) is reasonable and demonstrably justified.

*Appointment of licensing inspectors*

Division 2 of new Part 3AAB provides for the appointment of licensing inspectors to promote, monitor and enforce compliance by tobacco supply businesses with the Act and regulations (new sections 35D and 35F(1)(b)). The Regulator may only appoint a person as a licensing inspector if they are satisfied that the person has the necessary skills, training and expertise to perform the functions and duties, and exercise the powers of an inspector under the Act (new section 35D(2)). The Regulator may require a prospective licensing inspector to consent to having their photograph, finger prints and palm prints taken, and must refer a copy of these and any supporting documentation to the Chief Commissioner of Police for a criminal records check (section 35E(1)–(2)). The Chief Commissioner of Police must inquire into and report to the Regulator on matters relating to whether the prospective licensing inspector is of good repute, having regard to character, honesty and integrity (section 35E(3)).

*Right to privacy*

To the extent that these provisions require a person to disclose personal and sensitive information, including biometric data or any criminal record, the requirements would interfere with the person's right to privacy in section 13(a) of the Charter. In my view, any interference would not be arbitrary, because ensuring that only fit and proper people are appointed as licensing inspectors serves a legitimate and important purpose, noting their role in supporting improved compliance and enforcement. Further, these provisions are accompanied by safeguards such as the mandatory destruction of all biometric information obtained for the purpose of considering a prospective appointment (section 35E(4)–(5)), such that they are proportionate to the legitimate aim sought.

*Forfeiture provisions*

New section 35ZB authorises the forfeiture and destruction of seized tobacco products if the person is found guilty of an offence under the Act. Similarly, new section 37A authorises the forfeiture of prohibited products, which include illicit tobacco products and vaping goods. Further, clause 69 amends Schedules 1 and 2 of the Confiscation Act to include illicit tobacco offences. The effect of these amendments is to render the property of persons convicted of certain offences under the Act subject to forfeiture, asset freezing and other confiscation orders under the Confiscation Act.

*Right to property*

As property is likely to include real and personal property interests, the above forfeiture provisions could be considered to deprive a person of their property rights.

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred

by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

However, any such deprivation will be ‘in accordance with law’ and will therefore not limit the Charter right to property. In particular, new sections 35ZB and 37A are drafted in clear and precise terms. For example, section 37A(1) requires that after seizure of the prohibited product, the licensee be served with a forfeiture notice, which has been approved by the ‘appropriate person’ (as defined in section 37A(8)) in the circumstances. Similarly, the existing suite of safeguards in the Confiscation Act will apply to the tobacco offence included in the forfeiture regime. In addition, any deprivation of property will be reasonably necessary to deprive retailers and suppliers of the proceeds of crime and thus disrupt further criminal activity by preventing the use of property, deterring others from engaging in criminal activity and undermining the profitability of serious criminal activity. This serves the important objective of ensuring effective enforcement of retailer and wholesaler compliance with controls on the lawful sale and promotion of tobacco products under the Act.

**Hon Lizzie Blandthorn MP**  
**Minister for Children**  
**Minister for Disability**

### *Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:47): I move:

That the bill be now read a second time.

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

I am pleased to bring before the House the Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Bill 2024. The Bill will amend the *Tobacco Act 1987* to introduce a tobacco business licensing scheme, that will prohibit the retail and wholesale sale of tobacco by any person other than the holder of a licence granted under the *Tobacco Act 1987*. These reforms will better protect businesses who are operating legitimately and will ensure greater oversight of the tobacco retail and wholesale industries in Victoria.

The reforms in this Bill respond to significant community concerns regarding illicit tobacco and the prevalence of tobacco businesses suspected of involvement in its distribution across the state. The Bill aims to significantly strengthen regulation and enforcement of laws governing the supply of tobacco to limit the availability of illicit tobacco and punish those who distribute it. The new licensing scheme will deter unsuitable people from seeking to run a tobacco business and contribute through intelligence and licensing enforcement action to support Victoria Police and other law enforcement efforts to combat serious and organised crime.

The Bill implements key findings from the Review into Illicit Tobacco completed by the Commissioner for Better Regulation in 2021, as well as the 2024 Public Accounts and Estimates Committee Inquiry into Vaping and Tobacco Controls.

The Bill builds on the recent Commonwealth legislation relating to the sale and supply of vaping goods, which can now only be legally sold in pharmacies. The Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024 amended the Therapeutic Goods Act and other Commonwealth legislation to prohibit the importation, domestic manufacture, supply, commercial possession and advertisement of non-therapeutic and disposable vaping goods. These reforms are intended to reduce the prevalence of smoking and vaping in the community, in line with the National Tobacco Strategy.

#### **Administration**

The Department of Justice and Community Safety will be responsible for administering the new tobacco business licensing scheme. The new tobacco regulatory function will work closely with other government departments and agencies to ensure a coordinated approach, in particular, the Department of Health which will remain the lead department responsible for the administration of the *Tobacco Act 1987* including health promotion, smoking cessation, enforcement of smoke free area offences and preventing broader tobacco and smoking harms, along with Victoria Police which will continue to lead the investigation and disruption of serious and organised crime.

#### **Licensing**

Key features of the Bill include the establishment of a licensing scheme that will prohibit the retail and wholesale sale of tobacco products by any person without a licence granted under the *Tobacco Act 1987*. The Bill will introduce powers for the regulator to impose conditions on tobacco licences, as well as suitability

requirements, to ensure that licences cannot be held by anyone who is not 'fit and proper' in accordance with the requirements of the scheme. The Bill will also introduce new offences and strengthen penalties, to ensure that Victoria has the strongest illicit tobacco offences in the country.

#### ***Suitability of licensees***

The Bill provides that a person or body corporate can apply to the regulator for a licence to sell tobacco. The licence application must include the required information and any other documents or information that the Regulator considers appropriate to determine the applicant's suitability to hold a licence. The Bill enables the regulator to seek information and intelligence from Victoria Police when assessing licence applications to determine a person's suitability to hold a tobacco licence. Importantly, the Bill provides that the regulator may refuse to grant a licence if the regulator considers that the applicant or an associate of the applicant is not suitable to carry out or be associated with a tobacco supply business. The Bill also enables the regulator to impose conditions on a licence, such as a requirement that the licensee report to the regulator on the activity they conduct under the licence.

#### ***Suspension and cancellation of licences***

The Bill provides that in certain circumstances, the regulator may vary, suspend or cancel a tobacco licence if the licensee, or an associate of the licensee, breaches a condition of their licence or is no longer considered to be a suitable person to run or be associated with a tobacco supply business. Specifically, a tobacco licence can be suspended or cancelled following a show cause notice. Given the immediate and escalating risks in the tobacco industry, the Bill also provides that the regulator will be able to immediately suspend a licence for up to 90 days in response to serious contraventions of the *Tobacco Act 1987*. The regulator may also disqualify a person or body corporate from holding a licence for up to 5 years.

#### ***Ongoing reviews of suitability***

The Bill also allows the regulator to conduct a review of a licence at any time, which will include consideration of the licensee's (or their associate's) suitability to carry on a tobacco supply business and may request the licensee and the licensee's associates undertake a criminal history check. To inform this review, the regulator may make inquiries with Victoria Police, other government agencies and local councils, to verify the licensee's compliance under the Act.

#### **Penalty Regime**

Another key component of the Bill is the introduction of a range of measures to enable non-compliance to be appropriately dealt with. Several new offences have been included to support the licensing scheme, including separate offences for possessing and selling illicit tobacco, a new offence to sell tobacco without a licence and an offence to sell tobacco products except in accordance with a licence.

The Bill introduces the strongest penalty regime in the country for supplying illicit tobacco. For supplying a commercial quantity of illicit tobacco, the new penalty will be a fine of up to \$355,662.00, or 1800 penalty units, or 15 years jail for an individual, and a fine of up to \$1,778,310.00 or 9000 penalty units, for corporations.

Importantly, the Bill introduces substantial penalties for selling tobacco products in contravention of the Act, including selling tobacco without a licence. For individuals, the new penalty will be a fine of up to \$165,975.60, or 840 penalty units, or 5 years imprisonment and a fine of up to \$829,878.00, or 4200 penalty units, for corporations.

The strong penalties contained in the Bill will be supported by cooperation between the regulator, Victoria Police and other authorities, and supplement the broader efforts of state and federal law enforcement agencies to counter serious and organised crime in the tobacco industry

#### **Enforcement**

The Bill introduces inspection and enforcement powers for licensing inspectors, including the power to enter premises for compliance monitoring and inspection and seizure powers. The regulator will also be able to issue improvement notices and accept enforceable undertakings to bring about compliance with the licensing scheme.

Victoria Police will continue to be responsible for, and focussed on, detecting and investigating serious and organised crime associated with illicit tobacco. The Bill will help to strengthen Victoria Police's efforts to crack down on illicit tobacco by providing police officers with the ability to exercise enforcement powers under the tobacco business licensing scheme, including to obtain search warrants, enter premises and seize illicit items to support the detention and enforcement of serious criminal activity.

The regulator will build a strong operational relationship with Victoria Police, enabling the regulator to focus on day-to-day compliance, inspection and enforcement activities and Victoria Police to focus on the detection, investigation and disruption of serious and organised crime associated with the illicit tobacco markets.

**Review of decisions**

The Bill provides for an internal review process with respect to certain decisions made by the regulator, as well as an external review process, whereby a person whose interests are affected by a decision made by the Regulator may apply to the Victorian Civil and Administrative Tribunal for external review of the Regulator's decision. This includes a process that allows Victoria Police to object to or provide input in relation to a licence application based on protected information that will not be disclosed to the applicant.

**Statutory Review**

The Bill includes provisions requiring a statutory review of the tobacco licensing scheme to be undertaken after 5 years of operation. The objective of these provisions is to facilitate transparent reporting on the licensing scheme's effectiveness, as recommended by the PAEC Inquiry.

**Data collection**

As noted by the PAEC Inquiry, there is a need for improved data collection in relation to the sales and supply of tobacco. The Bill will enable data collection through the inclusion of conditions on tobacco licences. The Bill provides that the regulator must keep a Register of Licensed Tobacco Suppliers, which includes information in relation to each licence, the business name under which the licensee sells tobacco products, the address of the licensed tobacco premises, the licensee's licence number and any other prescribed information. The Bill also provides that the Register will be published on the regulator's website.

**Conclusion**

These reforms will bring Victoria into line with other states and territories which have introduced licensing schemes and will ensure that Victoria has the strongest illicit tobacco offences in the country. The increased penalties for illicit tobacco offences reflect the Government's commitment to address the harms caused by the illicit tobacco industry and the significant health impacts of smoking on Victorians. This Bill is reflective of the Government's commitment to address these issues as effectively and efficiently as possible, in line with community expectations.

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (17:48): I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.****Subordinate Legislation and Administrative Arrangements Amendment Bill 2024***Second reading***Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

**Evan MULHOLLAND** (Northern Metropolitan) (17:48): I will speak on the Subordinate Legislation and Administrative Arrangements Amendment Bill 2024 for the next 29 minutes and 54 seconds. I am looking forward to making quite a lengthy contribution on this bill because it is important to speak on these kinds of things, particularly legislative tidy-ups and clean-ups. It does a number of things, all of which I could go into a long amount of detail on. But one thing it does do is make some changes around the Emergency Management Act 1986, around pandemic declarations under the Public Health and Wellbeing Act 2008 and around national emergencies under the National Emergency Declaration Act 2020 of the Commonwealth. Essentially the government seeks to implement this change, which would potentially provide for less scrutiny and the avoidance of certain administrative processes in relation to pandemic declarations under the Public Health and Wellbeing Act 2008.

I do not think anyone here or at least on this side of the house can forget the extent to which this state was locked down. I do not think anyone can forget the hotel quarantine fiasco, the banning of playgrounds and the 5-kilometre curfew. We saw police harassing elderly people sitting on park benches and police flying over religious communities trying to restrict them from practising their faith. I note, and I know Ms Crozier has spoken about it recently, the recent COVID review report that came out, which actually did show that the states went too far, particularly Victoria – disproportionately too

far. Back then I was working for an organisation called the Institute of Public Affairs, which was calling out a lot of the restrictions and the burdensome requirements which were placed on Victorians in the world's longest lockdown. We did come out and reflect, with research, on a lot of these issues. I was out there in the media speaking about the restrictions from a locked home, or from Sydney, which I escaped to for a brief period, and I was blasted by the likes of PR Guy –

**Georgie Crozier:** Where's PR Guy gone?

**Evan MULHOLLAND:** Yes, where has he gone now? He has gone off with Dan; he is down on the Mornington Peninsula. I am pretty sure he actually got into a golf club on the Mornington Peninsula that Mr Andrews got rejected from.

All of them spoke their criticisms, saying that I wanted to kill grandmas and all these other things. Well, in the end – and I want to say this on behalf of my friend Gideon Rozner as well – I was right. We were right. The evidence and the history books will know – and *Hansard* now will show – that we were right. Mr Limbrick was right, the IPA was right and we were right on this side of the chamber – we had gone too far with the restrictions and with the world's longest lockdowns. History will show what a disaster that was for our children, what a disaster that was for our state's mental health and what a disaster it was for everyone that was stuck in that situation, particularly in 2021. I come from the perspective that my first son is a COVID baby. I, along with a number of other friends, raised young children during that period, and it was incredibly difficult. You did not have the support networks everyone else is afforded. People in New South Wales did have those support networks. I really worry about the effect that is going to have long term on a lot of families and children who grew up without those childhood norms that provide for well-rounded children, teenagers and families because of what this government did to this state and the effect that it will have on this state.

What was the end result? Did we have the lowest mortality in the country, or did we have the highest mortality in the country? No Victorian who lived in this state during the time of the pandemic and those declarations under the Public Health and Wellbeing Act will ever forget the way in which power was used and abused by this government – by people working in the name of the government and then ultimately by government itself when the government moved to make sure that the Minister for Health would in fact be the party signing off on various declarations and measures. Then of course there was the Coate inquiry, where the former Premier had the most convenient lapse of memory when under scrutiny. They say Emperor Nero fiddled while Rome burnt. Here we had a Premier allowing MOGing – machinery of government changes – while Victoria crumbled. No-one can forget what this government did in the pandemic. Many reviews and the history books – and now *Hansard* – will show what a disgrace this government was in how it acted.

Even the former chief health officer Brett Sutton, who we had ingrained into our minds through daily press conferences, has admitted they got some things wrong. He admitted they got some things wrong – you don't think? We have only been talking about it for years, about how wrong decisions were made, about how fundamental rights were trampled upon. Now week upon week we have protests in the city protesting various governments. I have always stood up for the freedom to protest and always been very consistent regardless of views that I disagree with. But I have to note the height of hypocrisy, that people who wanted to protest legally and lawfully against the pandemic and against the control of government were prevented from doing so.

Who can forget the police arresting a pregnant woman in her pyjamas? I worked with Zoe Buehler and a number of her family members to amplify her story at the time, and I was proud to because if her partner had not live streamed on his Facebook that incident, the world would not have known the lengths which this government went to in its pandemic response to silence opinion. I mean, creating events on a Facebook page about a community meet-up, that gets a pregnant woman arrested? Really. In Ballarat it was disgraceful. It was appalling, it was, and this government should be condemned for what it did to people. But I also want to highlight the hypocrisy of locking down protests they do not agree with but allowing continuous, unending protests at the same time, all in the name of public

health. Public health – I mean, really? And now the record books show they got it wrong. I was right, my friend Gideon Rozner was right, David Limbrick was right, this side of the chamber was right, and this government should be condemned for how wrong they were.

**David LIMBRICK** (South-Eastern Metropolitan) (17:58): I also would like to say a few words about the Subordinate Legislation and Administrative Arrangements Amendment Bill 2024, and I am happy to say that I am in complete agreement with Mr Mulholland on this one. What this bill does is mostly technical things, but one of the things that it does which concerns me greatly is it clarifies in a very bad way how orders through the pandemic powers or other emergency powers should be exempt from scrutiny by Parliament.

I note that in the last term of Parliament there was much discussion about whether these orders should be treated as subordinate legislative instruments or not, and I note that Mr Davis in the last term of Parliament raised this point many times both in here and with me. This bill appears to make it very certain that they are exempt from parliamentary scrutiny. That is not good, because I do not think that will be a very good thing for the future. As Mr Mulholland pointed out, many things that happened during the pandemic, as the history books are already starting to show, were some of the most crazy overreach and restrictions on people's rights that we have ever seen in this state. I have said it many times and I will keep saying it. Throughout human history we have sacrificed the welfare of children to benefit everyone else. Children were never in danger from COVID. We knew that right from the start. Children were not in danger and yet we locked them up. We took them out of school, we locked them in their houses, we forced them to take medicine that their parents might not have wanted them to have. We did all sorts of horrible things to them, and they were sacrificed; their welfare was sacrificed for the benefit of everyone else. How many civilisations throughout history have done that? It was absolutely outrageous what happened. In the last term of Parliament we moved motions to try and push the government to open the schools. They voted against that; they did not want that.

I know that people in the community now, even people that supported the government during the pandemic, are questioning all those things that happened – a lot of people – because they look back at it now and it is like a bad dream; it is like a nightmare. They cannot believe that we descended so quickly into such an awful state where, like Mr Mulholland was saying, people could not even walk out on the street – women, grandmas were attacked in parks for sitting there with their friends. They put bunting around the parks because mums were sitting there and having a coffee. This is absolutely insane, the levels of power-mad control, and one of the things that lots of people mistake is they say, 'Oh, the government did this, the government did this, the government did this.' I actually think that what the government did is that they stepped away, and they let the public health bureaucrats take over. We got a glimpse of what happens when you let the public health bureaucrats take over. You give them this tiny KPI – the KPI is to stop disease transmission – and then everything else can go to hell. Everything else they do not care about, and they have got unlimited power. The government's role on this should have been to show some sort of moral authority to say, 'No, you've gone too far,' and pull them back, but that did not happen. So as a solution to this, a part solution, what I am proposing is an amendment to this. Can I get that amendment circulated now, please.

#### **Amendment circulated pursuant to standing orders.**

**David LIMBRICK:** What my amendment does is change the way that orders are made under the Emergency Management Act 1986 and the Public Health and Wellbeing Act 2008 or a national emergency under the National Emergency Declaration Act 2020 of the Commonwealth so they are always subject to parliamentary scrutiny. So this does not stop the government making emergency declarations; it does not stop them making emergency orders, but what it does do is it allows a safeguard, and that safeguard is that Parliament has the ability to disallow these orders. I think that this should have happened during the pandemic, and I think that this is an appropriate response, because it should be the case that if Parliament think that they have gone too far – or the health bureaucrats or whoever is in charge have gone too far – they have that ability as a safety valve to be able to say, 'No, we do not accept this.' I think that there are sufficient tensions in the system, because with Parliament

doing that, bringing that up and voting for it, from that point they are taking responsibility for that action, and they will be held accountable.

I know that I would not support anything undermining an emergency order unless I was absolutely certain that what they were doing was wrong. I tell you, there was a lot that I was certain of that was wrong during the pandemic, and closing the schools was one. That was wrong. We knew it then, we know it now, and if there had been that possibility then I think maybe these people who exercise this power might not have gone so far, because they would know that if they went too far maybe Parliament might step in, right? I think that that sort of knowledge that there is always someone that can stop them would be a good thing, and it would stop them overreaching as if they are unbound by norms and that they just do whatever they like, because that is pretty much what happened during the pandemic. There needs to be some sort of safety valve so that Parliament can put its fist down and say, 'No, you've gone too far.' I think that that is a good amendment; I think it is a reasonable amendment. It does not obstruct the government from handling emergencies, it does not slow it down, but there is a safety valve that will always be in the minds of the bureaucrats that come up with the orders. They will think, 'Have I gone too far with this?' It will force them to think a little bit.

We saw that one of the checks in the pandemic orders, and prior to that under the emergency powers under the Public Health and Wellbeing Act, was meant to be the Charter of Human Rights and Responsibilities. That failed – that safeguard utterly failed. The proportionality of the restrictions on human rights that is meant to be measured when these decisions are made – none of those were made public until the pandemic bill came in. And then when we finally got to look at the pandemic declaration orders – they published summaries of the human rights assessments – they were nonsense. Many of these justifications for these extreme actions were so lacking and so poorly written. Even some of the references to scientific information were wrong in them, and this is what they were relying on through the pandemic.

We saw through the Ombudsman's investigation into the housing tower lockdowns that when they were queried about the human rights charter assessment that they are meant to do, they said it was a mental process – a mental process. They locked down the housing towers. They could not even get outside and get some fresh air and exercise. The Libertarian Party moved an amendment to try and get fresh air and exercise guaranteed into the emergency orders, and that was voted down. Fresh air and exercise – I mean, it is absolutely crazy. We need to have some sort of safeguard here so that this does not happen again, and that is what I am proposing.

**Michael GALEA** (South-Eastern Metropolitan) (18:06): I also rise to speak on the Subordinate Legislation and Administrative Arrangements Bill 2024, which I am sure will go down in history as the SLAAB. Indeed many times in this place we have the great privilege of coming in to speak on bills and motions that have profound and great consequence for this state. I cannot say that this bill is one of those occasions, despite the best efforts of Mr Mulholland to make this sound as hysterical and as exciting as possible.

What this is is a very functional series of amendments to subordinate legislation, otherwise known as regulations, which will, amongst other things, mean clearer definitions on what constitutes legislative character versus a purely administrative character with regard to the Subordinate Legislation Act 1994. It will formalise and enable processes for departmental consultation within departments, not just that level done at the ministerial level. It will ensure that statutory rules are easily accessible by ensuring that they are online; you should not have to go and find the government printer to access subordinate legislation. And it will also allow certain statutory rules to bypass regular procedures temporarily, ensuring that urgent issues in emergency situations can be addressed without unnecessary delays.

I think it is important to note that these exemptions will be closely scrutinised by Parliament to maintain accountability. The provisions in this bill, as with all subordinate legislation, already provide for parliaments to have that role. Despite what Mr Mulholland was saying, that there would not be that role, the Parliament explicitly does have that role, and it is for those reasons as well that the government

will not be supporting Mr Limbrick's amendment today, as we believe it not to be necessary given that it is already factored in specifically as part of this legislation. I commend the bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (18:08): I rise to speak to the Subordinate Legislation and Administrative Arrangements Bill 2024. As has been said, this is a legislative tidy-up largely around the Subordinate Legislation Act 1994, the Administrative Arrangements Act 1983 and the Monetary Units Act 2004. There is some tidying up with those major pieces of legislation.

The issue that I would like to speak to, which has been mentioned by all speakers, is the issue around clause 23 regulations. That clause talks about:

exempting a statutory rule or class of statutory rule or a legislative instrument or class of legislative instrument from the application of this Act or any provision of this Act for a specified time, not exceeding 12 months;

**Example**

Regulations might be made which exempt a specific class of statutory rule from the application of this Act during a state of disaster declared under the Emergency Management Act 1986, a pandemic declaration under the Public Health and Wellbeing Act 2008 or a national emergency under the National Emergency Declaration Act 2020 of the Commonwealth.”.

That is what Mr Mulholland and Mr Limbrick have been talking about: what happened in this place, in this state, during the COVID pandemic and what happened in this Parliament. The Legislative Assembly was shut down. Members of Parliament, who represent their electorates, could not come into this place, get the information they need and question the government. No, it was shut down. But it was this house that fought to have this place open when the government wanted to shut this chamber down too. That must never, ever happen again. It was a disgrace on so many levels, whether it was the locking of the playgrounds, keeping children out of school or disallowing people to come across the border to see dying loved ones or to seek medical treatments and attention. It was disgraceful the way that the Premier of the time just admonished anyone, for goodness sake, for looking at a sunset.

What happened during those dark years must never, ever happen again, and that is why when Mr Limbrick said his amendments are a safeguard, they are. We need these amendments in place to ensure that that never happens again. We were in this chamber, and we managed, as much as the government wanted to shut us down. It was absolutely appalling what went on. Mr Limbrick's amendments go to that safeguard, and that is why the Liberals and Nationals will be supporting them.

I want to just make some comments around Mr Davis's actions during that time when he was opposition leader in the Council and what he fought for on behalf of the Victorian people and this place and what he was doing. He is still fighting for the release of documents from the Department of Health – four years later, he is still fighting in VCAT. The Department of Health, disgracefully, are still assessing whether they will release the documents about why the decisions were made. We know that the chief health officer Mr Limbrick was talking about did not make all the decisions. He confessed: 'No, the curfew was not based on medical advice.' Who the hell made that decision? Victorians have never known. I think we all do know. It was that megalomaniac that ran the damn state. I swear that that is why these amendments are absolutely imperative, because denying the information that affected Victorians' rights and their livelihoods was what went on. That is why those documents need to be released. It was appalling administration. It was appalling governance, and Victorians were affected in so many ways. Mr Mulholland spoke of his situation. There were others that were denied seeing their elderly parents in hospital, denied seeing their loved ones. It was cruel, it was inhumane and it was just terrible, terrible governing. That is why, disgracefully, the government will not back Mr Limbrick's amendments, because they know they got it wrong.

We should have had a royal commission into what went on here. We had the harshest restrictions and the worst outcomes. Never forgive or never forget, Victorians, what Labor did to you during those long dark years, because they took away your rights and they took away so much. They have caused so much grief on so many levels. Mr Limbrick, your amendments should be commended, because they are about the Parliament putting the safeguards in place to have that parliamentary scrutiny which



we fought for and which was denied by Labor and the government during the pandemic years. I commend you for putting them forward, and we support them wholeheartedly. I hope the rest of the crossbench agree as well.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 17 agreed to.**

**New clause (18:17)**

**David LIMBRICK:** I move:

1. Insert the following New Clause before clause 18 –

**‘17A Disallowance of statutory rule or part of a statutory rule**

In section 23(1) of the **Subordinate Legislation Act 1994** –

- (a) in paragraph (c), for “Parliament.” **substitute** “Parliament; or”;
- (b) after paragraph (c) **insert** –

“(d) the statutory rule has been exempted, by the regulations, from the application of a provision of this Act.”.’.

As I have already spoken about, the intent of this amendment is to allow emergency orders to undergo parliamentary scrutiny through disallowance and other mechanisms. Just for the record and so my intent is clear: if this amendment fails, I will not be putting the other amendments. Also, if this amendment fails, I will be opposing the bill.

**Jaclyn SYMES:** The government appreciates Mr Limbrick’s view in this regard. We have had several conversations about these matters in various forums, but we will not be supporting the proposed amendments to clause 23. Clause 23, as it stands, simplifies the cumbersome process in relation to exemption certificates by ministers, the Premier et cetera. The amendment that is being proposed by the government is relatively straightforward and designed to simplify the process; that is all. Even if we were to strike out clause 23, we would still be able to extend regulations anyway. This is relatively straightforward tidying up of legislation and nothing more.

**Council divided on new clause:**

*Ayes (15):* Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**New clause negatived.**

**Clauses 18 to 22 agreed to.**

**Clause 23 (18:26)**

**Sarah MANSFIELD:** I just want to confirm that clause 23 will only be used in exceptional circumstances, such as a state of emergency.

**Jaclyn SYMES:** Yes, Dr Mansfield, I can confirm that the intention of clause 23 is that this provision would only be used in exceptional circumstances involving emergencies such as you have described, including things like a pandemic or where a state of disaster is declared under the Emergency Management Act 1986.

**David LIMBRICK:** I also have a question. Can I confirm that these exempted regulations will not be disallowable by Parliament?

**Jaclyn SYMES:** I can confirm that the regulations would be disallowable by the Parliament.

**Clause agreed to; clauses 24 to 30 agreed to.**

**Reported to house without amendment.**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:27): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:28): I move:

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

**Council divided on motion:**

*Ayes (34):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

*Noes (3):* Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

**Motion agreed to.**

**Read third time.**

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

*Adjournment*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:31): I move:

That the house do now adjourn.

**Cemetery trusts**

**Bev McARTHUR** (Western Victoria) (18:31): (1289) My adjournment matter for the Minister for Health concerns the cost of dying, which like everything else in Victoria is going through the roof. I am not talking about the government's shocking stealth death tax with its vast hike in fees payable for probate registration – any estate valued at more than \$250,000 will now pay more, with the largest paying six times more, up to \$15,000. There is no way even in Victoria that the probate office can cost that much to run. It is a tax, pure and simple; it is a death tax. My question relates instead to cemetery

trusts. These are not-for-profit organisations, but unfortunately that is no guarantee of good value for the user; in fact it is sometimes the opposite. When bureaucracies are not for profit, they are frequently monopolies too, and like any good bureaucracy they are inclined to grow, to expand, to add responsibilities and staff and to increase their empires. It is human nature, and with no serious market there is nothing to control them.

Flicking through one of my local cemeteries trusts' annual reports, I was surprised to say the least. Last financial year two executive salaries were between \$170,000 and \$200,000, and one was between \$260,000 and \$280,000. That seemed an extraordinary sum to me for a job managing a small team with pretty constant demand, limited competition and fairly static former clients. But this year there is a whole extra executive salary – over \$150,000 – and the highest earning employee has now jumped to the band from \$330,000 to \$350,000, an enormous increase. And this is not a total package – it excludes the cost of super. Other costs struck me too, and not just the net zero emissions plan or the carbon offset purchases being considered. The staff's total air travel was 40,664 kilometres – for a local cemetery trust. This included a European study tour, which the annual report calls 'an insightful look into the cremation industry in Europe'.

I do not wish to be too frivolous about this, because there is a serious point. With no competition and therefore no commercial incentive to keep costs down, what is to stop cemetery bureaucracies from continuing to grow? In the trust I referenced, revenue increased 15 per cent last year, money which comes from burial and cremation fees. The action I seek from the minister is a review of the structure of cemetery management in Victoria, including an assessment of the appropriate running costs and salary levels for management.

### Treaty

**David DAVIS** (Southern Metropolitan) (18:34): (1290) I listened to what the Premier said today on the matter of treaty, and it appears that the Premier is preparing to try and entrench a treaty in the Victorian constitution. That is what I took out of some of the comments that the Premier made today. This is obviously directed to the Premier, this adjournment matter, and if my reading of what she said today is not correct, I would appreciate her telling me. But the essence of this is that I want the Premier to provide the house with an assurance that, before any such treaty is entrenched in the Victorian constitution, there is a plebiscite or a referendum.

The Victorian people should have a say in whether there is a treaty between one group of Victorians and another group of Victorians. The referendum we have just been through at a national level, the Voice referendum, saw it defeated in every single state in the country, 60–40 nationally and 55–45 in Victoria, defeating that voice. I think there are very good reasons for that. I voted no and I campaigned against the Voice because it would have entrenched in the Australian constitution very unfavourable arrangements that would have weakened the states, weakened our ability to control our destiny and thrown a spanner in the works on a whole range of different national objectives and national programs.

But at the same time in Victoria a treaty, depending on what that treaty is, has the capacity to cause terrible trouble. I watched on *Sky News* today an example from New Zealand of how treaty can be divisive, where a series of opposition MPs decided to begin a haka inside the Parliament chamber in New Zealand because the government over there is seeking to clarify what the meaning of 'treaty matters' is. My point in quoting that example today, literally from today, is that this can be very, very divisive, and we need to make sure that whatever is done is actually the will of the Victorian people and not something that is imposed on Victorians, perhaps being crunched through this Parliament, and locked away so that it can never be amended or tweaked or changed. Democracy is important, and if we are going to undermine democracy, I will be concerned.

### Electricity infrastructure

**Wendy LOVELL** (Northern Victoria) (18:38): (1291) My adjournment matter is for the Minister for Energy and Resources, and the action that I seek is for the minister to guarantee that Transmission

Company Victoria (TCV) will not enter properties to install transmission lines without the permission of the landholder. The government recently revealed its preferred easement pathway for the Victoria to NSW Interconnector West transmission line. The line crosses the Murray River and runs south right through my electorate near Kerang. The transmission line will require an easement that is 70 metres wide, cutting a large swathe through precious farmland in northern Victoria.

There is substantial opposition to this transmission line throughout northern and western Victoria, and the community's grievances with the way the project has been handled are fully justified. It is being forced on them with little or no genuine consultation and no attempt to address the many concerns that farmers, landholders and firefighters have. The government is determined to just push ahead with the current route, and landholders along the proposed route are rightly concerned that TCV will access their properties for on-ground works or surveys involved with the planning and construction of VNI West transmission lines without their permission. This could result in damage to crops, biosecurity breaches or stock escaping if gates are not properly secured.

Landholders and farmers in the area are absolutely committed to conserving the pristine and productive environment where they grow the food and fibre that feeds and sustains our state and nation. The last thing they want is a line of 80-metre-tall transmission towers running through productive farmland, disrupting their sowing lines and livestock raceways. The VNI West line is being pushed on rural communities because it is part of the Allan Labor government's ideological obsession with forcing a renewables transition upon Victoria. There might be some justification for the renewable rollout if it actually made electricity cheaper for everyone, but farmers have pointed to an admission by the AEMO chief executive that there is no guarantee renewables will result in lower energy prices. The justification for imposing this transmission line on unwilling rural communities just is not there.

Last week protesting landholders and farmers were joined by 21 CFA brigades. CFA firefighters are, first of all, community members, and many are also farmers, and their priority is the safety of their community and the health of their land. Protecting large installations belonging to foreign energy companies is not their priority. The risks associated with renewables infrastructure are large and not fully understood, and small rural brigades are not adequately resourced to fight these unique fires. Twenty-one local fire brigades have told head office that they will not go onto properties to fight electrical fires in batteries or wind turbines or fires caused by transmission lines. The minister should, and must, instruct TCV to respect landholders and find an alternate route for the transmission lines if necessary.

### **North-Eastern Metropolitan Region schools**

**Richard WELCH** (North-Eastern Metropolitan) (18:41): (1292) My adjournment matter is for the Minister for Education. It is probably a bad idea to do any kind of public speaking when you are in a bad mood or when you are a bit angry, and I am in a bad mood. It is because of the bills that have passed this house today that have been under debate, in particular two instances where the government has had absolutely no hesitation in throwing its weight around, overriding the will of communities, using the full force of government to force through whatever it wanted, whether it was the Suburban Rail Loop or activity centres or whether, as we have just heard in the last debate, it was the excesses of lockdowns and how no safeguards were put in place for that.

Given that the government has got a propensity to do these things and has got no hesitation in doing these things when it is trampling over other people's rights, I have got a request that it does something in education, because in my electorate, particularly within the electorate of Glen Waverley, I have gone around maybe two dozen schools and I think the vast majority, if not all of them, have buildings that are leaking, toilets that stink, playgrounds that are unfit for use and principals who are at the end of their tether, trying to find the money to maintain or maybe self-fund a playground or a STEM centre. None of it is coming from the department. We have got parent-teacher organisations and school

councils at the end of their tether, trying to make things work. We have got teachers leaving the area because the work conditions are appalling.

My action for the minister is: how about you come down to Glen Waverley? How about you use the powers of your office to push aside the pathetic and useless Victorian School Building Authority, do an assessment of the infrastructure needed in those schools and actually do some of that pushing around there so that you get the funding that schools in my community need?

### **Short-stay accommodation**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (18:43): (1293) My adjournment matter is for the Minister for Consumer Affairs, and the action that I seek is for the Labor government to ensure that professional Airbnb management companies like MadeComfy are not able to operate in the newly announced activity hubs. A building with 15 spacious one-bedroom apartments in Parkville was full of renters paying \$280 a week only two years ago. Now the entire building is run as an Airbnb. These homes are right across from Royal Park, near public transport, hospitals, schools and the University of Melbourne – perfect for young people. The building was sold in 2022, and at the time 14 out of the 15 homes were tenanted. Now just two years later a fence has been erected with a sign saying ‘Fully furnished short-term rental properties managed by MadeComfy’, with the apartments now being listed for \$895 a week. Let me repeat: these homes were \$280 a week only two years ago and they are now \$895 a week.

MadeComfy is a professional Airbnb management service dedicated to helping Airbnb owners ‘earn higher returns’. They are essentially a real estate company but for Airbnbs. Of course they love to brag about how much more money they make through Airbnb as opposed to long-term rentals. Airbnb owners and Airbnb management companies like MadeComfy are raking it in and expanding their portfolios, buying up whole buildings whilst people are struggling to find homes in this housing crisis. Brand new apartment buildings are set to go up in these newly announced activity hubs – I am seeing them all over Melbourne – and there are no plans to stop these new buildings being converted entirely into Airbnbs. Labor claims that these homes will be for young people, but it is not doing anything to ensure these homes will be available and affordable to young people. How can young Victorians ever hope to have an affordable home when those homes that were affordable have had their prices jacked up by these big companies running short-term rentals?

### **Planning policy**

**Renee HEATH** (Eastern Victoria) (18:45): (1294) My adjournment is for the Minister for Planning, and the action that I seek relates to the development facilitation program. The government’s own website sets out the objectives of planning in Victoria, which include the fair use and development of land, protection of the environment and securing a pleasant and safe space for Victorians to live, work and enjoy. However, the government has abandoned fair and proper statutory planning processes so it can rush through approvals for renewable projects within four months in an effort to achieve its unrealistic renewable energy targets. As a result the standard planning process and community consultation have been scrapped. The right of third-party appeal to VCAT has been revoked. There are no regulatory safeguards for landholders who host renewable energy generation, transmission or storage. Power is centralised with the Minister for Planning, and there is virtually no avenue of objection.

Once this circumvention of regulatory processes was reserved only for the most essential of developments, such as hospitals and schools. Now it is afforded to renewable energy projects in a brazen display of political favour towards one form of energy renewal. This is a serious regulatory and planning failure that disproportionately impacts regional communities – communities that are forced to bear the burden of the renewable projects in their backyards but are powerless to object to them. This is not indicative of accountable and transparent government. If there is one thing, though, that this minister has been consistent in, it is her Stalinist approach to planning, robbing Victorians of their property rights and making sure there is nothing that they can do to get in her way. She has done this

by secretly placing overlays and restrictions on planning and legislating away the rights of landowners to oppose or appeal. It is anti-democratic, and on behalf of my constituents I am calling it out.

Minister, when will this government restore fairness and due process to Victoria's planning regulations to allow renewable projects to be adequately investigated and scrutinised to ensure the fair development of land and the protection of the environment while securing safe and pleasant spaces for Victorians to live, work and enjoy?

**The PRESIDENT:** Dr Heath, to avoid the question, instead of saying 'When will the government restore?' why don't you just say, 'And the action I seek is that the government restores'?

**Renee HEATH:** Yes, thank you so much, President.

### Community pharmacists

**Georgie CROZIER** (Southern Metropolitan) (18:48): (1295) My adjournment matter is for the attention of the Minister for Health, and it is in relation to community pharmacists and their scope of practice. The government is conducting a pilot trial in relation to certain uncomplicated urinary tract infections and minor skin conditions, as well as the resupply of the contraceptive pill and the ability to administer travel vaccines. But in other states there are a number of other conditions that pharmacists are dealing with. The annual reports tabled today show the dire situation that our health services are in, and it is not any better out in rural and regional Victoria, where GPs are under enormous pressure, with the payroll tax going to impose another burden on our hardworking GPs, who are very fearful of their ability to conduct the work that they do in those communities. There are people in regional Victoria who have a GP in Melbourne because they cannot get access to a GP in regional areas.

I have had discussions recently with the Victorian branch of the Pharmacy Guild of Australia, who are advocating for community pharmacists to be able to treat all of the 24 everyday healthcare conditions in their full scope of practice, and the government has been provided with that list of 24 healthcare conditions. I have mentioned that Victoria is lagging behind the other states along the eastern seaboard – Queensland and New South Wales. Other healthcare professionals can provide or have the authority to diagnose, treat and prescribe in certain circumstances, such as optometrists, nurse practitioners and podiatrists. The government has expanded the scope of practice of midwives and has this week introduced legislation for paramedic practitioners, who will be able to assess, diagnose and treat many conditions on the spot without transferring patients to hospital.

As I have said, we have got a real crisis in this state when it comes to health and the ability for Victorians to access the care they need. That is why I am interested in what the pharmacy guild is advocating for. Community pharmacists have the capacity and the will to do more for patients in their local communities. They are very much part of their local communities. They are just waiting for the green light from the government to start the additional prescribing and clinical training that will enable them to deliver this care and support to their Victorian clients and patients. The action I seek is for the government to consider the expansion of community pharmacists' scope of practice, as supported by the pharmacy guild and in line with other states, which will reduce the strain on Victoria's health services and give greater access to treatment and care for the Victorian public.

### Financial Counselling Victoria

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (18:51): (1296) My adjournment is for the minister for finance, and the action I seek, Minister, is for your department to provide strategic investment and funding in the core services that Financial Counselling Victoria, FCVic, provides throughout our state and particularly in the South-Eastern Metropolitan Region and beyond.

Statistics provided in the South East Community Links annual report 2024 show that throughout 2023–24 events hosted at Dandenong, Noble Park, Cranbourne West, Pakenham and Springvale resulted in supporting 1000-plus community members, which resulted in over half a million dollars in debts being resolved. That is right, it was \$511,000 of debt that was resolved. Across the South East

Community Links network 27,577 people and families have been supported. In Victoria \$12.6 million in debt was alleviated through financial counselling. Maybe this government needs to get this type of financial counselling as well.

Due to this Labor government, we have rising interest rates, we have rental unaffordability and we have soaring bills and increasing taxes, compounding the hardships that impact vulnerable Victorians. Food insecurity and mortgage stress now affect approximately one-third of Victorian households – that is right, you heard me, one-third Victorian households – with greater reliance on credit cards and other low-regulation lines of credit to make ends meet. These pressures are not temporary; they represent a fundamental shift in financial vulnerability across our communities. This irresponsible, self-serving government is completely and utterly responsible for this fundamental shift in our cost of living, because we have had 10 years of a Labor state government – that is right, 10 years.

Over the 12-month financial year the key findings from the South East Community Links annual report show shocking statistics on food insecurity: 70 per cent reported it was getting much harder to get food, 41 per cent went without meals, 66 per cent had to use emergency relief, including food parcels and vouchers – that is right, 66 per cent. On energy hardship, 65 per cent were worried about being to pay their utility bills, 50 per cent had to reduce their water and energy usage and 49 per cent have accessed utility relief grants or payment plans. On children, 43 per cent of parents said their children missed out on after-school activities, 32 per cent could not afford school supplies and 12 per cent reported that their children went to school without lunch. This is in Victoria, and it is a disgrace.

#### **Donnybrook Road, Kalkallo**

**Evan MULHOLLAND** (Northern Metropolitan) (18:54): (1297) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek relates to Donnybrook Road in my electorate and asks for the minister to finally duplicate Donnybrook Road.

*Members interjecting.*

**Evan MULHOLLAND:** It might be for the Minister for Transport Infrastructure, perhaps. It is an absolute disgrace. This will be the 12th time I have stood in this place and raised this issue in some form, but the number of times my constituents have raised it with me is countless. One member from the other side of the house today said that Donnybrook Road is all I ever speak about and I should move on. I will not move on from advocating for my constituents, who are on a daily basis stuck in traffic chaos due to Donnybrook Road. If the members for both Kalkallo and Yan Yean bothered to take a look at this major road in their electorates – they would need to actually visit their electorates to do so – they would see how desperately it is in need of duplication.

This road is symbolic of Labor's neglect of and contempt for the north. As local resident Helen Franks from Olivine estate wrote to me recently:

Again people in the outer northern suburbs of Donnybrook and Woodstock are disadvantaged and isolated.

Helen informed me that last week – and I received several emails from residents last week because of this – there was a two-truck accident at Serrata Avenue that resulted in traffic being stopped, and people were literally locked in or out of their estates for 24 hours. These are Third World conditions – locked in and out of their estates for 24 hours. Meanwhile the government are spending \$216 billion building the Suburban Rail Loop tunnel in the eastern suburbs.

You can tell why I am angry: because my residents are angry about this. If Labor MPs for those areas were doing their jobs and advocating for residents like I do, like Ms Lovell has on numerous occasions, advocating for Donnybrook Road, then the safety of these roads would be better. You have got an old farm track on one side which is becoming increasingly dangerous, but on the Mickleham side you have got a nice multilane arterial road that was duplicated by the Liberal Party, because we did a developer contribution agreement back when we were in government which enabled infrastructure to be built as residents moved in, not years after. The government are building tens of thousands of

homes – and they are still going – and they have not duplicated this road. The constituents of the outer north deserve safe, accessible and fit-for-purpose roads, so I repeat my action for the minister: duplicate Donnybrook Road.

### **Children’s Court of Victoria**

**Trung LUU** (Western Metropolitan) (18:57): (1298) My matter is for the Attorney-General, and it is regarding the recent announcement of cuts to the Children’s Court services in Werribee and Sunshine. The action I seek is for the government to direct Court Services Victoria to reinstate the Werribee and Sunshine Children’s Courts to ensure that all youths in the Western Metropolitan Region have access to justice fairly and equitably.

The Allan Labor government recently announced that children’s matters, including criminal matters and intervention orders, will no longer be heard in Sunshine and Werribee as well as Ringwood, Heidelberg and Frankston. Instead children’s matters will only be heard across four specialist courts at Broadmeadows, Dandenong, Melbourne and Moorabbin. Labor has slashed the number of Children’s Courts operating across Melbourne by more than half despite the huge surge in youth crime, with crime statistics showing that crimes committed by children aged between 10 and 17 have risen to a 14-year high.

The Allan government has rejected suggestions that the cuts are a result of financial pressure or that they will lead to delays in dealing with matters. The fact is there are over 9000 pending cases in the Children’s Court. Reducing the number of courts that can deal with these matters is creating barriers to the justice system, especially for young Victorians. In practice, whenever an accused is charged and bailed, it is always to the court closest to where the accused lives. This is to increase their ability to attend court and access justice, especially for children. However, for my residents in the west, the closest Children’s Court will now be the Melbourne Children’s Court in the city, resulting in them having to travel to the city to appear before a magistrate. This will be made more difficult due to the limited public transport options in the west, especially for families facing economic hardship who just do not have access to a vehicle to support their youth in attending court, making it more difficult for families to support their young family members.

The negative social and emotional wellbeing impact on young people who are not supported and who are in trouble with youth justice is well documented. The Allan Labor government is making it more difficult for young Victorians in the west to appear in front of the Magistrates’ Court regarding their matters, which ultimately results in children being behind bars when the accused are not able to attend and appear in court to plead their case. The recent youth justice reform emphasised keeping young people out of jail, but the Allan Labor government’s decision shows not only that they cannot manage money but also that they cannot manage the justice system.

### **Responses**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (19:00): This evening there were 10 matters for the attention of various ministers. They will be directed for response in accordance with the standing orders.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 7:00 pm.**